Washington State Register

OCTOBER 5, 1988

OLYMPIA, WASHINGTON

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CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of October 1988 pursuant to RCW 19.52.020 is twelve percent (12%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

The maximum allowable retail installment contract service charge applicable for calendar year 1988 pursuant to RCW 63.14.130(1)(a) is twelve and one-quarter percent (12¼%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is fourteen percent (14%) for the fourth calendar quarter of 1988.

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

Documents are arranged within each issue of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence within an issue's material.

2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule–making actions taken under the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW) may be distinguished by the size and style of type in which they appear.

(a) **Proposed rules** are those rules pending permanent adoption by an agency and are set forth in eight point type.

(b) **Adopted rules** have been permanently adopted and are set forth in ten point type.

(c) **Emergency rules** have been adopted on an emergency basis and are set forth in ten point oblique type.

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.04.058 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

(a) In amendatory sections—
  (i) underlined material is new material;
  (ii) deleted material is ((~~lined out and bracketed between double parentheses~~));

(b) Complete new sections are prefaced by the heading NEW SECTION;

(c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

Material contained in the Register other than rule–making actions taken under the APA or the HEAPA does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

5. EFFECTIVE DATE OF RULES

(a) Permanently adopted agency rules take effect thirty days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed, but not advanced, and a delayed effective date will be noted in the promulgation statement preceding the text of the rule.

(b) Emergency rules take effect upon filing with the code reviser's office and remain effective for a maximum of ninety days from that date.

(c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

6. EDITORIAL CORRECTIONS

Material inserted by the code reviser's office for purposes of clarification or correction or to show the source or history of a document is enclosed in brackets [].

7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

1987 – 1988

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates[1]			Distribution Date	First Agency Action Date[3]
	Non–OTS & 30 p. or more	Non–OTS & 11 to 29 p.	OTS[2] or 10 p. max. Non–OTS		
For Inclusion in—	*File no later than—*			*Count 20 days from—*	*For hearing/adoption on or after*
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87–19	Aug 26	Sep 9	Sep 23	Oct 7	Oct 27
87–20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10
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88–13	May 25	Jun 8	Jun 22	Jul 6	Jul 26
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88–23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
88–24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1989

[1]All documents are due at the code reviser's office by 5:00 p.m. on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1–12–035 or 1–13–035.

[2]A filing of any length will be accepted on the closing dates of this column if it has been prepared by the order typing service (OTS) of the code reviser's office; see WAC 1–12–220 or 1–13–240. Agency–typed material is subject to a ten page limit for these dates; longer agency–typed material is subject to the earlier non–OTS dates.

[3]"No proceeding may be held on any rule until twenty days have passed from the distribution date of the Register in which notice thereof was contained." RCW 28B.19.030(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 88-18-021
ADOPTED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Health)
[Order 2680—Filed August 30, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 248-18-001 Definitions.
Amd WAC 248-18-440 Records and reports—Medical record system.

This action is taken pursuant to Notice No. WSR 88-13-101 filed with the code reviser on June 21, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.41.030 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 70.41 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 26, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2348, filed 3/20/86)

WAC 248-18-001 DEFINITIONS. For the purposes of these regulations, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise. All adjectives and adverbs such as adequate, approved, suitable, properly, or sufficient used in these regulations to qualify a requirement shall be determined by the department.

(1) "Abuse" means the injury or sexual abuse of an individual patient under circumstances indicating the health, welfare, and safety of the patient is harmed thereby. Person "legally responsible" shall include a parent, guardian, or an individual to whom parental or guardian responsibility has been delegated (e.g., teachers, providers of residential care and/or treatment, providers of day care):

(a) "Physical abuse" means damaging or potentially damaging nonaccidental acts or incidents which may result in bodily injury or death.

(b) "Emotional abuse" means verbal behavior, harassment, or other actions which may result in emotional or behavioral problems, physical manifestations, disordered or delayed development.

(2) "Accredited" means approved by the joint commission on accreditation of hospitals or the bureau of hospitals of the American Osteopathic Association.

(3) "Acute cardiac care unit" means an intensive care unit for patients with heart problems.

(4) "Agent," when used in a reference to a medical order or a procedure for a treatment, means any power, principle, or substance, whether physical, chemical, or biological, capable of producing an effect upon the human body.

(5) "Alterations":

(a) "Alterations" means changes requiring construction in existing hospitals.

(b) "Minor alterations" means any physical or functional modification within existing hospitals not changing the approved use of the room or area. (Minor alterations performed under this definition do not require prior review of the department as specified in WAC 248-18-510 (3)(a); however, this does not constitute a release from other applicable requirements.)

(6) "Area" means a portion of a room containing the equipment essential to carrying out a particular function and separated from other facilities of the room by a physical barrier or adequate space, except when used in reference to a major section of the hospital.

(7) "((~~Authenticated" or "authentication~~)) Authenticate" means ((~~authorization of a written~~)) to authorize or validate an entry in a record by ((~~means of~~)):

(a) A signature including((~~, minimally,~~)) first initial, last name, and ((~~title~~)) discipline; or

(b) A unique identifier allowing identification of the responsible individual.

(8) "Bathing facility" means a bathtub or shower and does not include sitz baths or other fixtures designated primarily for therapy.

(9) "Birthing room" means a room designed, equipped, and arranged to provide for the care of a woman and newborn and to accommodate her support persons during the complete process of vaginal childbirth (three stages of labor and recovery of woman and newborn).

(10) "Clean" means space or spaces and/or equipment for storage and handling of supplies and/or equipment which are in a sanitary or sterile condition, when the word is used in reference to a room, area, or facility.

(11) "Department" means the Washington state department of social and health services.

(12) "Dentist" means an individual licensed under chapter 18.32 RCW.

(13) "Dietitian" means an individual meeting the eligibility requirements for active membership in the American Dietetic Association described in Directory of Dietetic Programs Accredited and Approved, American Dietetic Association, edition 100, 1980.

(14) "Drug administration" means an act in which a single dose of a prescribed drug or biological is given to a patient by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from a previously dispensed, properly labeled container (including a unit dose container), reviewing the label on the container with a verified transcription, a direct copy or the original medical practitioner's orders, giving the individual dose to the proper patient, and properly recording the time and dose given.

(15) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and,

pursuant to that order, proper selection, measuring, labeling, packaging, and issuance of the drug for a patient or for a service unit of the facility.

(16) "Facilities" means a room or area and/or equipment to serve a specific function.

(17) "Faucet controls" means wrist, knee, or foot control of the water supply:

(a) "Wrist control" means water supply controls not to exceed four and one-half inches overall horizontal length designed and installed to be operated by the wrists;

(b) "Knee control" means the water supply is controlled through a mixing valve designed and installed to be operated by the knee;

(c) "Foot control" means the water supply control is through a mixing valve designed and installed to be operated by the foot.

(18) "Governing body" means the person or persons responsible for establishing the purposes and policies of the hospital.

(19) "Grade" means the level of the ground adjacent to the building measured at required windows. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

(20) "Handwashing facility" means a lavatory or a sink properly designed and equipped to serve for handwashing purposes.

(21) "He, him, his, or himself" means a person of either sex, male, or female, and does not mean preference for nor exclude reference to either sex.

(22) "High-risk infant" means an infant, regardless of gestational age or birth weight, whose extrauterine existence is compromised by a number of factors, (prenatal, natal, or postnatal), and who is in need of special medical or nursing care.

(23) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come within the scope of chapter 18.51 RCW; nor does it include maternity homes, which come within the scope of chapter 18.46 RCW; nor does it include psychiatric or alcoholism hospitals, which come within the scope of chapter 71.12 RCW; nor any other hospital, or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions. Furthermore, nothing in this chapter shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denominations.

(24) "Infant" means a baby or very young child up to one year of age.

(25) "Infant station" means a space for a bassinet, incubator, or equivalent, including support equipment used for the care of an individual infant.

(26) "Intensive care unit" means a special physical and functional unit for the segregation, concentration, and close or continuous nursing observation and care of patients critically, seriously, or acutely ill, and in need of intensive, highly skilled nursing service.

(27) "Investigational drug" means any article not approved for use in the United States, but for which an investigational drug application (IND) has been approved by the Food and Drug Administration.

(28) "Island tub" means a bathtub placed in a room to permit free movement of a stretcher, patient lift, or wheelchair to at least one side of the tub, and movement of people on both sides and at the end of the tub.

(29) "Lavatory" means a plumbing fixture of adequate design and size for washing hands.

(30) "Legend drugs" means any drugs required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

(31) "Licensed practical nurse," abbreviated L.P.N., means an individual licensed under provisions of chapter 18.78 RCW.

(32) "May" means permissive or discretionary on the part of the board or the department.

(33) "Medical staff" means physicians and may include other practitioners appointed by the governing body to practice within the parameters of governing body and medical staff bylaws.

(34) "Movable equipment" means equipment not built-in, fixed, or attached to the building.

(35) "Neglect" means negligent treatment or maltreatment; an act or omission evincing a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to an individual patient's health, welfare, and safety.

(a) "Physical neglect" means physical or material deprivation (e.g., lack of medical care, lack of supervision necessary for patient level of development, inadequate food, clothing, or cleanliness).

(b) "Emotional neglect" means acts such as rejection, lack of stimulation, or other acts of commission or omission which may result in emotional or behavioral problems, physical manifestations, and disordered development.

(36) "Neonate" or "newborn" means a newly born infant through the twenty-seventh day of life or under twenty-eight days of age.

(37) "Neonatal intensive care nursery" means an area designed, organized, and equipped to provide constant nursing care to the high-risk infant.

(38) "New construction" means any of the following:

(a) New buildings to be used as hospitals;

(b) Additions to existing buildings to be used as hospitals;

(c) Conversion of existing buildings or portions thereof for use as hospitals;

(d) Alterations.

(39) "Nursing home unit" or "long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

(40) "Nursing unit, general" means a separate physical and functional unit of the hospital including a group of patient rooms, ancillary and administrative, and service facilities necessary to provide nursing service to the occupants of these patient rooms. Facilities serving other areas of the hospital and creating traffic unnecessary to the functions of the nursing unit are excluded.

(41) "Observation room" means a room for close nursing observation and care of one or more outpatients for a period of less than twenty-four consecutive hours.

(42) "Obstetrical area" means the portions or units of the hospital designated or designed for care and treatment of women during the antepartum, intrapartum, and postpartum periods, and/or areas designed as nurseries for care of newborns.

(43) "Occupational therapist" means an individual licensed under the provisions of chapter 18.59 RCW.

(44) "Patient" means an individual receiving (or has received) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative health services at the hospital. "Outpatient" means a patient receiving services that generally do not require admission to a hospital bed for twenty-four hours or more.

(45) "Patient care areas" means all nursing service areas of the hospital where direct patient care is rendered and all other areas of the hospital where diagnostic or treatment procedures are performed directly upon a patient.

(46) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(47) "Pharmacist" means an individual licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW as now or hereafter amended.

(48) "Pharmacy" means the central area in a hospital where drugs are stored and are issued to hospital departments or where prescriptions are filled.

(49) "Physical barrier" means a partition or similar space divider designed to prevent splash or spray between room areas.

(50) "Physical therapist" means an individual licensed under provisions of chapter 18.74 RCW.

(51) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, Physicians, or chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

(52) "Physician's assistant" means an individual who is not a physician but is practicing medicine in accordance with the provisions of chapter 18.71A RCW and the rules and regulations promulgated thereunder, or in accordance with provisions of chapter 18.57A RCW and the rules and regulations promulgated thereunder.

(53) "Prescription" means an order for drugs for a specific patient given by a licensed physician, dentist, or other individual legally authorized to write prescriptions, transmitted to a pharmacist for dispensing to the specific patient.

(54) "Psychiatric unit" means a separate portion of the hospital specifically reserved for the care of psychiatric patients (a part of which may be unlocked and a part locked), as distinguished from "seclusion rooms" or "security rooms" as defined in subsections (65) and (66) of this section.

(55) "Psychiatrist" means a physician who has successfully completed a three-year residency program in psychiatry and is eligible for certification by the American Board of Psychiatry and Neurology as described in the Directory of Residency Training Programs Accredited by the Accreditation Council for Graduate Medical Education, American Medical Association, 1981-1982, or eligible for certification by the American Osteopathic Board of Neurology and Psychiatry as described in the American Osteopathic Association Yearbook and Directory, 1981-1982.

(56) "Psychologist" means an individual licensed as a psychologist in the state of Washington under provisions of chapter 18.83 RCW.

(57) "Recreational therapist" means an individual with a bachelors degree including a major or option in therapeutic recreation or recreation for the ill and handicapped.

(58) "Recovery unit" means a special physical and functional unit for the segregation, concentration, and close or continuous nursing observation and care of patients for a period of less than twenty-four hours immediately following anesthesia, obstetrical delivery, surgery, or other diagnostic or treatment procedures which may produce shock, respiratory obstruction or depression, or other serious states.

(59) "Referred outpatient diagnostic service" means a service provided to an individual receiving his or her medical diagnosis, treatment, and other health care services from one or more sources outside the hospital; limited to diagnostic tests and examinations not involving the administration of a parenteral injection, the use of a local or general anesthesia or the performance of a surgical procedure; and ordered by a health care practitioner, legally permitted to order such tests and examinations, to whom the hospital reports the findings and results of the tests and examinations.

(60) "Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW and practicing in accordance with the rules and regulations promulgated thereunder.

(61) "Restraint" means any apparatus used for the purpose of preventing or limiting free body movement. This shall not be interpreted to include a safety device as defined herein.

(62) "Room" means a space set apart by floor-to-ceiling partitions on all sides with proper access to a corridor and with all openings provided with doors or windows.

(63) "Rooming-in" means an arrangement for mother and infant to room together with provision for family interaction within the hospital setting.

(64) "Safety device" means a device used to safeguard a patient who, because of his or her developmental level or condition, is particularly subject to accidental self-injury.

(65) "Seclusion room" means a small, secure room specifically designed and organized to provide for temporary placement, care, and observation of one patient and further providing an environment with minimal sensory stimuli, maximum security and protection, and visualization of the patient by authorized personnel and staff. Doors of seclusion rooms shall be provided with staff-controlled locks. There shall be security relites in the door or equivalent means affording visibility of the occupant at all times. Inside or outside rooms may be acceptable.

(66) "Security room" means a patient sleeping room designed, furnished, and equipped to provide maximum safety and security, including window protection or security windows and a lockable door with provision for observation of room occupant or occupants.

(67) "Self-administration of drugs" means a patient administering or taking his or her own drugs from properly labeled containers: PROVIDED, That the facility maintains the responsibility for seeing the drugs are used correctly and the patient is responding appropriately.

(68) "Shall" means compliance is mandatory.

(69) "Should" means a suggestion or recommendation, but not a requirement.

(70) "Sinks":

(a) "Clinic service sink (siphon jet)" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inch diameter.

(b) "Scrub sink" means a plumbing fixture of adequate size and proper design for thorough washing of hands and arms, equipped with knee, foot, electronic, or equivalent control, and gooseneck spout.

(c) "Service sink" means a plumbing fixture of adequate size and proper design for filling and emptying mop buckets.

(71) "Social worker" means an individual holding a masters degree in social work from a graduate school of social work approved by the council on social work education.

(72) "Soiled" (when used in reference to a room, area, or facility) means space and equipment for collection and/or cleaning of used or contaminated supplies and equipment and/or collection and/or disposal of wastes.

(73) "Stretcher" means a four-wheeled cart designed to serve as a litter for the transport of an ill or injured individual in a horizontal or recumbent position.

(74) "Surgical procedure" means any manual or operative procedure performed upon the body of a living human being for the purpose of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defect, prolonging life or relieving suffering, and involving any of the following: Incision, excision, or curettage of tissue or an organ; suture or other repair of tissue or an organ including a closed as well as an open reduction of a fracture; extraction of tissue including the premature extraction of the products of conception from the uterus; or an endoscopic examination with use of a local or general anesthesia.

(75) "Through traffic" means traffic for which the origin and destination are outside the room or area serving as a passageway.

(76) "Toilet" means a room containing at least one water closet.

(77) "Tuberculous patient" means an individual receiving diagnostic or treatment services because of suspected or known tuberculosis.

(78) "Water closet" means a plumbing fixture for defecation fitted with a seat and device for flushing the bowl of the fixture with water.

(79) "Window" means a glazed opening in an exterior wall.

(a) "Maximum security window" means a window that can only be opened by keys or tools under the control of personnel. The operation of such shall be restricted to prohibit escape or suicide. Where glass fragments may create a hazard, safety glazing and/or other appropriate security features shall be incorporated. Approved transparent materials other than glass may be used.

(b) "Relite" means a glazed opening in an interior partition between a corridor and a room or between two rooms to permit viewing.

(c) "Security window" means a window designed to inhibit exit, entry, and injury to a patient, incorporating approved, safe transparent material.

AMENDATORY SECTION (Amending Order 2305, filed 11/13/85)

WAC 248-18-440 RECORDS AND REPORTS—MEDICAL RECORD SYSTEM. ((~~The~~)) Each hospital shall have a well-defined medical record system ((~~and the~~)) with facilities, staff, equipment, and supplies necessary to ((~~the development~~)) develop, ((~~maintenance~~)) maintain, control, ((~~analysis~~)) analyze, ((~~use~~)) retrieve, and ((~~preservation of~~)) preserve patient care data and medical records ((~~in accordance with recognized principles of medical record management and applicable state laws and regulations~~)).

(1) Medical record service. ((~~There~~)) Hospitals shall ((~~be~~)) establish an organized medical record service ((~~which is~~)), consistent with recognized principles of medical record management, directed, staffed, and equipped to ensure:

(a) Timely, complete and accurate checking, processing, indexing, filing, and preservation of medical records; and

(b) The compilation, maintenance, and distribution of patient care statistics.

(2) Policies and procedures related to medical record system. ((~~The~~)) Hospitals shall ((~~have, in effect,~~)) establish and follow current written policies and procedures related to the medical record system, ((~~which shall include the following~~)) including requirements for:

(a) ((~~Policies and procedures which establish the~~)) An established format ((~~of~~)) for patients' individual medical records;

(b) ((~~Policies and procedures which govern~~)) Access to and release of data in patients' individual medical records and other medical data ((~~taking into consideration~~)) considering the confidential nature of information in these records; ((~~and~~))

(c) ((~~Policies and procedures which govern~~)) The retention, preservation, and destruction of medical records((~~.~~)); and

(d) ((~~Records of hospitals owned or operated by the state of Washington, or a political subdivision thereof, are subject to the provisions of chapter 40.14 RCW, and regulations promulgated thereunder, as to the maintenance and disposition of medical records and other records kept in the ordinary course of business~~)) Maintenance and disposition of medical and other records in Washington state owned or operated hospitals as required in chapter 40.14 RCW and rules promulgated under chapter 40.14 RCW.

(3) Patients' medical records, general. Hospitals shall:

(a) Develop and maintain an individual medical record ((~~shall be developed and maintained~~)) for each person, including each neonate, ((~~who receives~~)) receiving care, treatment, or diagnostic service at the hospital((~~, with the exception of persons who receive only limited outpatient diagnostic services for whom the hospital maintains a record system in accordance with WAC 248-18-440(4).~~)) except as permitted in subsection (4)(b) of this section;

(b) ((~~There shall be~~)) Establish a systematic method for identifying each patient's medical record or records ((~~in a manner that provides for~~)) to allow ready identification, filing, and retrieval of all of the patient's record or records((~~.~~));

(c) Require prompt, pertinent entries in a patient's medical record on:

(i) A significant observation((~~, a~~));

(ii) Any diagnostic or treatment procedure ((~~or~~)); and

(iii) Other significant events in a patient's clinical course or care and treatment ((~~shall be made in a patient's medical record as promptly as possible~~)).

(d) ((~~Each entry in a patient's medical record shall be dated and shall be authenticated by the person who gave the order, provided the care, or performed the observation, examination, assessment, treatment, or other service to which the entry pertains~~)) Require entries to include:

(i) A date;

(ii) Authentication by the individual assuming responsibility for the entry; and

(iii) A time in accordance with hospital policy.

(e) File the originals or durable, legible, direct copies of originals of reports ((~~shall be filed~~)) in patients' individual medical records((~~.~~));

(f) Enter all diagnoses and operative procedures ((~~shall be entered~~)) in patients' medical records in terminology consistent with a recognized system of disease and operations nomenclature((~~.~~));

(g) ((~~All~~)) Require legible entries in a patient's medical record ((~~shall be legibly~~)) which are:

(i) Written in ink((~~,~~));

(ii) Typewritten((~~,~~)); or

(iii) Recorded on a computer terminal ((~~which is~~)) designed to receive such information. ((~~Entries recorded and stored in a computer may be stored~~))

(4) Hospitals may:

(a) Store entries on magnetic tapes, discs, or other devices suited to the storage of data((~~:~~

~~(4) Record system for referred outpatient diagnostic services. For patients to whom the hospital provides only referred outpatient diagnostic services as defined in WAC 248-18-001, the hospital may~~));

(b) Maintain a simple record system instead of the individual medical records required under ((~~WAC 248-18-440~~)) subsections (3) and ((~~(5). Such a simple record system shall provide for identification, filing, and retrieval of authenticated reports on all tests or examinations provided to any patient who received referred outpatient diagnostic services~~)) (4)(c) of this section for patients receiving only referred outpatient diagnostic services, as defined in WAC 248-18-001, provided the system permits:

(i) Identification of patient; and

(ii) Filing and retrieval of authenticated reports on all tests or examinations provided to any patient receiving services.

((~~(5) The individual medical records for patients who would be considered to be referred outpatients but for the fact that they are undergoing diagnostic tests involving the use of parenteral injections may be limited~~)) (c) Limit content in individual medical records for patients who would be considered referred outpatients, except for use of parenteral injections during diagnostic tests to:

(i) Relevant history and physical findings where indicated((~~;~~));

(ii) Known allergies or idiosyncratic reactions((~~;~~));

(iii) Diagnostic interpretation((~~;~~));

(iv) Written consent((~~;~~)); and

(v) Identifying admission data.

((~~(6)~~)) (5) Patients' medical records, content. Hospitals shall require and ensure entry of the following data((~~, when relevant, shall be entered in~~)) into a medical record for each period a patient receives inpatient or outpatient services((~~;~~)) with ((~~the~~)) exceptions ((~~of referred outpatient diagnostic services for which records are maintained in accordance with WAC 248-18-440 (4) and outpatient emergency care services for which records are maintained in accordance with~~)) only as specified in subsection (4) of this section and WAC 248-18-285(6)((~~:~~)):

(a) ((~~Admission data.~~)) Admission data ((~~shall include the following~~)) including:

(i) Identifying and sociological data;

(ii) The full name, address, and telephone number of the patient's next of kin or, when indicated, another person ((~~who may legally exercise control~~)) with legal authority over the person of the patient;

(iii) The date of the patient's admission as an inpatient or outpatient;

(iv) The name or names of the patient's attending physician or physicians; and

(v) The admitting (((~~:~~))) or provisional((~~:~~))) diagnosis or description of medical problem.

(b) A report on any medical history obtained from the patient((~~:~~));

(c) Report or reports on the findings of physical examination or examinations performed upon the patient((~~:~~));

(d) An entry on any known allergies of the patient or known idiosyncratic reaction to a drug or other agent((~~:~~));

(e) Authenticated orders for:

(i) Any drug or other therapy administered to a patient ((~~and for~~));

(ii) Any diet served to the patient((~~. Authenticated orders entered in the patient's record shall include~~));

(iii) Any standing medical orders used in the care and treatment of the patient except standing medical emergency orders((~~. (f) Authenticated orders for~~)); and

(iv) Any restraint of the patient.

(((~~g~~))) (f) Reports on all:

(i) Roentgenologic examinations((~~;~~));

(ii) Clinical laboratory tests or examinations((~~;~~));

(iii) Macroscopic and microscopic examinations of tissue((~~; and~~));

(iv) Other diagnostic procedures or examinations performed upon the patient ((~~or~~)); and

(v) Specimens obtained from the patient.

((~~X-ray films, laboratory slides, tissue specimens, medical photographs, and other comparable materials obtained through procedures employed in diagnosing a patient's condition or assessing his or her clinical course are regarded as original clinical evidence and are not considered to be "medical records" as this term is used in these regulations. (h)~~)))

(g) An entry on each administration of therapy (((~~:~~))), including drug therapy((~~:~~))), to the patient((~~. (i)~~));

(h) Entries on nursing services to the patient((~~. Nursing entries shall include~~)) including:

(i) A report on all significant nursing observations and assessments of the patient's condition or response to care and treatment;

(ii) Nursing interventions and other significant direct nursing care including all administration of drugs or other therapy;

(iii) An entry on the time and reason for each notification of a physician or patient's family regarding a significant change in the patient's condition; and

(iv) A record of other significant nursing action on behalf of the patient.

(((~~j~~))) (i) An entry on any significant health education, training, or instruction provided to the patient or family related to the patient's health care ((~~which was provided to the patient or his or her family. (k)~~));

(j) An entry on any social services provided the patient((~~. (l)~~));

(k) An entry regarding:

(i) Any adverse drug reaction of the patient; and

(ii) Any other untoward incident or accident occurring during hospitalization or outpatient visit and involving the patient ((~~which occurred during a hospitalization of the patient or on an occasion of the patient's visit to the hospital for outpatient services~~)).

(((~~m~~))) (l) Operative report or reports on all surgery performed upon the patient((~~. (n)~~));

(m) An entry or report on each anesthetic administered to the patient((~~. (o)~~));

(n) Report or reports on consultation or consultations concerning the patient((~~. (p)~~));

(o) Reports on labor, delivery, and postpartum period for any woman ((~~who gave~~)) giving birth to a child in the hospital((~~, reports regarding her labor, delivery, and postpartum period. (q)~~));

(p) Infant status data for any infant born in or enroute to the hospital((~~;~~)) including:

(i) The date and time of birth((~~;~~));

(ii) Condition at birth or upon arrival at the hospital((~~;~~));

(iii) Sex((~~;~~)); and

(iv) Weight (((~~:~~))), if condition permits weighing((~~:~~))).

(((~~r~~))) (q) Progress notes ((~~which describe~~)) describing the results of treatment and changes in the patient's condition and ((~~portray~~)) portraying the patient's clinical course in chronological sequence((~~. (s)~~));

(r) In the event of an inpatient leaving without medical approval, an entry on:

(i) Any known events leading to the patient's decision to leave((~~;~~));

(ii) A record of notification of the physician regarding the patient's ((~~leave,~~)) leaving; and

(iii) The time of the patient's departure.

(((~~t~~))) (s) Discharge data((~~. Discharge data shall include~~)) including:

(i) The final diagnosis (((~~:~~)))or diagnoses((~~) and~~));

(ii) Any associated or secondary diagnoses or complications((~~;~~)); and

(iii) The titles of all operations performed upon the patient((~~:~~)); and

(iv) A discharge summary for any inpatient whose hospitalization exceeded forty-eight hours, except a normal newborn infant or normal obstetrical patient, ((~~there shall be a discharge summary which~~)) to:

(A) Recapitulate((s)) significant clinical findings and events during the patient's hospitalization((~~;~~));

(B) Describe((s)) the patient's condition upon discharge or transfer((~~;~~)); and

(C) Summarize((s)) any recommendations and arrangements for future care of the patient.

(((~~u~~))) (t) An entry on any transmittal of medical and related data regarding the patient to a health care facility or agency or other community resource ((~~to which~~)) when the patient was referred or transferred((~~. (v)~~));

(u) In event of the patient's death in the hospital, ((~~the following~~)) entries, reports, and authorizations including:

(i) A pronouncement of death; ((~~if an autopsy was performed;~~))

(ii) An authorization for the autopsy ((~~and~~)), if performed;

(iii) A report on the autopsy, if performed, including findings and conclusions; and

(iv) An entry on release of the patient's body to a mortuary or coroner or medical examiner.

(((~~w~~))) (v) Written consents, authorizations, or releases given by the patient or, if the patient was unable to give such consents, authorizations, or releases, by a person or agency ((~~who can legally exercise control~~)) with legal authority over the person of the patient((~~: When a person other than the patient gives written consent or authorization for treatment, or signs a release;~~));

(w) The relationship (((~~t~~)), legal or familial((~~)~~)), of the signer to the patient ((~~must be~~)) clearly stated when a person other than the patient gives written consent, or authorizes treatment, or signs a release.

(6) Hospitals shall regard materials obtained through procedures employed in diagnosing a patient's condition or assessing the patient's clinical course as original clinical evidence excluded from requirements for content of medical records in subsection (5) of this section. Original clinical evidence includes, but is not limited to:

(a) X-ray films;

(b) Laboratory slides;

(c) Tissue specimens; and

(d) Medical photographs.

(7) Registers. ((~~The~~))

(a) Hospitals shall maintain ((~~the following on a~~)) current ((~~basis~~)) registers with data entered in chronological order including:

(i) An inpatient register((~~; one or more outpatient registers, an emergency service register, and an operation register. These may be maintained as separate registers or in suitable combinations: PROVIDED, That any combined register contains the data for any register incorporated therein. Data shall be entered in registers in chronological order.~~

~~(a) The register for inpatients shall contain~~)) containing at least the following data for each inpatient admission:

(A) The patient's identifying number((~~;~~));

(B) The patient's full name, and birth date or age; and

(C) The date of the patient's admission.

((~~(b) The register or registers for outpatients;~~)) (ii) One or more outpatient registers other than ((~~those who received~~)) registers for emergency care services((~~, shall~~)) to:

(A) Contain sufficient data on each outpatient to ensure positive identification; and

(B) Permit rapid retrieval of all of the outpatient's medical record or records when indicated.

(((~~(c) The~~)) (iii) An emergency service register ((~~for outpatient emergency care services shall be in accordance with~~)) as required under WAC 248-18-285 (6)(a)((~~: (d) The~~));

(iv) An operation register ((~~shall contain~~)) containing at least the following data for each operation performed in a hospital surgery:

(A) The date((~~;~~));

(B) The identifying number and full name of the patient((~~;~~));

(C) The descriptive name of the operation((~~;~~));

(D) The names of the surgeon and the surgeon's assistant or assistants((~~;~~));

(E) The type of anesthesia((~~;~~)); and

(F) The name and title of the person who administered the anesthesia.

(b) Hospitals may maintain separate registers or suitable combinations of registers if the combined register contains data for each specific register as required in subsection (7)(a) of this section.

(8) Indexes. ((~~The following indexes shall be maintained: A master patient index, disease and operation indexes, and physicians' index which may be kept as a separate index or in combination with disease and operation indexes.~~)) Hospitals shall establish and maintain:

(a) ((~~The~~)) A master patient index ((~~shall contain~~)) containing a master reference card (((~~t~~))or equivalent((~~)~~)) for each person ((~~who received~~)) receiving inpatient or outpatient care or treatment in the hospital ((~~on an inpatient or outpatient basis with the exception of referred outpatients, except that inclusion of data on outpatient emergency patients in the master patient index shall be optional if the hospital retains and preserves an emergency service register the same period of time as the medical record for any patient upon whom data have been entered in the emergency service register~~)). ((~~Each~~))

(i) Master reference ((~~card (~~))cards or equivalent((~~)~~)) shall contain ((~~at least the following data~~)):

(A) The patient's medical record number or numbers((~~; and~~));

(B) The patient's full name; and

(C) The patient's date of birth.

(ii) Master patient indexes may be omitted for:

(A) Referred outpatients; and

(B) Outpatient emergency patients provided the hospital retains and preserves an emergency service register for the same period of time as the medical record.

(b) ((~~The~~)) Current indexes with required entries on index cards or equivalent completed within three months after discharge or transfer of the patient;

(c) A disease index ((~~shall contain~~)) containing index cards (((~~t~~))or equivalent((~~)~~)) for all categories of diseases or conditions treated in the hospital on an inpatient basis((~~:~~)) with entries on index card or cards for a given category of disease ((~~shall include at least the following~~)) including:

(i) The identifying number, sex, and age of each patient ((~~who was~~)) treated for that category of disease((~~;~~)); and

(ii) The code for the particular disease or condition for which each patient was treated.

(((~~(c) The~~)) (d) An operation index ((~~shall contain~~)) containing index cards (((~~t~~))or equivalent((~~)~~)) for all categories of operations performed in a hospital surgery on an inpatient or outpatient basis((~~:~~)) with entries on the index card or cards for a given category of operation ((~~shall include at least the following~~)) with:

(i) Identifying information including the medical record number, age, and sex of each patient upon whom that category of operation was performed; and

(ii) The code for the particular operative procedure performed upon each patient.

((~~(d)~~)) (e) Codes ((~~used~~)) for entries in the disease and operation indexes ((~~shall be~~)) in accordance with the coding system and the recognized diagnostic classification system of disease and operation nomenclature adopted by the hospital((~~: (e) If the~~));

(f) A physicians' index ((~~is~~)), separate or combined with the disease and operation indexes, as follows:

(i) A combined physician's-disease operation index with the name or code number of the physician((~~, who treated~~)) treating the patient to whom a particular entry pertains((~~, shall be included in each entry in the disease and operation indexes. (f) If~~)); or

(ii) A separate physicians' index ((~~is maintained, this index shall contain~~)) containing:

(A) A record for every member of the hospital's medical staff((:)); and

(B) Entries on each physician's index card ((~~(~~))or equivalent record((~~) shall include~~)) including the medical record number or name of each patient the particular physician treated in the hospital on an inpatient basis.

((~~(g) Indexes shall be kept current and, in any case, required entries on index cards (or equivalent) shall have been completed within three months after discharge or transfer of the particular patient to whom the entries pertain.~~))

(9) Reports on hospital services. Hospitals shall prepare the following separate or combined reports ((~~are required. These may be separate or combined reports.~~)):

(a) Census reports((:)) including:

(i) A daily inpatient census report on admissions to inpatient services, births, and discharges including deaths and transfers to another health care facility((:)); and

(ii) ((~~Periodic (at least)~~)) Regular monthly((~~)~~)) or more frequent reports on admissions to outpatient services and the number of emergency care patients.

(b) Analyses of hospital services.

(10) Storage, handling, and control of medical records and other medical data. Hospitals shall:

(a) Control access to patients' individual medical records and other personal or medical data on patients ((~~shall be handled and stored so they are not accessible to~~));

(b) Prevent access to records by unauthorized persons((~~, are protected~~));

(c) Protect medical records and other personal and medical data from undue deterioration or destruction((:)); and ((~~are easily retrievable~~))

(d) Maintain a system permitting easy retrieval of medical records and information for medical or administrative purposes.

(11) Retention, preservation, and final disposal of medical records and other patient care data and reports.

(a) Hospitals shall retain and preserve:

(i) Each patient's medical record or records, excluding reports on referred outpatient diagnostic services((~~, shall be retained and preserved~~)) for a period of:

(A) No less than ten years following the most recent discharge of the adult patient((~~: PROVIDED HOWEVER, That the medical record or records of a patient who was a minor at a time when he or she received care, treatment, or diagnostic services at the hospital shall be retained and preserved for a period of no less than three years following the date upon which the patient attained the age of eighteen years or ten years following the patient's most recent discharge, whichever is the longer period of time. (b)~~)); or

(B) For patients who are minors at the time of care, treatment, or diagnosis, no less than three years following the date upon which the minor patient attained the age of eighteen years or ten years following the most recent discharge, whichever is longer.

(ii) Reports on referred outpatient diagnostic services ((~~shall be retained and preserved~~)) for at least two years((~~: (c)~~));

(iii) A master patient index card (or equivalent) ((~~shall be retained and preserved~~)) for at least the same period of time as the medical record or records for the patient to whom the master patient index card ((~~(~~))or equivalent((~~)~~)) pertains((~~: (d)~~));

(iv) Data in the inpatient and outpatient ((~~register or~~)) registers ((~~shall be retained and preserved~~)) for at least three years((~~: (e)~~));

(v) Data in an emergency service register ((~~shall be retained and preserved~~)) for at least the same period of time as the medical record or records for any patient on whom data ((~~have been~~)) were entered in the register((~~: PROVIDED HOWEVER, That retention and preservation of an emergency service register beyond three years after the last entry therein shall be optional if the hospital includes all outpatient emergency care patients in the master patient index. (f)~~));

(vi) Data in the operation register, the disease and operation indexes, the physicians' index, and annual reports on analyses of hospital services ((~~shall be retained and preserved~~)) for at least three years((~~: (g)~~)); and

(vii) Patients' medical records, registers, indexes, and analyses of hospital service ((~~may be retained and preserved~~)) in original form or in photographic form in accordance with the provisions of chapter 5.46 RCW.

((~~(h)~~)) (b) A hospital may elect to retain and preserve an emergency service register for only three years after last entry if the hospital includes all outpatient emergency care patients in the master patient index.

(c) During final disposal, each hospital shall prevent retrieval and subsequent use of any ((~~patient's medical record, register, index, or other record of or report on patient care~~)) data ((~~that permits~~)) permitting identification of ((~~an individual~~)) individuals in relation to personal or medical ((~~data shall be accomplished in such a manner that retrieval and subsequent use of any data contained therein are impossible~~)) information.

((~~(i)~~)) (d) In event of transfer of ownership of the hospital, the hospital shall keep patients' medical records, registers, indexes, and analyses of hospital services ((~~shall remain with~~)) in the hospital ((~~and shall~~)) to be retained and preserved by the new owner in accordance with state statutes and regulations.

(((f))) (e) If the hospital ceases operation, the hospital shall:

(i) Make immediate arrangements for preservation of its medical records and other records of or reports on patient care data in accordance with applicable state statutes and regulations((. The plan for such arrangements shall have been approved by)); and

(ii) Obtain approval of the department for the planned arrangements prior to the cessation of operation.

(12) Records kept by approved eye banks pursuant to WAC 248-33-100 are not medical records or registers within the meaning of ((WAC 248-18-440)) this section.

(13) Nothing in these regulations shall be construed to prohibit ((the collection of)) hospitals from collecting additional health and/or medical information or ((retention of)) retaining medical records beyond the statutory requirements.

WSR 88-18-031
ADOPTED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2689—Filed August 30, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Child support—Obligations, amending chapter 388-11 WAC.

This action is taken pursuant to Notice No. WSR 88-14-138 filed with the code reviser on July 6, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 275, Laws of 1988, and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 30, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 1465, filed 12/14/79)

WAC 388-11-010 STATUTORY BASIS. RCW 74.20A.055 is the administrative process for ((determination of or establishment of)) establishing support obligations when there is no superior court order((. These provisions contain the administrative method to be used when there is an absence of a superior court order in cases where)) and the office of support enforcement has served a notice and finding of financial responsibility ((has been served by the office of support enforcement or their agent)) on the responsible parent. ((Action based on chapter 74.20A RCW may not be based on agreements.)) The notice and finding of financial responsibility may be served only for a support debt or ((responsibility to)) current support ((accrued and/or)) obligation established or to be established under ((sections 17 and/or 22, chapter 171, Laws of 1979 ex. sess. RCW [74.20.320] [74.20.330], 74.20A.030, 74.20.040, 26.16-.205 and/or 74.20A.250 relating to a period of time when a superior court order did not exist)) RCW 74-.20A.057, specifically including cases eligible for nonassistance support enforcement services under WAC 388-14-302.

AMENDATORY SECTION (Amending Order 2304, filed 11/13/85)

WAC 388-11-011 DEFINITIONS. For purposes of this chapter and chapters 388-13 and 388-14 WAC, the following definitions shall apply:

(1) "Locate" shall mean service of the notice and finding of financial responsibility in a manner prescribed by WAC 388-11-040.

(2) "Reasonable efforts to locate" shall mean any of the following actions taken on a case:

(a) Mailing of the notice and finding of financial responsibility by certified mail, return receipt requested to an address, reasonably believed by office of support enforcement to be a mailing address of the responsible parent; or

(b) Referral to a sheriff, other server of process or locate service or other agent or employee of the department for locate activities if the responsible parent is not located under subsection (1)(a) of this section, or if no known mailing address exists but the information which office of support enforcement has, reasonably indicates that the responsible parent can be located; or

(c) When service cannot be accomplished, tracing activity ((as stated)) as follows:

(i) Checking of local telephone directories and attempts by telephone or mail to contact the applicant/recipient, applicant/custodian, relatives of the responsible parent, past or present employers, or the postal authorities when appropriate;

(ii) Contacting state agencies, union, financial, or fraternal organizations available on the local level to which the responsible parent is known to have had contact or membership;

(iii) Automated periodic searches for identification information recorded by other state agencies, federal agencies, credit bureaus, or other electronic record keeping agencies or entities.

(d) Referral to state parent locator service when tracing efforts under subsection (1)(c) of this section are exhausted;

(e) Referral to the attorney general, a prosecuting attorney, the IV-D agency of another state, or the Internal Revenue Service for specific legal or collection action.

(3) "The date the state assumes responsibility for the support of ((the)) a dependent child ((or children)) on whose behalf support is sought" shall mean the date payment of an AFDC-R, AFDC-E, AFDC-FC, ((or)) a state only foster care, or a family independence program grant is authorized((, or September 1, 1979)). For

purposes of this chapter, the state shall continue to be responsible for the support of a dependent child until public assistance or family independence program payments terminate, or support enforcement services terminate, whichever ((is)) occurs later.

(4) "Department" means the state department of social and health services.

(5) "Secretary" means the secretary of the department of social and health services or the secretary's designee or authorized representative.

(6) ((~~"Hearing examiner" shall mean the administrative law judge employed by the office of administrative hearings hearing the testimony and making the initial decision under chapter 388-11 WAC.~~

~~(7)~~)) "Dependent child" means any person under the age of twenty-one not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States.

((~~(8)~~)) (7) "Superior court order" means any judgment, decree, or order of ((~~the~~)) a Washington state superior court ((~~of the state of Washington~~)) or ((~~a~~)) another state's court of comparable jurisdiction ((~~of another state~~)) establishing ((~~the existence of~~)) a support obligation and ordering payment thereon of a set or determinable amount ((~~of support moneys to satisfy the support obligation~~)). ((~~Orders of the superior court failing~~)) An order that fails to expressly require payment of support by a responsible parent or ((~~orders failing~~)) that fails to specifically relieve ((~~the~~)) a responsible parent of ((~~the~~)) a support obligation ((~~shall~~)) is not ((~~constitute~~)) a superior court order. For purposes of this chapter, an order entered by any state under the Uniform Reciprocal Enforcement of Support Act (URESA) is not a superior court order.

((~~(9)~~)) (8) "Administrative order" means any determination, finding, decree, or order for support issued pursuant to RCW 74.20A.055, or by an agency of another state pursuant to a substantially similar administrative process, establishing the existence of a support obligation and ordering the payment of a set or determinable amount of support money((s)) to satisfy the support obligation. Such administrative order shall include an agreed settlement or consent order entered under WAC 388-11-150 or a notice and finding of financial responsibility that has become final by operation of law.

((~~(10)~~)) (9) "Support obligation" means the obligation to provide for the necessary care, support, and maintenance, including responsibility for medical ((~~expenses~~)) support, of a dependent child or other person as required by statutes and the common law of this or another state.

((~~(11)~~)) (10) "Responsible parent" means the natural parent, adoptive parent, or responsible stepparent ((~~of~~)) from whom the department seeks support for a dependent child.

((~~(12)~~)) (11) "Responsible stepparent" means ((~~the present~~)) any spouse ((~~of the~~)), under RCW 26.16.205, who lives or has lived in a family unit with a person who is either ((~~the~~)) a mother, father, or adoptive parent ((~~of a~~)), and that person's dependent child((~~,~~)) or children; and such status shall ((~~exist and~~)) continue ((~~as provided for by RCW 26.16.205~~)) until the relationship is terminated by death or dissolution of marriage.

((~~(13)~~)) (12) "Support money((s))" means any money((s)) or in-kind providings paid to satisfy a support obligation whether denominated as child support, spouse support, alimony, maintenance, or any other such money((s)) intended to satisfy an obligation for support of any person or satisfaction in whole or in part of arrears or delinquency on such an obligation.

((~~(14)~~)) (13) "Current" and/or "Future" ((~~support or "future and current" support or "future/current"~~)) support ((~~shall~~)) means support money((s)) paid to satisfy the support obligation for the ((~~instant or~~)) present month as opposed to satisfaction of a support ((~~obligations owed for previous and past months which, having been unpaid, are delinquent~~)) debt.

((~~(15)~~)) (14) "Support debt" means any delinquent amount of support money((s)) which is due, owing, and unpaid under a superior court order or an administrative order; a debt for the payment of expenses for the reasonable or necessary care, support and maintenance, including medical expenses, of a dependent child or other person for whom a support obligation is owed; or a debt under RCW 74.20A.100 or 74.20A.270. Support debt also includes any accrued interest, fees, or penalties charged on a support debt, and attorneys' fees and other costs of litigation awarded in an action to establish and enforce a support obligation or support debt.

((~~(16)~~)) (15) "Arrears," "delinquency," "past support," shall all mean the amount owed for a period of time prior to the instant month((~~, but is owed for a period of time in the past~~)).

((~~(17) "Need" means the necessary costs of food, clothing, shelter, and medical attendance for the support of a dependent child or children.~~

~~(18)~~)) (16) "Good cause" means there is substantial reason or legal justification for delay, including a showing of those grounds enumerated in ((~~RCW 4.72.010 and~~)) Civil Rule 60 ((~~and allegation is made of a defense under WAC 388-11-065~~)).

((~~(19)~~)) (17) "Assignment pursuant to RCW 74.20A-.040" shall mean the assignment made by an applicant/custodian of support rights pursuant to WAC 388-14-310.

((~~(20)~~)) (18) Fraud for the purposes of WAC 388-11-115 means:

(a) The representation of the existence or nonexistence of a fact;

(b) Its materiality;

(c) Its falsity;

(d) The speaker's knowledge of its truth;

(e) His or her intent that it should be acted on by the person to whom it is made;

(f) Ignorance of its falsity on the part of the person to whom it is made;

(g) The latter's reliance on the truth of the representation;

(h) His or her right to rely upon it; and

(i) His or her subsequent damage.

((~~(21)~~)) (19) "State" means any state or political subdivision, territory, or possession of the United States,

the District of Columbia, and the Commonwealth of Puerto Rico.

(20) "Residential parent" means the parent with whom the child resides a majority of the time, or who is designated as, or deemed to be, the custodian of the child under RCW 26.09.285.

(21) "Agreed settlement" means the informal disposition of a contested case by written agreement between a responsible parent and the office of support enforcement which establishes the existence of a support obligation and orders payment thereon. Such agreement shall be effective without the approval of an administrative law judge.

(22) "Consent order" means the informal disposition of a contested case by written agreement between a responsible parent and the office of support enforcement which establishes the existence of a support obligation and orders payment thereon. Such agreement shall require the approval of an administrative law judge to be effective.

(23) "Extraordinary medical expenses" means all medical costs of a dependent child, not covered by insurance, which exceed a total of two hundred dollars for the year.

(24) "Medical costs" means doctor and hospital bills, prescription costs, and dental costs including orthodontia.

(25) "Medical support" means medical costs incurred for and/or health insurance coverage for the benefit of a dependent child.

AMENDATORY SECTION (Amending Order 1465, filed 12/14/79)

WAC 388-11-015 CREDITS ALLOWABLE IN SATISFACTION OF DEBT. ((~~Pursuant to~~)) (1) Under RCW 74.20.101, after the office of support enforcement serves a notice and finding of financial responsibility ((~~has been served~~)) on the responsible parent, satisfaction ((~~in whole or in part~~)) of the ((~~debt~~)) current and future support obligation may be obtained only by cash, check, or money order payments through the office of support enforcement or payment of health insurance premiums. ((~~After service of said notice, any attempt to satisfy the debt by providing the caretaker, custodian, vendor or other third party with cash, check, money order or in-kind, noncash, nonnegotiable items or services, including payments to for any item vendors or other third parties of items included in the public assistance standards, is conclusively presumed to be gifts and will not be credited against the debt.~~))

(2) The office of support enforcement shall allow credit against the responsible parent's support debt for family necessaries provided directly to the caretaker/custodian, or children, or provided through vendors or third parties((~~, may be credited against the debt~~)) only if ((~~they~~)):

(a) The items are provided prior to service of the notice and finding of financial responsibility on the responsible parent ((~~pursuant to WAC 388-11-040. To obtain such credit~~)); and

(b) The responsible parent ((~~has the burden of proving, by a preponderance of the evidence, that such~~)) proves the items, when provided, were((~~, at that time,~~)) intended to satisfy((~~, in whole or in part,~~)) the ((~~common law or statutory obligation of said~~)) responsible parent's support obligation; ((~~Provided, no credit may be given for~~)) and

(c) The items ((~~which~~)) are ((~~not~~)) food, clothing, shelter, or medical attendance((~~: PROVIDED, FURTHER, That~~)) directly related to the care, support, and maintenance of the children.

(3) After service of the notice and finding of financial responsibility, a parent may obtain credit against their current support obligation only if:

(a) The department determines there is no prejudice to the custodial parent or other person or agency entitled to receive the support payments, or to the children, and that there are special circumstances of an equitable nature which justify credit for such payments; or

(b) A court of competent jurisdiction determines credit should be granted after a hearing at which all interested parties were given an opportunity to be heard.

(4) The burden of proving that credit should be given is on the parent claiming credit for the payments.

(5) Shelter payments made ((~~may~~)) prior to service of the notice and finding of financial responsibility shall not be credited against any debt for any period determined under chapter 388-11 WAC in an amount greater than the shelter allocation in the public assistance standards for the same period or one-half of the actual shelter payment made, whichever is the greater. Any credit given shall be classified as a payment of child support and shall be treated consistent with rules of eligibility in effect at the time of payment. ((~~After assignment has been made pursuant to WAC 388-24-108, any support payments made subsequent to assignment shall be treated pursuant to WAC 388-14-210~~)) No credit shall be allowed for shelter payments made after service of the notice and finding of financial responsibility.

AMENDATORY SECTION (Amending Order 2340, filed 2/12/86)

WAC 388-11-030 NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY. (1) The notice and finding of financial responsibility shall set forth the office of support enforcement's finding of responsibility((~~,~~)) as follows:

(a) The amount ((~~which the office of support enforcement alleges that~~)) the responsible parent owes as an accrued debt, and a statement of the demand for payment thereon((~~. Where appropriate the notice and finding of financial responsibility shall also set forth the office of support enforcement's finding of responsibility as to~~));

(b) The amount the responsible parent should pay ((~~in the~~)) for current and future ((~~as periodic future~~)) support ((~~for such period of time as the child or children are in need. The notice may also include a finding of~~));

(i) Under WAC 388-11-200, if current income information is known; or

(ii) Under WAC 388-29-100 if income is unknown.

(c) The responsible parent's responsibility for medical ((~~expenses including responsibility to provide medical insurance coverage if such coverage is available at a~~

~~reasonable cost to the responsible parent~~)) support under WAC 388-11-215.

(2) The notice and finding of financial responsibility shall also include:

(a) ((~~A statement of~~)) The name of the ((~~recipient or custodian~~)) residential parent;

(b) ((~~The~~)) Each name, birthdate, and Social Security number of the child or children on whose behalf ((~~need~~)) support is ((~~alleged~~)) being sought;

(c) The name, address, and Social Security number of the responsible parent;

(d) The responsible parent's employer; and

(e) A statement that((~~:~~)):

(i) If the responsible parent objects to all or any part of the notice and finding of financial responsibility, he or she shall have a right, for not more than twenty days from date of service, to request a hearing to show cause why ((~~said~~)) the responsible parent should not be determined to be liable for any or all of the debt, past and future;

((~~(d)~~)) (ii) ((~~A statement that said~~)) Any objection shall be communicated, in writing, and ((~~shall be~~)) served on the district field office of the office of support enforcement issuing the notice and finding of financial responsibility;

((~~(c)~~)) (iii) ((~~A statement that,~~)) If the responsible parent fails to object in writing, ((~~in a timely manner~~)) within twenty days to the support debt and the current support amounts stated in the notice and finding of financial responsibility, the support debt and/or ((~~payments stated in the notice and finding of financial responsibility~~)) current support amount shall ((~~be assessed and determined and ordered in accordance with the finding of responsibility of the department as set forth in the notice and finding of financial responsibility~~)) become final and subject to collection action without further action or notice;

((~~(f)~~)) (iv) A ((~~statement that the support debt, as assessed and determined and ordered is subject to collection action and that the property of the debtor, without further advance notice or hearing, is subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver to satisfy the debt.~~)) notice of payroll deduction may be issued or other income withholding action under chapters 26.18 or 74.20A RCW may be taken, without further notice to the responsible parent, if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month;

((~~(g)~~)) (v) ((~~A statement that,~~)) After service of the notice, all payments made which are intended to satisfy a current support obligation and/or ((~~accrued child~~)) support ((~~obligation~~)) debt alleged in the notice must be made directly to the office of support enforcement. Payments made to any other party will not be credited against the ((~~debt.~~)) support obligation whether or not such payment is in cash, check, money order, in-kind services, merchandise, or anything else of value, except as provided under WAC 388-11-030.

AMENDATORY SECTION (Amending Order 1465, filed 12/14/79)

WAC 388-11-040 SERVICE OF NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY. (1) The office of support enforcement shall serve a notice and finding of financial responsibility ((~~shall be served~~)) on ((~~the~~)) a responsible parent ((~~by the office of support enforcement or their agent in the~~)):

(a) In a manner prescribed for the service of a summons in a civil action; or

(b) By certified mail, return receipt requested. The receipt shall be prima facie evidence of service.

(2) Reservice of the notice shall not be required when there has been a break in the payment of public assistance or in the provision of family independence program services.

AMENDATORY SECTION (Amending Order 1997, filed 8/5/83)

WAC 388-11-045 SERVICE REQUIREMENTS—TOLLING. (1) For support obligations owed for months on or after September 1, 1979((~~. If the~~)), the department shall exercise reasonable efforts to locate the responsible parent. The department shall serve a notice and finding of financial responsibility ((~~is not served~~)) within sixty days ((~~from~~)) of the date the state assumes responsibility for the support of ((~~the~~)) a dependent child ((~~or children~~)) on whose behalf support is sought. If service is not timely, the department shall lose the right to reimbursement of public assistance payments made after the ((~~sixty days~~)) sixtieth day and before the ((~~date of service of the~~)) notice is served. However: ((~~PROVIDED, That if the department exercises reasonable efforts to locate the debtor and is unable to do so, the entire sixty-day period is tolled until such time as the debtor can be located~~))

(a) The department shall not lose the right to reimbursement of public assistance payments for any period of time during which it exercised reasonable efforts to locate the responsible parent;

(b) The department shall not apply this rule to nonassistance cases, cases where the residential parent lives out of state, and cases where parentage is in issue and has not been established by superior court order; and

(c) The department shall consider a prorated share of each monthly public assistance payment as paid on each day of the month.

(2) For support obligations owed for months before September 1, 1979, and for which a final determination was issued on or after September 1, 1979((~~:~~

~~(a) If~~)), the department shall exercise reasonable efforts to locate the responsible parent. The department shall serve a notice and finding of financial responsibility ((~~is not served~~)) within six months ((~~from~~)) of the date the state assumes responsibility for the support of ((~~the~~)) a dependent child ((~~or children~~)) on whose behalf support is sought. If service is not timely, the department shall lose the right to reimbursement of public assistance payments made after the ((~~six months~~)) sixth month and before the ((~~date of service of the~~)) notice is served. However:

((~~PROVIDED, That if the department exercises reasonable efforts to locate the debtor and is unable to do so, the entire six-month period is tolled until such time as the debtor can be located. Such reasonable efforts to locate shall be supported by contemporaneous recordings in the department's file~~))

(a) The department shall not lose the right to reimbursement of public assistance payments for any period of time during which it exercised reasonable efforts to locate the responsible parent. Reasonable efforts to locate shall be supported by contemporaneous recordings in the department's files;

(b) The ((~~provisions of WAC 388-11-045(2) are intended to implement the holding of Gangon vs. DSHS, Thurston County Cause Number 80-2-01004-0~~)) department shall not apply this rule to nonassistance cases, cases where the residential parent lives out of state, or cases where parentage is in issue and has not been established by superior court order;

(c) The department shall consider a prorated share of each monthly public assistance payment as paid on each day of the month.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 1465, filed 12/14/79)

WAC 388-11-055 PETITION FOR HEARING AFTER TWENTY DAYS—STAY. (1) The responsible parent may, at any time, upon a showing of good cause for the failure to make a timely request for hearing, petition the secretary or the secretary's designee for a late hearing((~~, as provided for but not previously granted pursuant to WAC 388-11-060, 388-11-065, and 388-11-100~~)). The petition shall state the grounds alleged by the responsible parent to constitute good cause for the failure to make a timely request for hearing.

(2) A copy of ((~~said~~)) the petition shall also be served by certified mail, return receipt requested, or ((~~by service in the manner of~~)) like a summons in a civil action on the district office of the office of support enforcement.

(3) The filing of ((~~such~~)) a petition for a late hearing shall not stay any collection action being taken under chapter 74.20A RCW. ((~~The petition shall state the grounds alleged by the responsible parent to constitute good cause for the failure to make a timely request for hearing.~~))

(((~~2~~))) (4) The granting of a request for a hearing under subsection (1) above shall operate as a stay on any ((~~collection~~)) action to collect moneys due under the original notice.

(((~~3~~))) (5) ((~~On petition of the responsible parent or office of support enforcement;~~)) A hearing ((~~may~~)) under this section shall be scheduled to consider:

(a) Whether good cause exists to grant a hearing;

(b) Setting of temporary current and future support;

(c) Settlement of any or all of the issues; and

(d) Such other matters as may aid in disposition of the proceeding((~~; and~~)).

(((~~c~~))) (6) ((~~If agreed to by the parties to hear the merits of the responsible parent's objections to the notice and finding of financial responsibility.~~

~~Notice of this hearing shall be mailed to the parties by certified mail, not less than ten days prior to the scheduled date of the hearing.~~)) The office of support enforcement may petition for ((~~setting~~)) temporary current and future support ((~~may be brought at~~)) any time prior to the final decision. The ((~~hearing examiner~~)) administrative law judge shall, in writing, order payment of temporary, current and future support in an amount determined ((~~pursuant to the scale of minimum contributions in WAC 388-11-190 unless such payment is contrary to law~~)) under WAC 388-11-205.

(a) Payment shall be ordered to be paid beginning with the month in which the petition for ((~~an untimely~~)) a late hearing is granted.

(((~~4~~))) (b) In the event the responsible parent does not make payment of the temporary current and future support as ordered, the office of support enforcement may take collection action pursuant to chapters 26.23 and 74.20A RCW during the pendency of the hearing or thereafter to collect any amounts owing under the temporary order.

(((~~5~~))) (7) Moneys withheld as a result of collection action in effect at the time of granting of the request for the hearing shall be delivered to and held by the office of support enforcement ((~~and shall be held in trust by the office of support enforcement~~)) pending the final order of the secretary or during the pendency of any appeal to the courts. Temporary current and future support paid, or collected during the pendency of the hearing or appeal shall be disbursed when received by the office of support enforcement.

(((~~6~~))) (8) If the final decision of the department or the courts on appeal is that the department has collected an amount from the responsible parent greater than such parents past support debt, other than temporary current and future support, such excess shall promptly be refunded to such parent.

AMENDATORY SECTION (Amending Order 1465, filed 12/14/79)

WAC 388-11-060 REQUEST FOR HEARING. (1) Any responsible parent who objects to all or any part of the notice and finding of financial responsibility ((~~shall have the right, for not more than~~)) may, within twenty days from the date of service of ((~~said~~)) the notice and finding of financial responsibility, ((~~to~~)) make a written request((~~, in writing,~~)) for a hearing ((~~which~~)).

(2) The request shall be served upon the office of support enforcement by registered or certified mail or ((~~personally~~)) like a summons in a civil action.

((~~A request for hearing, pursuant to this section, shall not be construed to be or considered as a general denial of requests for admission pursuant to WAC 388-11-080. The execution of~~)) (3) Collection action under the notice ((~~and finding of financial responsibility~~)) shall be stayed only until the final hearing decision ((~~on such hearing~~)). ((~~Further stays may be obtained only pursuant to RCW 34.04.130(3). If an objection is received, the secretary or the secretary's designee shall notify the~~

~~appellant, his attorney, or other designated representative, of the date, time and place of the hearing, at least twenty days prior to the date thereof by written notice to the appellant or his representative by registered or certified mail. The hearing shall be scheduled within thirty days of the date of receipt of the objection. If the time, date or place is inconvenient to either party, the hearing examiner may grant a new time, date or place as is reasonably convenient upon a showing of good cause))~~

(4) If the responsible parent fails to object, within twenty days, to the notice and finding of financial responsibility, the findings stated in the notice shall become final, subject to the provisions of WAC 388-11-055. Any support debt stated and/or any future periodic support obligation shall be subject to collection action.

AMENDATORY SECTION (Amending Order 2340, filed 2/12/86)

WAC 388-11-065 ((~~RESPONSIBLE PARENT TO SHOW CAUSE—AFFIRMATIVE~~))—DEFENSES ((~~BURDEN OF PROOF~~)) TO LIABILITY. (1) ((~~At the hearing held pursuant to WAC 388-11-060, the~~)) A responsible parent ((~~shall show cause, if any there be, why~~)) who objects to the notice and finding of financial responsibility ((~~and/or the amount prayed for therein is inaccurate, and why the hearing examiner should not enter an initial decision and order as prayed for in said notice and finding of financial responsibility but should either rescind or modify the same. In said show cause hearing, the responsible parent shall state affirmatively and~~)) shall have the burden of ((~~proving~~)) establishing defenses to liability. Defenses include, but are not limited to:

((~~(1)~~)) (a) ((~~Estoppel~~)) Payment;

((~~(2)~~)) (b) ((~~Payment~~)) Superior court order;

((~~(3)~~)) (c) ((~~Release~~)) He or she is not a responsible parent;

((~~(4)~~)) (d) ((~~Superior court order~~)) The amount requested in the notice is inconsistent with the amount assessed under WAC 388-11-205; or

(e) Any other matter constituting an avoidance or affirmative defense.

((~~(5)~~)) (2) ((~~Lack of eligibility in the receipt of~~)) A dependent child's or a residential parent's ineligibility to receive public assistance ((~~funds paid to or for the benefit of the responsible parent's minor child or children: PROVIDED, That lack of eligibility shall operate as~~)) is not a defense ((~~only as~~)) to ((~~debt accrued prior to September 1, 1979: PROVIDED FURTHER, That lack of eligibility shall operate as a defense to a responsible parent's liability to repay the department only to the extent the amount of ineligibility proven in any one month exceeds the difference between the total grant for that month and the amount of the support liability determined for that month;~~

~~(6) The appellant is not a responsible parent;~~

~~(7) Inability to pay the amount determined;~~

~~(8) Lack of need and/or debt pursuant to RCW 26-.16.205: PROVIDED, That the amount determined by reference to the schedule of suggested minimum contributions in WAC 388-11-190, based on the earnings, resources, and property of the responsible parent shall be a rebuttable presumption of the responsible parent's ability to pay and the need of the family on whose behalf action is being taken. If said presumption is rebutted, the office of support enforcement shall be afforded reasonable opportunity to present additional evidence of actual need with the right to a continuance on request to present said evidence: PROVIDED FURTHER, Said rebuttable presumption shall apply whether or not the child or children are recipients of or applicants for public assistance. The responsible parent shall be presumed to have no ability to pay from income received from AFDC, SSI, or continuing general assistance;~~

~~(9) Discharge in bankruptcy;~~)) the assessment of a support obligation.

((~~(10)~~)) (3) ((~~The~~)) A responsible parent((~~, pursuant to chapter 74.20 RCW, should~~)) may be excused from ((~~making~~)) providing support ((~~payments~~)) for ((~~the~~)) a dependent child ((~~or children;~~)) receiving ((~~or on whose behalf~~)) public assistance ((~~was provided under chapter 74.12 RCW, because~~)) if the responsible parent is the legal custodian of the child ((~~or children~~)) and has been wrongfully deprived of physical custody of the child ((~~or children: PROVIDED HOWEVER, That~~)). The responsible parent may only be excused ((~~from making support payments~~)) for ((~~the~~)) any period ((~~or periods~~)) during which ((~~the responsible parent~~)) he or she was wrongfully deprived of custody. ((~~In order to be excused from making support payments,~~)) The responsible parent must ((~~show~~)) establish:

(a) A court of competent jurisdiction of ((~~this~~)) any state ((~~or another state~~)) has entered an order giving legal and physical custody of the child ((~~or children~~)) to the responsible parent;

(b) The custody order has not been ((~~altered, changed,~~)) modified, superseded, or dismissed;

(c) The child ((~~or children were~~)) was taken or enticed from the responsible parent's physical custody ((~~of the responsible parent without his or her consent,~~)) and ((~~the responsible parent~~)) he or she has not subsequently assented to ((~~being deprived of physical custody of the child or children~~)) deprivation. Proof of enticement shall require more that a showing that the child is allowed to live without certain restrictions the responsible parent would impose; and

(d) ((~~The responsible parent,~~)) Within a reasonable time ((~~of the date~~)) after deprivation, the responsible parent ((~~was wrongfully deprived of physical custody of the child or children,~~)) exerted and ((~~has continued~~)) continues to exert reasonable efforts to regain physical custody of the child ((~~or children;~~

~~(11) Medical insurance coverage is not available at a reasonable cost: PROVIDED, That if such coverage is available through the responsible parent's employer or other organization at a cost to the responsible parent of twenty-five dollars per month or less, there shall be a rebuttable presumption that coverage is available at a reasonable cost; and~~

~~(12) Any other matter constituting an avoidance or affirmative defense to the notice and finding of financial responsibility.~~

~~Except as provided for in chapter 388-08 WAC for discovery, the hearing examiner or review examiner shall~~

not require the office of support enforcement to produce or obtain information, documents, or witnesses to assist the responsible parent in proof of defenses raised pursuant to WAC 388-11-065 except for that relevant, nonconfidential information or documents which the office of support enforcement has in its possession)).

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 2340, filed 2/12/86)

WAC 388-11-100 DUTY OF ((HEARING EXAMINER)) THE ADMINISTRATIVE LAW JUDGE. (1) ((Based on the)) In hearings held under this chapter to contest a notice and finding of financial responsibility ((and objections made thereto)), the ((hearing examiner)) administrative law judge shall determine ((the liability and responsibility, if any, of the responsible parent under RCW 74.20A.057. The hearing examiner shall also determine the amount of periodic payments to be made to satisfy past, present or future liability and the responsible parent's liability for medical expenses including responsibility to provide medical insurance coverage. The hearing examiner shall include in his or her consideration the standards in WAC 388-11-190 and the uniform child support guidelines adopted by the Washington state association of superior court judges. The hearing examiner is empowered, upon proper showing of unusual circumstances, to set an amount of support, as to the past, present, or future, at a greater or lesser amount than the amount stated or computed in reference to the scale in WAC 388-11-190 and shall include in his or her consideration)):

(((1))) (a) ((All earnings and income resources of)) The responsible parent((, including real and personal property))'s obligation to provide support under RCW 74.20A.057;

(((2))) (b) The ((earnings potential)) net monthly income of the responsible parent and any residential parent;

(((3))) (c) The ((reasonable necessities of the)) responsible parent's share of the basic support obligation and any adjustments to that share, as warranted by his or her circumstances;

(((4))) (d) ((The ability of)) If requested by a party, the responsible parent ((to borrow))'s share of any special child-rearing expenses;

(((5))) (e) The ((needs of the child for whom the)) responsible parent's obligation to provide medical support ((is sought)) under WAC 388-11-215;

(((6))) (f) The ((amount of assistance which would be paid to the child under the full standard of need of the state's public assistance plan)) responsible parent's accrued debt and order payments thereon; and

(((7))) (g) The ((existence of other dependents; and

(8) That the child, for whom support is sought, benefits from the income and resources of the responsible parent on an equitable basis in comparison with any other minor children of the responsible parent.

In determining the responsible parent's liability for medical expenses, including responsibility to provide medical insurance coverage, the hearing examiner shall consider:

(a) The known or anticipated medical needs of the child or children;

(b) The cost of medical coverage and whether or not such coverage is available through the responsible parent's employer or other organization at a reasonable cost to the responsible parent;

(c) The earnings and resources of the responsible parent;

(d) The reasonable necessities of the responsible parent; and

(e) The amount of the responsible parent's child support obligation, which obligation shall have priority over the obligation to provide medical coverage unless the hearings examiner makes a finding of fact that the medical needs of a child are extraordinary, and the best interest of the child would be better served if medical coverage is provided.

The findings of fact as to unusual circumstances shall consist of a concise statement of each fact found upon each contested issue of fact and shall state the grounds for deviation from the standards in WAC 388-11-190. The hearing examiner shall make his or her initial decision and enter his or her findings of fact based on the notice and finding of financial responsibility and the evidence admitted at the hearing)) responsible parent's total current and future support obligation as a sum certain and order payments thereon.

(2) The administrative law judge shall allow the office of support enforcement ((has a right)) to orally amend the notice and finding of financial responsibility((;)) at the ((time of)) hearing((;)) to conform to the evidence ((in which case the hearing examiner is empowered, when deemed necessary, through continuance, to allow the responsible parent additional time to present rebutting evidence and/or argument as to the amendment)).

(3) Except as provided for under WAC 388-11-185, the administrative law judge shall not require the office of support enforcement to produce or obtain information, documents, or witnesses to assist the responsible parent in proof of defenses to liability. However, this rule shall not apply to relevant, nonconfidential information or documents that the office of support enforcement has in its possession.

(4) ((After evidence has been presented at a hearing conducted by a hearing examiner,)) The ((hearing examiner)) administrative law judge shall ((enter)) issue an initial decision and order ((which shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law, as well as the order based thereon. The decision and order shall include a notice that, if the responsible parent fails to make periodic payments as ordered, the entire arrearage shall be collectable by the office of support enforcement and that collection action, including but not limited to the issuance of an order to withhold and deliver against the earnings or property of the responsible parent, may be initiated without further notice.

~~The hearing examiner shall file the original of the initial decision and order signed by him or her with the secretary or his or her designee, and copies thereof shall be mailed by the hearing examiner to the office of support enforcement and to the appellant by certified mail to the last known address of the party~~)) within twenty days of the close of the hearing record.

AMENDATORY SECTION (Amending Order 1605, filed 2/11/81)

WAC 388-11-105 REVIEW OF INITIAL DECISION. (1) Within thirty days of service of the initial decision, either the ((~~appellant~~)) responsible parent or the office of support enforcement may petition, in writing, the secretary or ((~~the secretary's~~)) his or her designee((~~, in writing,~~)) for review of the initial decision and order. ((~~Such petition for review~~)) The petitioner shall ((~~set forth in detail~~)) state the basis for the requested review((;)) and shall ((~~be mailed~~)) mail a copy of the petition to the other party by certified or registered mail to ((~~the~~)) his or her last known address ((~~of the party~~)).

(2) The secretary or his or her designee shall review an initial decision and order under chapter 388-08 WAC to the extent those rules are relevant and consistent with the rules adopted in this chapter.

(3) The petition for review shall be based on ((~~any one of the following causes materially affecting the substantial rights of the petitioner~~)):

((~~(1)~~)) (a) An irregularity in the ((~~proceedings~~)) conduct of the ((~~hearing examiner or adverse party,~~)) administrative law judge or ((~~any~~)) in the issuance of an order ((~~of the hearing examiner, or abuse of discretion, by~~)) which ((~~the moving party was~~)) prevented ((~~from having~~)) a fair hearing;

((~~(2)~~)) (b) ((~~Misconduct of~~)) A prevailing party's misconduct;

((~~(3)~~)) (c) ((~~Accident or surprise which ordinary prudence could not have guarded against~~)) An administrative law judge's abuse of discretion;

((~~(4)~~)) (d) ((~~Newly discovered~~)) New evidence((~~; material for the party making the application;~~)) which ((~~he~~)) could not ((~~with reasonable diligence~~)) have been discovered ((~~and produced at~~)) with reasonable diligence before the hearing;

((~~(5)~~)) (e) A claim that ((~~there is no~~)) the findings of fact are not supported by substantial evidence ((~~or reasonable inference from the evidence to justify the decision, or that it is contrary to law or these rules~~));

((~~(6)~~)) (f) An error in mathematical computation;

((~~(7)~~)) (g) ((~~Error in the~~)) A claim that the decision is contrary to law ((~~occurring at the hearing and objected to at the time by the party making the application~~));

((~~(8)~~)) (h) A claim that the ((~~moving party is unable~~)) petitioner is unable to perform according to the terms of the order without further clarification;

((~~(9)~~)) (i) A claim that substantial justice has not been done;

((~~(10)~~)) (j) The occurrence of fraud or ((~~misstatement of facts by any witness, pertaining to any defense provided for in WAC 388-11-065~~)) a witness's misstatement of material facts;

((~~(11)~~)) (k) A clerical mistake((s)) in the decision ((~~arising from oversight or omission~~)); and/or

((~~(12)~~)) (l) A claim that ((~~the decision and~~)) a default order, entered((~~;~~)) because the responsible parent failed to appear at the hearing, should be vacated and the ((~~matter be~~)) case remanded upon a showing of ((~~the grounds enumerated in RCW 4.72.010 or CR 60~~)) good cause.

(4) ((~~In the event~~)) If no petition for review is ((~~made as provided herein by any party~~)) filed, the initial decision ((~~and order of the hearing examiner~~)) shall be final as of the date of filing and shall become((s)) the final decision ((~~and order~~)) of the department. If a petition for review of an initial decision is not made in a timely manner, there shall be no appeal ((~~may be taken therefrom~~)) to the courts ((~~and the~~)). Any debt ((~~created is~~)) in the decision shall be subject to collection action.

((~~After receipt of a petition for review, the secretary or the secretary's designee shall consider the initial decision and order, the petition or petitions for review, the record or any part thereof and such additional evidence and argument as he may in his or her discretion allow. The secretary or the secretary's designee may remand the proceedings to the hearing examiner for additional evidence, argument, and/or for entry of findings of fact, conclusions of law and an initial decision in conformance with the order of remand. The secretary or the secretary's designee may deny review of the initial decision and order and thereupon deny the petition or petitions at which time the initial decision and order shall be final as of the date of said denial and all parties shall forthwith be notified, in writing, of said denial by certified mail to the last known address of the parties. Unless the petition is denied, the secretary or the secretary's designee shall review the initial decision and order and shall make the final decision and order of the department. The final decision and order shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law. The initial findings of fact, conclusions of law, and decision and order shall not be modified unless the findings of fact are unsupported by substantial evidence in view of the entire record and/or unless the applications of law in the initial decision are incorrect in the reasoned opinion of the review examiner. A copy of the decision and order, including the findings and conclusions, shall be mailed to each party to the appeal by certified mail to the last known address of the party. The decision and order shall authorize collection action, as appropriate, under chapter 74.20A RCW~~)).

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 1605, filed 2/11/81)

WAC 388-11-115 FRAUD—VACATION OF DECISION. (1) Any ((~~initial decision, final decision or consent~~)) administrative order may be vacated if the ((~~decision or~~)) order was based upon fraud by any witness or party.

(2) The ((~~motion to vacate~~)) party claiming fraud shall ((~~be filed~~)) request a hearing to vacate the administrative order within a reasonable period of time after the date ((~~that~~)) the fraud ((~~has been~~)) was discovered or should have been discovered.

AMENDATORY SECTION (Amending Order 1465, filed 12/14/79)

WAC 388-11-120 DEFAULT. If the responsible parent fails to appear at ((~~the~~)) a hearing, the ((~~hearing examiner~~)) administrative law judge shall, upon a showing of valid service, enter an initial decision and default order ((~~declaring~~)). The administrative law judge shall state in the decision that the support debt and ((~~payment provisions~~)) the current support obligation stated in the notice and finding of financial responsibility ((~~to be~~)) are assessed ((~~and~~)), determined, and subject to collection action.

AMENDATORY SECTION (Amending Order 1605, filed 2/11/81)

WAC 388-11-140 MODIFICATION. ((~~Based upon a showing of good cause and a material change in circumstances, either the~~)) (1) A responsible parent whose support obligation has been administratively established or the office of support enforcement may ((~~petition the secretary or the secretary's designee to issue an order requiring the responding party to show cause why a decision previously entered determining responsibility for periodic future support payments, consent order or a final determination for periodic future support payments pursuant to WAC 388-11-050, ought not be~~)) request a hearing to prospectively ((~~modified~~)) modify the parent's obligation if circumstances have materially changed. The ((~~petition must~~)) request shall be ((~~accompanied by a supporting~~)) in affidavit ((~~setting forth the particular facts relied upon. On receipt of the petition and affidavit, the secretary or the secretary's designee shall issue to the petitioner the show cause order setting forth the time, date, and place of the show cause hearing.~~

~~The hearing shall be a contested case, shall be set not less than fifteen days nor more than thirty days from the date of service unless extended for good cause shown~~)) form and shall state:

(a) The circumstances that have changed; and

(b) The amount of support the circumstances now warrant.

(2) The ((~~petitioner~~)) petitioning party shall serve the request for modification on the responding party ((~~with a copy of the petition, affidavit, and show cause order in the manner of~~)) like a summons in a civil action or by certified mail, return receipt requested.

(3) ((~~An order to appear and show cause under this modification provision may not issue unless the previous decision, determination pursuant to WAC 388-11-150 or consent order of which modification is requested was entered pursuant to RCW 74.20A.055 and there is no superior court order for support. The hearing examiner, on petitions to modify, shall consider the standards set forth in WAC 388-11-100~~)) The petitioning party need not show a change of circumstance if the original support obligation was established under WAC 388-11-050.

(4) If the responding party fails to appear at the hearing, the ((~~hearing examiner~~)) administrative law judge shall ((~~grant relief as~~)) issue a default order based ((~~upon~~)) on the ((~~prayer for relief in the petition and affidavit. Within thirty days of entry of the default order, the defaulting party may petition the secretary or the secretary's designee pursuant to WAC 388-11-105 to vacate the default order upon a showing of any of the grounds enumerated in RCW 4.72.010 or CR 60~~)) terms set out in the request for modification. If the ((~~petitioner~~)) petitioning party fails to appear at the hearing, the ((~~hearing examiner~~)) administrative law judge shall enter an order dismissing the ((~~petition~~)) request for modification.

(5) The ((~~hearing examiner~~)) administrative law judge may set the effective date of ((~~prospective~~)) modification as ((~~either~~)) the date ((~~of entry of~~)) the order ((~~or~~)) is issued, the date ((~~of receipt of~~)) the ((~~petition~~)) request was made, or any time in between((~~, but~~)). If no effective date is set, the effective date shall be the date ((~~of the entry of~~)) the modification order is entered. ((~~Any decision and order under this section shall be an initial decision by the hearing examiner subject to a petition for review by the secretary or the secretary's designee pursuant to WAC 388-11-105.~~

~~It shall not be necessary for the responsible parent or the office of support enforcement to show material change of circumstances if prospective modification is sought as to a final determination for periodic future support payments pursuant to WAC 388-11-050.~~))

AMENDATORY SECTION (Amending Order 2340, filed 2/12/86)

WAC 388-11-150 CONSENT ORDER AND AGREED SETTLEMENT. ((~~In the absence of a superior court order,~~)) (1) Informal disposition of any contested case ((~~or petition or order to show cause for modification wherein a support obligation is claimed pursuant to RCW 74.20A.057 is~~)) shall be encouraged where feasible ((~~and not specifically precluded by law. Said cases may be disposed of by~~)) through a consent order or agreed settlement((~~,~~ "~~)).

(a) An agreed settlement((~~" being defined as a written agreement signed by each party, which is~~)) shall be effective without approval of ((~~any hearings examiner~~)) an administrative law judge. ((~~If~~))

(b) A consent order ((~~is involved, the hearings examiner~~)) shall require the approval of an administrative law judge to be effective. The administrative law judge shall approve ((~~that~~)) a consent order ((~~disposing of~~)) without requiring testimony or a ((~~contested case~~)) hearing unless the entry of such an order would be specifically contrary to law. ((~~Informal disposition on consent order shall be deemed to be a request for hearing granting jurisdiction to the hearings examiner to approve said consent order without the necessity of testimony or hearing, upon presentation by the office of support enforcement.~~))

(2) If negotiations ((~~as~~)) to a consent order or agreed settlement are commenced within twenty days of service

((~~on the responsible parent~~)) of the notice and finding of financial responsibility, and such negotiations fail ((~~and~~)), the responsible parent ((~~serves an objection on OSE within~~)) shall have an additional twenty days ((~~of~~)) from the date the negotiations ((~~failing, the objection shall be considered~~)) fail to request a hearing. A hearing so requested shall be considered timely ((~~served~~)). ((~~The obligation to pay support or repay the debt, unpaid when due, stated in the consent order or agreed settlement is subject to collection action.~~))

(3) Consent orders or agreed settlements ((~~are~~)) shall not be subject to review ((~~pursuant to~~)) under WAC 388-11-105, but ((~~are~~)) shall be subject to modification ((~~pursuant to~~)) under WAC 388-11-140 and ((~~may be vacated~~)) vacation for fraud ((~~pursuant to~~)) under WAC 388-11-115. ((~~Consent orders and agreed settlements shall contain the following provisions:~~

~~(1) That the responsible parent shall provide medical insurance coverage for his or her dependent child or children if such coverage is available at a responsible cost; and~~

~~(2) That appropriate collection action, including but not limited to the issuance of an order to withhold and deliver against the debtor's earnings or property, may be initiated by the office of support enforcement without further notice to collect the entire arrearage if the responsible parent fails to make periodic payments as provided.~~))

AMENDATORY SECTION (Amending Order 1465, filed 12/14/79)

WAC 388-11-155 DURATION OF OBLIGATION. (1) The responsible parent's obligation ((~~established pursuant~~)) to ((~~these rules~~)) pay support under an administrative order shall continue in effect until:

(a) Superseded by a superior court order((~~,~~));

(b) Modified pursuant to WAC 388-11-140((~~, vacated pursuant to WAC 388-11-115 or until~~));

(c) The child ((~~attains~~)) reaches the age of majority ((~~or~~));

(d) The child is ((~~sooner~~)) emancipated((~~, or is self-supporting,~~));

(e) The child is married((~~,~~)); or

(f) The child becomes a member of the United States armed forces ((~~of the United States~~)). ((~~The obligation shall cease to accrue on the death of~~))

(2) As an exception to the above rule, a responsible parent's obligation to pay support under an administrative order shall continue and/or may be established for a dependent child who is:

(a) Under nineteen years of age; and

(b) A full-time student reasonably expected to complete a program of secondary school or the equivalent level of vocational or technical training before the end of the month in which he or she becomes nineteen years of age.

(3) A responsible parent's obligation to pay support under an administrative order shall be temporarily suspended when:

(a) The responsible parent resides with the child for whom support is sought for purposes other than visitation; or

(b) The responsible parent reconciles with the child and the residential parent.

(4) If the circumstances which cause a responsible parent's support obligation to be temporarily suspended change, the support obligation shall resume. The office of support enforcement shall serve the responsible parent with a notice informing him or her to resume payments if it has previously notified the parent in writing to stop making payments.

(5) The responsible parent's obligation to provide support under an administrative order shall cease to accrue when:

(a) The child or the responsible parent((~~,~~)) dies; or ((~~if the~~))

(b) A responsible ((~~parent is a~~)) stepparent ((~~when the~~))'s marriage is dissolved ((~~under chapter 26.09 RCW or under comparable procedures for divorce or dissolution of marriage. Provided that such obligation shall not be owed for the period of time during which the child is in the lawful physical custody of the responsible parent other than for purposes of visitation~~)).

AMENDATORY SECTION (Amending Order 1465, filed 12/14/79)

WAC 388-11-180 PROCEDURAL REFERENCE. ((~~The following WAC provisions are herewith included in this section and made applicable to hearings held pursuant to RCW 74.20A.055:~~

~~WAC~~

~~388-08-055~~	~~388-08-235~~
~~388-08-083~~	~~388-08-375~~
~~388-08-150~~	~~388-08-390~~
~~388-08-160~~	~~388-08-400~~
~~388-08-170~~	~~388-08-480~~
~~388-08-180~~	~~388-08-490~~
~~388-08-190~~	~~388-08-500~~
~~388-08-200~~	~~388-08-520~~
~~388-08-210~~	~~388-08-600~~
~~388-08-220~~	

~~In determining the validity of defenses to liability asserted pursuant to WAC 388-11-065(5) other provisions of the Washington Administrative Code shall be applied~~)) Hearings held under RCW 74.20A.055 shall be subject to the provisions of chapters 10-08 and 388-08 WAC to the extent these provisions are relevant and consistent with the rules adopted under this chapter.

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

WAC 388-11-185 DISCOVERY. (1) Either party may ((~~petition~~)) ask the ((~~hearing examiner for~~)) administrative law judge to order interrogatories and/or depositions for use as evidence in a hearing.

(2) The ((~~petitioner~~)) administrative law judge shall ((~~give reasonable notice of not less than five days in writing to the department's examiner and all parties. After notice is served for taking a deposition, the hearing examiner, upon his own motion or upon motion reasonably made by any party or by the person to be examined and for good cause shown, may make an order~~

~~that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and counsel~~)) determine if such discovery will be allowed and under what terms and conditions.

(3) Unless otherwise ordered, the deponent may be examined regarding any matter not privileged or confidential which is relevant to the subject matter involved in the proceeding.

((~~If deemed expeditious, the hearing examiner may take or cause to be taken, depositions and interrogatories for use as evidence in any hearing.~~))

NEW SECTION

WAC 388-11-195 ECONOMIC TABLE. (1) As of July 1, 1988, the department shall use the economic table adopted by the Washington state child support schedule commission to assess all child support obligations. This economic table is incorporated by reference.

(2) The economic table is expanded as follows:

(a) If the combined income of the responsible parent and any residential parent is five hundred dollars, then the responsible parent's basic support obligation shall be seventy-five percent of the amount it would be if the parents' income was six hundred dollars; if four hundred dollars, then fifty percent; and if less than four hundred dollars, then twenty-five dollars per month per child.

(b) If support is sought for six children, then the responsible parent's basic support obligation for each child shall be eighty-five percent of the amount it would be for a child of the same age under the economic table for five children;

(c) If support is sought for seven children, then the responsible parent's basic support obligation for each child shall be seventy-five percent of the amount it would be for a child of the same age under the economic table for five children; and

(d) If support is sought for eight or more children, then the responsible parent's basic support obligation for each child shall be sixty-five percent of the amount it would be for a child of the same age under the economic table for five children.

(2) State public policy intends:

(a) Support orders be adequate to meet a child's basic needs and provide additional support commensurate with the parent's income, resources, and standard of living; and

(b) To give preference for supporting dependent children from the funds of their responsible parents.

NEW SECTION

WAC 388-11-200 FINANCIAL WORKSHEET CALCULATIONS. (1) The department shall require responsible parents and any residential parents to each complete a financial worksheet under penalty of perjury when a hearing has been requested or when support is determined by consent order or agreed settlement. The department shall only accept those worksheets that are approved by the Washington state child support schedule commission. The department may complete a worksheet on behalf of a residential parent who receives public assistance or who resides in another state.

(2) A parent shall include as gross income money from any source, including, but not limited to, salaries, wages, commissions, bonuses, deferred compensation, overtime, dividends, interest, trust income, severance pay, annuities, capital gains, social security benefits, worker's compensation, unemployment compensation, disability insurance benefits, gifts, and prizes.

(3) A parent shall disclose the receipt of AFDC, SSI, general assistance, food stamps, and spousal maintenance from any relationship, but such shall not be counted as income.

(4) A parent shall deduct only income taxes, FICA, mandatory pension plan payments, mandatory union/professional dues, spousal maintenance for other relationships, nonrecurring overtime/bonus income, and nonrecurring gifts and prizes from gross income. A self-employed parent shall deduct normal business expenses and self-employment taxes.

(5) The department shall impute income to any parent who is voluntarily unemployed or underemployed as follows:

(a) For a parent who quit their last job without cause, was fired for cause, or choses not to work, impute income equal to the amount of the parent's last full time wage;

(b) For a parent who is voluntarily working less than full time, for whatever reason, impute income equal to the amount the parent would earn if working full time at their present job. Do not consider a parent underemployed if employed on a full-time basis;

(c) For a parent who is unemployed through no fault of their own, impute income equal to their earning potential. Presume each parent capable of full-time employment at at least the minimum wage;

(d) Impute no income to a residential parent who receives public assistance if that parent is in compliance with all job search, education, and/or training requirements of the assistance program. Presume any residential parent receiving public assistance to be in compliance with the requirements of that program;

(e) Impute no income to a parent who is unemployable. Lack of employment opportunities alone shall not render a parent unemployable.

NEW SECTION

WAC 388-11-205 ASSESSING SUPPORT. (1) The department shall determine the net income of a responsible parent and any residential parent according to WAC 388-11-200.

(2) The department shall determine the basic support obligation:

(a) Based on the combined net incomes of the responsible parent and any residential parent, rounded to the nearest one hundred dollars;

(b) For each child, according to the economic table and the total number of children on whose behalf support is sought;

(c) In total; and then

(d) Allocate between the parents based on each parent's share of the total combined net income.

(3) The department shall adjust the responsible parent's share of the basic support obligation to reflect circumstances in their household and the household of any residential parent. Such adjustments shall not reduce the responsible parent's share of the basic support obligation by more than fifty percent, nor increase it by more than fifty percent. The department shall make adjustments only for the reasons and in the amounts listed below:

(a) If the responsible parent is legally obligated to support and is in fact supporting another child in addition to the child on whose behalf support is sought; and

(i) If such child lives outside the responsible parent's own household, then reduce the responsible parent's share of the basic support obligation ten percent for each such child;

(ii) If such child lives in the responsible parent's own household and receives child support from another parent, receives SSI, SSA, or VA benefits, works at least half-time, or also lives with its other parent, then reduce the responsible parent's share of the basic support obligation five percent for each such child; and/or

(iii) If such child lives in the responsible parent's household and has no other source of support other than the responsible parent, then reduce the responsible parent's share of the basic support obligation fifteen percent for each such child.

(b) If the residential parent is legally obligated to support one or more children living in their home or elsewhere who are not children of the responsible parent, then increase the responsible parent's share of the support obligation five percent;

(c) If a child on whose behalf support is sought receives SSI, services from the department's division of developmental disabilities, special educational services from a public school, or has special medical needs, then increase the responsible parent's share of the support obligation five percent;

(d) If the responsible parent lives with another adult, regardless of whether than adult contributes to their household, then increase the responsible parent's share of the support obligation five percent. However, if the other adult is the responsible parent's spouse and is unemployable, no increase shall occur;

(e) If the residential parent lives with another adult, regardless of whether that adult contributes to their household, then reduce the responsible parent's share of the support obligation five percent. However, if the other adult is the residential parent's spouse and is unemployable, then no reduction shall occur;

(f) If a child on whose behalf support is sought has their own recurrent income equal to at least the amount the responsible parent would be obligated to pay for him or her under the economic table, then reduce the responsible parent's share of the support obligation five percent;

(g) If the responsible parent has extraordinary debt not voluntarily incurred which exceeds fifty percent of their annual gross income, then reduce the responsible parent's share of the support obligation five percent. Countable debts included are not limited to:

(i) Medical bills;

(ii) Court-ordered restitution; and

(iii) Civil judgments.

(h) If the residential parent has extraordinary debt not voluntarily incurred which exceeds fifty percent of their annual gross income, then increase the responsible parent's share of the support obligation five percent. Countable debts include, but are not limited to:

(i) Medical bills;

(ii) Court-ordered restitution; and

(iii) Civil judgments.

(i) If the responsible parent has wealth in the form of assets equal to fifty percent or more of their annual gross income, then increase the responsible parent's share of the support obligation five percent. Countable assets include, but are not limited to:

(i) Equity in real or personal property;

(ii) Stocks or bonds;

(iii) Automobiles, recreational vehicles, or boats;

(iv) Artwork;

(v) Pension or insurance plans; and/or

(vi) IRAs, bank accounts, or cash.

(j) If the residential parent has wealth in the form of assets equal to fifty percent or more of their annual gross income, then reduce the responsible parent's share of the support obligation five percent. Countable assets include, but are not limited to:

(i) Equity in real or personal property;

(ii) Stocks or bonds;

(iii) Automobiles, recreational vehicles, or boats;

(iv) Artwork;

(v) Pension or insurance plans; and

(vi) IRAs, bank accounts, or cash.

(k) If for reasons beyond the responsible parent's control, their living costs exceed twice the need standard level of WAC 388-29-100 for their household size, then reduce the responsible parent's share of the support obligation five percent. Countable living costs are limited to reasonable amounts for:

(i) Food;

(ii) Clothing;

(iii) Shelter;

(iv) Utilities;

(v) Medical attendance; and

(vi) Job-related transportation.

(l) If for reasons beyond the residential parent's control, their living costs exceed twice the need standard level of WAC 388-29-100 for their household size, then increase the responsible parent's share of the support obligation five percent. Countable costs are limited to reasonable amounts for:

(i) Food;

(ii) Clothing;

(iii) Shelter;

(iv) Utilities;

(v) Medical attendance; and

(vi) Job-related transportation.

(m) If a child on whose behalf support is sought would receive greater benefits under a proposed tax

planning scheme than that which would be assessed under the economic table, then reduce the responsible parent's share of the support obligation five percent;

(n) If unusual circumstances exist in the responsible parent's household that warrant adjustment, then reduce the responsible parent's share of the support obligation five percent. This subsection may be applied to the responsible parent's circumstances only once;

(o) If unusual circumstances exist in the residential parent's household that warrant adjustment, then increase the responsible parent's share of the support obligation five percent. This subsection may be applied to the residential parent's circumstances only once.

(4) If requested by any parent or their agent, the department shall determine special child rearing expenses for such items as day care, tuition, extraordinary uninsured medical expenses, and long distance transportation. The department shall allocate these expenses between the parents in the same proportion as the basic support obligation.

(5) The department shall add the responsible parent's share of the basic support obligation, as adjusted above, to their share of any special child rearing expenses. Reduce the sum of these amounts by any:

(a) Direct payments the responsible parent currently makes to third parties for special child-rearing expenses;

(b) Amounts the responsible parent is obligated under WAC 388-11-215 to pay for health insurance; and/or

(c) Residential credits for a child who stays overnight with the responsible parent more than twenty-five percent of the time. This reduction shall be unavailable if the child on whose behalf support is sought receives AFDC or if insufficient funds are available to meet the basic needs of the child in the house receiving the support.

(6) The responsible parent's total support obligation shall consist of:

(a) Their adjusted share of the basic support obligation;

(b) Amounts the responsible parent is obligated to pay for health insurance; and

(c) Amounts the responsible parent is obligated to pay for special child-rearing expenses.

(7) The responsible parent shall pay any amounts they are determined to owe for health insurance directly to their insurance provider. The responsible parent shall pay all other amounts they are determined to owe, including any amounts currently paid to third parties for special child-rearing expenses, to the office of support enforcement.

(8) The responsible parent's total administrative support obligation shall not exceed fifty percent of their net income. However, this fifty percent limitation shall not apply if:

(a) The responsible parent is determined to have wealth;

(b) A child on whose behalf support is sought is determined to have special medical or educational needs;

(c) Support for five or more children is sought; or

(d) Special child rearing expenses are assessed.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 388-11-210 ADMINISTRATIVE ORDERS. Every administrative order shall include:

(1) The income of the responsible parent and any residential parent;

(2) The amount of the responsible parent's share of the basic support obligation without adjustments;

(3) The amount of the responsible parent's share of the basic support obligation after adjustments;

(4) The specific reasons for deviation, if the adjusted amount is different than the unadjusted amount;

(5) The total amount of the responsible parent's support obligation;

(6) The specific day of the month on which the support payment is due;

(7) The responsible parent's Social Security number, residence address, and the name of his or her employer;

(8) The residential parent's Social Security number;

(9) The names, birthdates, and Social Security numbers, if any, of the dependent children; and

(10) A disposition of the responsible parent's obligation to provide health insurance under WAC 388-11-215.

(11) A statement that the responsible parent shall make his or her payment to the Washington state support registry;

(12) A statement that the department may issue a notice of payroll deduction or may take other income withholding action under chapters 26.18 or 74.20A RCW, without further notice to the responsible parent, if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month;

(13) A statement that each parent shall notify the Washington state support registry of any change in resident address; and

(14) A statement that a support obligation established under this chapter shall continue until:

(a) Modified under WAC 388-11-140;

(b) Superseded by superior court order; or

(c) The child for whom support is assessed reaches the age of majority or is emancipated.

NEW SECTION

WAC 388-11-215 HEALTH INSURANCE. (1) Any parent owing a duty of support shall be obligated to provide health insurance for his or her dependent child.

(2) When health insurance for the dependent child is available to the responsible parent through employment or through some other group insurance organization, unless the residential parent has satisfactory health insurance other than Medicaid for the child, the responsible parent shall:

(a) Provide health insurance coverage; and

(b) Provide proof of such coverage to the office of support enforcement within ten days. Proof of coverage shall include, but not be limited to, documentation showing:

(i) The subscriber or policy holder through whom the health insurance is available;

(ii) The names of the beneficiaries covered;

(iii) The policy number; and

(iv) Coverage is current.

(3) If health insurance coverage for the child is not immediately available, the responsible parent shall provide for coverage during the next open enrollment period and submit proof of such coverage as required under subsection (2)(b) of this section.

(4) When health insurance to cover a dependent child is not available to the responsible parent through employment or through any other group insurance organization, the responsible parent shall, within ten days:

(a) Notify the office of support enforcement when such health insurance coverage becomes available; and

(b) Provide proof of such coverage as required under subsection (2)(b) of this section.

(5) A responsible parent shall only be entitled to the reduction for health insurance premiums paid if:

(a) The responsible parent submits proof of coverage to the office of support enforcement as required under WAC 388-11-215; and

(b) The responsible parent pays the required premium; and

(c) If the responsible parent fails to submit proof or pay the premium, the office of support enforcement shall collect the adjusted basic support obligation without a reduction for health insurance premium payments.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-11-050 FAILURE TO MAKE REQUEST FOR HEARING.
WAC 388-11-070 CONTINUANCE OF CASES.
WAC 388-11-080 REQUESTS FOR ADMISSION.
WAC 388-11-090 HEARINGS EXAMINER.
WAC 388-11-130 DECISION AND ORDER AFTER HEARING.
WAC 388-11-190 SCALE OF MINIMUM CONTRIBUTIONS.

WSR 88-19-001
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
[Order 360—Filed September 8, 1988]

Be it resolved by the director, Washington Department of Wildlife, acting at Olympia, Washington, that it does adopt the annexed rules relating to:

New	WAC 232-28-21703	Closure of lands east of the Cascade Crest in Washington to the hunting of wild animals and wild birds and to the fishing of game fish.
Rep	WAC 232-28-21702	Closure of all lands east of the Cascade Crest in Washington to the hunting of wild animals and wild birds and to the fishing for game fish.

I, the director, Department of Wildlife, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is extreme dry conditions constituting a high potential for wildfire on range and forest lands in Washington east of the Cascade Crest exist, and further, that hunting of wild animals and wild birds and fishing for game fish under existing regulations are an inducement to attract people to the exposed range and forest lands, both publicly and privately owned, thereby potentially increasing the risk of accidental wildfire on such lands; the closure of hunting for all wild animals and wild birds and fishing for game fish is necessary to protect such lands.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 77.04.020 and WAC 232-12-085 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 7, 1988.
By Curt Smitch
Director

NEW SECTION

WAC 232-28-21703 CLOSURE OF LANDS EAST OF THE CASCADE CREST IN WASHINGTON TO THE HUNTING OF WILD ANIMALS AND WILD BIRDS AND TO THE FISHING OF GAME FISH. Effective 12:01 a.m. on September 10, 1988, it is unlawful for any person to hunt or take any wild animal or wild bird or fish for game fish east of the Cascade Crest EXCEPT that fishing for game fish under current regulation on the mainstem of the Columbia River including Franklin D. Roosevelt Lake, the mainstem of the Snake River and within Grant County shall be allowed. This action repeals WAC 232-28-21702. This closure terminates at 11:59 p.m. on September 15, 1988.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-28-21702 CLOSURE OF ALL LANDS EAST OF THE CASCADE CREST IN WASHINGTON TO THE HUNTING OF WILD ANIMALS AND WILD BIRDS AND TO THE FISHING FOR GAME FISH

WSR 88-19-002
EMERGENCY RULES
DEPARTMENT OF LICENSING
[Order PM 771—Filed September 8, 1988]

I, Mary Faulk, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to massage fees, WAC 308-51-210.

I, Mary Faulk, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the adoption of the new fee is necessary to adequately fund the affected program pending the adoption of permanent fees on or about October 25, 1988.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 43.24.086 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 31, 1988.

By Mary Faulk
Director

AMENDATORY SECTION (Amending Order PM 667, filed 8/27/87)

WAC 308-51-210 MASSAGE FEES. The following fees shall be changed by the professional licensing division of the department of licensing:

Title of Fee	*Fee*
Massage practitioner:	
Written examination and reexamination	*$ 60.00*
Practical examination and reexamination	*80.00*
Reciprocity	*50.00*
Initial License	*80.00*
Renewal	*70.00*
Late Renewal Penalty	*75.00*
Certification	*25.00*
Duplicate License	*15.00*

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 88-19-003
COLUMBIA RIVER GORGE COMMISSION
[Filed September 8, 1988]

I hereby certify that the attached copy is a true, full and correct copy of temporary rule(s) adopted on August 23, 1988, by the Columbia River Gorge Commission to be effective immediately through November 23, 1988.

The within matter having come before the Columbia River Gorge Commission after all procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises:

Now therefore, it is hereby ordered that the following action be taken: Amended: 350-20-002(6) through 350-20-002(16), 350-20-011(1) and 350-20-013(1), as administrative rules of the Columbia River Gorge Commission.

Statutory Authority: ORS 390.500 to 390.515.

For further information contact: Richard P. Benner, Executive Director, phone (509) 493-3323.

Dated this 1st day of September, 1988.

By: Richard P. Benner
Title: Executive Director

STATEMENT OF NEED

Need for Rule Amendment: The commission has determined the term "file" should be defined in the development review rule to remove any ambiguity as to whether a document must be received by the commission by a deadline or may be mailed. Failure to act immediately may leave a person without an appeal remedy under the rule by failure to meet a filing deadline.

Authority: These rules are based upon Section 15 (a)(3) of the Scenic Area Act, P.L. 99-663. That section authorizes the commission to impose civil penalties upon any person who willfully violates the act. Section a(4) of Article I of the Columbia River Gorge Compact, chapter 499, Laws of 1987 and 1987 Oregon Laws, Chapter 14, authorizes the commission to implement P.L. 99-663. These rules implement those authorities.

Documents Relied Upon: The term "file" is defined by reference to definitions in similar rules of other agencies.

TEMPORARY AMENDMENTS
Chapter 350
Division 20
Review and Approval of
Major Development Actions and New Residential Development

350-20-002. Definitions.

For the purposes of this division, the following definitions shall apply, unless context requires otherwise:

(1) "City" means any city whose boundaries extend into a Special or General Management Area.

(2) "Commission" means the Columbia River Gorge Commission established by Chapter 499, Washington Laws of 1987 and Chapter 14, Oregon Laws of 1987.

(3) "Director" means the Executive Director of the Columbia River Gorge Commission or staff designee.

(4) "Counties" means Multnomah, Hood River and Wasco Counties, Oregon; and Clark, Skamania and Klickitat Counties, Washington.

(5) "General Management Areas (GMAs)" means those lands within the boundaries of the National Scenic Area except for those areas designated as Special Management Areas (SMAs) or Urban Areas (UAs).

(6) "File" means to deliver to Commission offices by mail or otherwise. To be considered filed, a document must be received at Commission offices by 5:00 p.m.

(7) "Forest Service" means U.S.D.A. Forest Service Columbia River Gorge National Scenic Area Office.

(8) "Major Development Action" means any of the following:

(a) subdivisions, partitions, and short plat proposals outside of Urban Areas;

(b) any permit for siting or constructing outside Urban Areas of multifamily residential, industrial or commercial facilities, except such facilities as are included in the recreation assessment prepared pursuant to section 6 of P.L. 99-663;

(c) the exploration, development, and production of mineral resources in General and Special Management Areas unless such exploration, development, or production can (i) be conducted without disturbing the surface of any land within the boundaries of a Special Management Area or (ii) is for sand, gravel, and crushed rock used for the construction, maintenance or reconstruction of roads within the Special Management Areas used for the production of forest products; and

(d) permits for siting or construction within the Special Management Areas of any residence or other related major structure on any parcel less than forty (40) acres in size.

(9) "National Scenic Area" or "Scenic Area" means the Columbia River Gorge National Scenic Area established pursuant to section 4 of P.L. 99-663.

(10) "Person" means any individual, partnership, corporation, association, governmental division or public or private organization or any character other than the Commission.

(11) "Party" means:

(a) Each person or agency entitled as of right to a hearing before the Commission;

(b) Each person or agency named by the Commission to be a party; or

(c) Any person requesting to participate before the Commission as a party or in a limited status which the Commission determines either has an interest in the outcome of the Commission's proceedings or represents a public interest in such result.

(12) "Related Major Structure" means any detached structure which is accessory to a residence.

(13) "Residential Development" means the permitting for siting or construction of any single family residence, related major structure, or alteration to the exterior of any single family residence or related major structure deemed significant by the Commission or its designee.

(14) "Special Management Areas (SMAs)" means areas within the National Scenic Area established or revised pursuant to section 4(b) of P.L. 99-663.

(15) "Indian Tribes" means the Nez Perce Tribe, the Confederated Tribes and Bands of the Yakima Nation, the Confederated Tribes of the Warm Springs of Oregon, and the Confederated Tribes of the Umatilla Indian Reservation.

(16) "Urban Areas (UAs)" means those areas within the Scenic Area identified as Urban Areas on the map referred to in section 4(e) of P.L. 99-663 or within the boundaries of an Urban Area as revised pursuant to section 4(f).

350-20-011. Appeal of Decision by Director.

(1) The applicant or any person who submitted comments on a proposed development action pursuant to 350-20-009(7) may appeal the decision of the Director by filing a Notice of Appeal within the following time periods:

(a) Twenty (20) working days after the date the decision was mailed under 350-20-010(4); or

(b) Fifteen (15) working days after the date the decision was mailed under 350-20-010(4) where the proposed development action is one of these described in 350-20-009 (7)(b).

(2) The Notice of Appeal shall:

(a) Refer to the decision being appealed;

(b) Show that the person filing the appeal is either the applicant or submitted comments within the time specified in 350-20-009(7);

(c) Set forth the specific standards, guidelines or other grounds upon which the appeal is based;

(d) State the date of the Director's decision; and

(e) Shall show service by mail upon those persons listed in subsection (1).

(3) Notices of Appeal not received within the time allotted by this section shall not be accepted.

350-20-013. Commission Initiated Review

(1) A decision of the Director shall be referred directly to the Commission for hearing if three (3) or more members of the Commission [submit] file a written Notice of Commission Initiated Review to the Director within twenty (20) working days after the date the Notice of Decision was mailed. Copies of the Notice shall also be served by mail upon the applicant and all persons who submitted comments on the proposed development action pursuant to 350-20-009(7).

(2) The Notice of Commission Initiated Review shall:

(a) Refer to the decision being appealed;

(b) Identify the Commission members filing the Notice;

(c) Set forth the specific policy issues, standards, guidelines or other grounds upon which the Notice of Commission Initiated Review is based;

(d) State the date of the Director's decision; and

(e) Show service by mail upon those persons listed in subsection (1).

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 88-19-004
ADOPTED RULES
DEPARTMENT OF ECOLOGY
[Order DE 88-23—Filed September 8, 1988]

I, Ats Kiuchi, do promulgate and adopt at Lacey, Washington, the annexed rules relating to definitions, amending WAC 173-14-030.

This action is taken pursuant to Notice No. WSR 88-12-067 filed with the code reviser on May 31, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 6, 1988.

By Ats Kiuchi
P.I.O.

AMENDATORY SECTION (Amending Order 86-06, filed 5/23/86)

WAC 173-14-030 DEFINITIONS. The following definitions shall apply:

(1) "Act" means chapter 286, Laws of 1971 ex. sess., chapter 90.58 RCW, the Shoreline Management Act of 1971, as amended;

(2) "Applicable master program" means the master program approved or adopted by the department pursuant to RCW 90.58.090 or 90.58.190 prior to issuance of the permit by local government;

(3) "Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: PROVIDED, That in the case of structures to be built over water, average grade level shall be the elevation of ordinary high water.

Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure;

(4) "Conditional use" means a use ((~~or~~)), development, or substantial development which is classified as a conditional use or is not classified within the applicable master program ((~~and development exceeds two thousand five hundred dollars in total cost or fair market value or materially interferes with the normal public use of the water or shorelines of the state~~));

(5) "Department" means the department of ecology;

(6) "Exempt" developments are those set forth in WAC 173-14-040 which do not meet the definition of substantial development under RCW 90.58.030 (3)(e);

(7) "Fair market value" of a development is the expected price at which the development can be sold to a willing buyer. For developments which involve nonstructural operations such as dredging, drilling, dumping, or filling, the fair market value is the expected cost of hiring a contractor to perform the operation or where no such value can be calculated, the total of labor, equipment use, transportation, and other costs incurred for the duration of the permitted project;

(8) "Final order" includes the approval or disapproval of a permit, or a letter of exemption as set forth in WAC 173-14-115;

(9) "Height" is measured from average grade level to the highest point of a structure: PROVIDED, That television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where it obstructs the view of a substantial number of residences on areas adjoining such shorelines, or the applicable master program provides otherwise: PROVIDED FURTHER, That temporary construction equipment is excluded in this calculation;

(10) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(11) "Natural or existing topography" means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling;

(12) "Party of record" includes all persons who have notified local government of their desire to receive a copy of the final order on a permit under WAC 173-14-070;

(13) "Permit" means any substantial development, variance, conditional use permit, or revision authorized under chapter 90.58 RCW;

(14) "Public interest" means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development;

(15) "Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels;

(16) "Transmit" means to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the department's final order is certified for mailing or, for hand-delivered items, is the date of receipt at the destination; and

(17) "Variance" is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline;

(18) "Vessel" includes ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water.

(19) The definitions and concepts set forth in RCW 90.58.030 also apply as used herein.

WSR 88-19-005
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed September 8, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Ocean Shores, city of, amending WAC 173-19-2207.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 6, 1989.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

This notice is connected to and continues the matter in Notice Nos. WSR 88-08-067 and 88-14-091 filed with the code reviser's office on April 6, 1988, and July 6, 1988.

Dated: September 6, 1988
By: Ats Kiuchi
P.I.O.

WSR 88-19-006
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed September 8, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning San Juan County, amending WAC 173-19-360.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 20, 1988.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

This notice is connected to and continues the matter in Notice No. WSR 88-13-119 filed with the code reviser's office on June 22, 1988.

Dated: September 6, 1988
By: Ats Kiuchi
P.I.O.

WSR 88-19-007
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-101—Filed September 8, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use and commercial fishing rules.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is while current conditions now allow the reopening of the mainstem Columbia River, high potential for wildfire on range and forest land still exists to the point of keeping the Klickitat River and Chelan Lake closed. There is insufficient time to follow permanent rule adoption procedures.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 8, 1988.

By Bette M. Johnson
for Joseph R. Blum
Director

NEW SECTION

WAC 220-57-31500K KLICKITAT RIVER. Notwithstanding the provisions of WAC 220-57-315, effective 12:01 a.m. September 10, 1988 until further notice, it is unlawful to fish for or possess food fish or shellfish taken for any purpose from those waters of the Klickitat River upstream from the Fisher Hill Bridge.

NEW SECTION

WAC 220-57A-03500A CHELAN LAKE (CHELAN COUNTY) Notwithstanding the provisions of WAC 220-57A-035, effective 12:01 a.m. September 10, 1988 until further notice, it is unlawful to fish for or possess food fish or shellfish taken for any purpose from all waters of Chelan Lake.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m. September 10, 1988:

WAC 220-01-00100A EASTERN WASHINGTON CLOSURE. (88-99)
WAC 220-57-31500J KLICKITAT RIVER. (88-38)

WSR 88-19-008
ADOPTED RULES
DEPARTMENT OF ECOLOGY
[Order DE 88-52—Filed September 8, 1988]

I, Ats Kiuchi, do promulgate and adopt at Lacey, Washington, the annexed rules relating to:

Amd	WAC	173-19-220	Grays Harbor County.
Amd	WAC	173-19-2201	Aberdeen, city of.
Amd	WAC	173-19-2202	Cosmopolis, city of.
Amd	WAC	173-19-2204	Hoquiam, city of.
Amd	WAC	173-19-2208	Westport, city of.

This action is taken pursuant to Notice Nos. WSR 88-08-063, 88-08-064, 88-08-065, 88-08-066, 88-08-

068 and 88-14-091, filed with the code reviser on April 6, 1988, and July 6, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 6, 1988.

By Ats Kiuchi
P.I.O.

AMENDATORY SECTION (Amending Order DE 87-25 [DE 88-02], filed 8/26/87 [4/6/88])

WAC 173-19-220 GRAYS HARBOR COUNTY. Grays Harbor County master program approved August 6, 1975. Revision approved December 2, 1977. Revision approved July 17, 1978. Revision approved March 27, 1980. Revision approved June 3, 1986. Revision approved August 21, 1987. Revision approved September 6, 1988.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-2201 ABERDEEN, CITY OF. City of Aberdeen master program approved June 30, 1975. Revision approved September 6, 1988.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-2202 COSMOPOLIS, CITY OF. City of Cosmopolis master program approved August 12, 1974. Revision approved September 6, 1988.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order DE 85-06, filed 4/24/85)

WAC 173-19-2204 HOQUIAM, CITY OF. City of Hoquiam master program approved April 14, 1976. Revision approved July 29, 1980. Revision approved April 23, 1985. Revision approved September 6, 1988.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order DE 83-24, filed 10/7/83)

WAC 173-19-2208 WESTPORT, CITY OF. City of Westport master program approved November 7, 1974. Revision approved October 6, 1983. Revision approved September 6, 1988.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 88-19-009
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)

[Order 356—Filed September 9, 1988]

Be it resolved by the State Wildlife Commission, acting at Spokane, Washington, that it does adopt the annexed rules relating to amendment to 1988-90 Washington game fish regulations—Wilderness Lake (King County), WAC 232-28-61710.

We, the State Wildlife Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the lake listed above is proposed for rehabilitation. The season extension will optimize recreational opportunity on the remaining fish before rotenone treatment.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 10, 1988.

By Dr. James M. Walton
Chairman, Wildlife Commission

NEW SECTION

WAC 232-28-61710 AMENDMENT TO 1988-90 WASHINGTON GAME FISH REGULATIONS—WILDERNESS LAKE (KING COUNTY). Notwithstanding the provisions of WAC 232-28-616, the waters listed above will have game fishing season extensions as follows:

Wilderness Lake, King County will have a 90-day game fishing season extension, effective 12:01 a.m. September 11, 1988 to 11:59 p.m. November 9, 1988.

WSR 88-19-010
ADOPTED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
[Order 88-19—Filed September 9, 1988]

I, Joe Dear, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd	ch. 296-150B WAC	Requirements for mobile home set-up.
Amd	WAC 296-150B-015	Definitions.
Amd	WAC 296-150B-220	Inspection of local jurisdictions.
Amd	WAC 296-150B-225	Building site preparation.
Amd	WAC 296-150B-245	Foundation facia.

This action is taken pursuant to Notice No. WSR 88-14-104 filed with the code reviser on July 6, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.22.340 through 43.22.445 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 9, 1988.

By Joseph A. Dear
Director

AMENDATORY SECTION (Amending Order 86-32, filed 10/22/86)

WAC 296-150B-015 DEFINITIONS. For the purposes of this chapter:

(1) "Alteration" means the replacement, addition, modification, or removal of any equipment or installations that affect the construction, structural members, fire safety, or occupancy classification, or the plumbing, heating, or electrical systems, of a structure or component.

The following are not alterations unless they are made to repair damage caused by fires, floods, or damage in transit or during installation.

(a) Repairs with approved parts;

(b) Modification of a listed fuel-burning appliance in accordance with the terms of its listing;

(c) Replacement of equipment with similar equipment; and

(d) Adjustment and maintenance of equipment.

(2) "Approved" means approved by the department.

(3) "Anchoring system" means a system of straps, cables, turnbuckles, bolts, fasteners, or other approved components that secures a mobile home to ground anchors or to other approved fastening devices.

(4) "Audit" means an inspection to examine for compliance a manufacturer's production and quality control procedures.

(5) "Building site" means a tract, parcel, or subdivision of land, including a mobile home park, on which a structure other than a recreational vehicle is or will be installed.

(6) "Component" means a discrete element that is:

(a) Designed to be installed in a structure;

(b) Manufactured as a unit; and

(c) Designed for a particular function or group of functions. "Component" includes service cores.

(7) "Consumer" means a person, firm, corporation, agency, or governmental body, other than a manufacturer or dealer, that buys or leases a structure for his, her, or its own use.

(8) "Custom structure" means a one-of-a-kind structure.

(9) "Dealer" means a person, company, or corporation authorized to engage in the business of leasing, selling, offering for sale or lease, buying, or trading structures.

(10) "Department" means the department of labor and industries.

(11) "Design option" means a design that a manufacturer may use as an option to its design plan.

(12) "Design plan" means a plan for construction of a structure or component.

(13) "Equipment" means all materials, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, installation, or alteration of structures and components.

(14) "Footing" means the portion of a foundation system that transmits loads from a mobile home to the soil.

(15) "Foundation facia" means the materials that enclose the entire perimeter of a mobile home and form a plane between the exterior wall of the mobile home and the ground.

(16) "Foundation system" means the footings, piers, caps, and shims that support a mobile home.

(17) "HUD" means the federal Department of Housing and Urban Development.

(18) "Independent inspection agency" means an organization that is in the business of inspecting structures, components, or equipment.

(19) "Insignia" means a label, stamp, or tag issued by the department to indicate that the structure or component bearing the insignia complies with this chapter or the HUD mobile home standards.

(20) "Install" means to erect, construct, assemble, or set in place a structure, component, or piece of equipment at a building site or in another structure or building.

(21) "Labeled" means bearing the department's insignia, HUD's insignia, or a label of approval from a testing or listing agency.

(22) "Lease" means an oral or written contract for the use, possession, or occupancy of property. It includes rent.

(23) "Listed" means that a piece of equipment, a component, or an installation appears in a list published by an approved testing or listing agency.

(24) "Listing agency" means an organization that is in the business of approving equipment or installations.

(25) "Local enforcement agency" means a city or county agency that enforces laws or ordinances governing the construction and installation of structures and components.

(26) "Main frame" means the structural component on which the structure may be mounted.

(27) "Manufacturing" means making, fabricating, forming, or assembling a structure, service core, component, equipment, or installation.

(28) "Mobile home" means a structure, transportable in one or more sections, that, in the traveling mode, is eight body feet or more in width or thirty-two body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. "Mobile home" shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by HUD and complies with the standards established by HUD.

(29) "Ordinance" means the part of a code adopted by this chapter that prescribes an item other than a method of construction, such as room sizes, floor plans, lighting, ventilation, ceiling heights, and exits.

(30) "Pier" means the part of the mobile home foundation system between the footing and the floor frame or floor joist, excluding caps and shims.

(31) "Quality control" means the plan and method for ensuring that the manufacture, fabrication, assembly, or erection of structures, components, and installations, and the storing, handling, and use of materials, complies with this chapter.

(32) "Recreational vehicle" means a vehicular type unit primarily designed for recreational camping, travel, or seasonal use which has its own motive power or is mounted on or towed by another vehicle. The basic entities are: Travel trailer, folding camping trailer, park trailer, truck camper, motor home, and multi-use vehicles.

(33) "Structure" means a mobile home, commercial coach, or recreational vehicle that is entirely or substantially prefabricated or assembled at a factory or a place other than the building site on which the structure will be installed.

(34) "System" means a part of a structure or component that is designed to serve a particular function, such as a structural, plumbing, electrical, heating, or mechanical system.

(35) "Testing agency" means an organization that is in the business of testing equipment, installations, or systems.

(36) "Commercial coach" means a structure transportable in one or more sections that is built on permanent chassis and designed to be used for commercial purposes with or without a permanent foundation when connected to the required outlets and may include plumbing, heating, air conditioning, and electrical systems contained therein. A commercial coach shall not be used as a single family dwelling.

(37) "Park trailer" means a vehicular unit which meets the following criteria:

(a) Built on a single chassis, mounted on wheels.

(b) Designed to provide seasonal or temporary living quarters which may be connected to utilities necessary for operation of installed fixtures and appliances.

(c) A gross trailer area not exceeding four hundred square feet when ((~~in the setup mode~~)) calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows when the sill is located twelve inches or more above the finished floor.

(d) Of such a construction as to permit set-up by persons without special skills using only hand tools which may include lifting, pulling, and supporting devices.

(e) Exceeds the size restrictions specified in ANSI 119.2.

(38) "Uniform standards" as used in RCW 43.22.440 means those set-up instructions provided by the manufacturer, or specified in this chapter under WAC 296-150B-225 through 296-150B-255. No other requirements may be imposed.

Exception: When extenuating conditions exist, not addressed in this chapter or the set-up instructions provided by the manufacturer, the local building official having jurisdiction shall be consulted.

AMENDATORY SECTION (Amending Order 82-37, filed 12/6/82)

WAC 296-150B-220 INSPECTION BY LOCAL JURISDICTIONS ((~~OR OTHER AGENTS~~)). (1) RCW 43.22.440 ((~~authorizes the department to inspect installations and to enforce the law to the extent necessary. RCW 43.22.440 also authorizes the department to appoint agents to inspect and enforce the law. The department believes that local jurisdictions best know the level of inspections and enforcement necessary in their jurisdictions. Accordingly, upon written notice from a local jurisdiction that the local jurisdiction will inspect and enforce the mobile home installation requirements, the department will authorize the local jurisdiction to do so. If the local jurisdiction does not want to inspect and enforce the installation requirements itself, but believes that inspection and enforcement are necessary in its jurisdiction, the department will upon a petition from the local jurisdiction appoint another agent to inspect and enforce the requirements in that jurisdiction. The department will not itself inspect installations of mobile homes or enforce the installation requirements.~~)). The legislature finds that inspections of mobile home installation are not done on a consistent basis. Mobile homes provide housing for many people in the state, and improperly installed mobile homes are a serious health and safety risk. Where possible and practical, mobile homes should be treated the same as any housing inhabited or to be inhabited by persons in this state, including housing built according to the state building code.

(2) In consultation with the factory assembled structures advisory board for mobile homes, the director of

labor and industries shall by rule establish uniform standards for the performance and workmanship of installation service and warranty service by persons or entities engaged in performing the services within this state for all mobile homes, as defined in RCW 46.04.302. The standards shall conform, where applicable, with statutes, rules, and recommendations established under the Federal National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401 et seq.). These rules regarding the installation of mobile homes shall be enforced and fees charged by the counties and cities in the same manner the state building code is enforced under RCW 19.27.050.

If a dispute concerning an installation requirement of this chapter arises between any person or business and a local jurisdiction or other agent of the department, the dispute may be submitted to the ((~~mobile home, commercial coach, and recreational vehicle~~)) factory assembled structures advisory board for its opinion as to the proper interpretation of the requirement.

(3) In addition to and in conjunction with the remedies provided in this chapter, failure to remedy any breach of the standards and rules so established, upon adequate notice and within a reasonable time, is a violation of the Consumer Protection Act, chapter 19.86 RCW and subject to the remedies provided in that chapter.

(4) A manufacturer's set-up manual shall be provided for the inspecting jurisdiction. The set-up manual shall be located between the I beam and the bottom board within five feet of the main electrical feeder when the skirting has not been installed. When the skirting has been installed, the set-up manual shall be located between the I beam and the bottom board within five feet of the access opening. Instructions shall be returned to such location when inspection is completed.

AMENDATORY SECTION (Amending Order 82-37, filed 12/6/82)

WAC 296-150B-225 BUILDING SITE PREPARATION. (1) A mobile home may not be installed at a building site unless the ground at the site has adequate compaction and load-bearing ability to meet the support requirements of Chapter 29 and Table 29B of the Uniform Building Code as adopted by the state building code council or WAC 296-150B-230. The installer or, if the building site is in a mobile home park, the park owner must ensure that the ground on which a mobile home is to be installed has been improved as necessary to provide a proper base for the mobile home and that the area beneath the mobile home has adequate drainage.

(2) Ground cover. A ground cover of 4 mil (0.004 inch thick) polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped twelve inches minimum at joints and shall extend over the top of the footing.

Exception: The ground cover may be omitted in unheated crawl spaces, if the crawl space has a concrete slab floor with a minimum thickness of three and one-half inches.

AMENDATORY SECTION (Amending Order 82-37, filed 12/6/82)

WAC 296-150B-245 FOUNDATION FACIA. (1) A mobile home shall have an approved foundation facia around its entire perimeter. The wood of the facia shall be at least ((~~3~~)) three inches from the ground unless it is pressure-treated wood. Metal fasteners shall be galvanized, stainless steel, or other corrosion-resistant material. Ferrous metal members in contact with the earth, other than those that are galvanized or stainless steel, shall be coated with an asphaltic emulsion.

((~~A mobile home that is installed on a nonrecessed site and that has a metal foundation facia shall have ventilation openings with a net area of at least 1-1/2 square inches per linear foot. A mobile home that has been installed on a recessed site or that has a foundation facia that is not made of metal shall have ventilation openings in the foundation facia with a net area of at least 1 1/2 square feet for each 25 linear feet of facia. The openings shall be designed to provide cross ventilation on at least two approximately opposite sides of the mobile home. The installer shall locate the openings as close to the corners of the mobile home as practical, and shall cover the openings with corrosion-resistant wire mesh or louvers~~)) (2) The skirting of a manufactured home shall be ventilated by an approved mechanical means, or by openings in exterior facia or foundation walls. Such openings shall have a net area of not less than one square foot for each one hundred fifty square feet of under floor area. Openings shall be located as close to corners as practical and shall provide cross ventilation. The required area of such openings shall be approximately equally distributed along the length of at least two opposite sides. They shall be covered with corrosion-resistant wire mesh with openings of one-quarter inch in dimension.

(3) Dryer vents and hot water tank pressure relief valves shall exhaust on the exterior of the foundation facia. The facia for each section of a mobile home shall have an opening of at least ((~~18~~)) eighteen inches by ((~~24~~)) twenty-four inches, with a cover of metal or pressure treated wood, to allow access to the crawl space. The foundation facia must be installed within thirty days after the mobile home is occupied.

WSR 88-19-011
EMERGENCY RULES
DEPARTMENT OF NATURAL RESOURCES
[Order 547—Filed September 9, 1988]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the emergency closure of forest lands protected by the Department of Natural Resources in Eastern Washington.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary

to public interest. A statement of the facts constituting the emergency is extreme fire weather conditions exist in Eastern Washington whereby lives, property, and the natural resources are at risk from wildfire. The closure of forest lands in Eastern Washington to access and all activities is necessary to prevent a fire from starting.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.015 and 76.04.325(2) and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 9, 1988.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-091a FOREST CLOSURE. Effective midnight, Friday, September 9, 1988 through midnight, Sunday, September 11, 1988, all lands protected by the Department of Natural Resources in eastern Washington are closed to access by the public and all activities on such lands are prohibited. During the time of this closure all persons are excluded from said lands except those persons present in the interest of fire protection.

WSR 88-19-012
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-102—Filed September 9, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are adopted pursuant to the decision of the September 8, 1988, Columbia River Compact. Run size estimates for Columbia River chinook and coho salmon stocks indicate that harvestable numbers of these species are available in the area below Bonneville Dam. It is in the public interest to harvest available salmon. Action to open the commercial fishery has to be taken immediately in order to harvest these fish, and there is inadequate time to follow the permanent rule adoption process.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 9, 1988.

By Bette M. Johnson
for Joseph R. Blum
Director

NEW SECTION

WAC 220-32-03000U COLUMBIA RIVER SALMON SEASONS BELOW BONNEVILLE. (1) Notwithstanding the provisions of WAC 220-32-030 and WAC 220-32-031, it is unlawful for a person to take or possess salmon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E, except from:

(a) 12:01 a.m. September 12 to 6:00 p.m. September 16, 1988 in Areas 1A, 1B, 1C and 1D, no mesh restriction.

(b) 12:01 a.m. September 13 to 6:00 p.m. September 16, 1988 in Area 1E, no mesh restriction.

(2) It is unlawful to fish for salmon with monofilament gill-net webbing or to have on the boat monofilament gill-net webbing while fishing for salmon in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E.

(3) Notwithstanding the provisions of WAC 220-32-036 the closed river mouth areas within Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E are:

(a) All tributaries flowing into the Columbia River.

(b) Grays Bay – those waters of the Columbia River and Grays Bay northerly of a line projected from Rocky Point Light (flashing green 4-second) easterly to Harrington Point.

(c) Elokomin – those waters of Elokomin Slough and the Columbia River lying northerly and easterly of a straight line from light "37" on the Washington shore to light "39" on Hunting Island.

(d) Abernathy – those waters of the Columbia River near the mouth of Abernathy Creek from a point 1,300 yards downstream from Abernathy Creek at light "81" (flashing green 4-second) to a point one-half mile upstream and extending to mid shipping channel of the Columbia River.

(e) Cowlitz – those waters of the Columbia River and Carrolls Channel lying inside the center of the shipping channel between a fishing boundary marker at the junction of the Port of Longview docks and international paper docks on the Washington shore approximately one mile downstream from the Cowlitz River mouth and flashing green light "29A" on Cottonwood Island and also those waters of Carrolls Channel downstream of a line between a fishing boundary marker approximately 3000 feet upstream of the Cowlitz River mouth and a fishing boundary marker on Cottonwood Island.

(f) Kalama – those waters of the Columbia River between a fishing boundary marker on the Washington shore approximately one mile downstream and a point one–half mile upstream of the mouth of the Kalama River and lying within one–quarter mile of the Washington shore.

(g) Lewis – those waters of the Columbia River between a point one mile downstream and a point one–half mile upstream of the mouth of the Lewis River and lying within one–quarter mile of the Washington shore.

(h) Washougal – those waters of Camas Slough lying upstream from a line projected true north from the most western tip of Lady Island to the Washington shore and inside of the State Highway 14 Bridge.

(i) Big Creek – those waters of the Columbia River at the mouth of Big Creek from the Oregon shore across Knappa Slough to Karlson Island about one–quarter mile upstream of the east bank of Big Creek, at the Gnat Creek deadline downstream to the east end of Minaker Island which is about three–quarters mile downstream from the west bank at the mouth of Big Creek.

(j) Gnat Creek – those waters of the Columbia River between a point one mile downstream and a point at the upper easterly bank at the mouth of Gnat Creek and lying within one–quarter mile of the Oregon shore.

(k) Sandy River – those waters of the Columbia River between a point one mile downstream and a point at the upper easterly bank at the mouth of the Sandy River and lying within one–quarter mile of the Oregon shore.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220–32–03000T COLUMBIA RIVER SALMON SEASON BELOW BONNEVILLE. (88–77)

WSR 88-19-013
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88–103—Filed September 9, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the commercial fishery in Grays Harbor is subject to a quota of 1,500 chinook for the month of September. Initial catch reports from the fishery indicate that the quota has been reached. Further fishing is not in the public interest because it would overharvest the chinook resource. There is insufficient time to follow the permanent rule adoption process.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 9, 1988.

By Bette M. Johnson
for Joseph R. Blum
Director

NEW SECTION

WAC 220–36–02100X GRAYS HARBOR GILLNET SEASON. Notwithstanding the provisions of WAC 220–36–021, effective 12:00 noon September 7, 1988, until further notice, it is unlawful to fish for or possess salmon taken for commercial purposes from any Grays Harbor Salmon Management and Catch Reporting Area except as provided for in this section:

(1) Area 2C – Open 6:00 p.m. September 26 to 6:00 p.m. September 28, 1988; 6 1/2 inch maximum mesh.

(2) It is unlawful to fish for salmon in Grays Harbor using gillnet gear longer than 1,500 feet or containing mesh less than 5 inches.

REPEALER

The following Section of the Washington Administrative Code is repealed:

WAC 220–36–02100W GRAYS HARBOR GILLNET SEASON. (88–100)

WSR 88-19-014
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88–104—Filed September 9, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is restrictions in Areas 7 and 7A provide protection for Puget Sound and Canadian chinook stocks. Openings in Area 7B provide opportunity to harvest non–Indian allocation of coho destined for the Nooksack–Samish region of origin. Gillnet mesh restrictions provide protection for Nooksack–Samish origin chinook. Openings in Area 8A provide opportunity to harvest non–Indian allocation of coho stocks destined for the Stillaguamish–Snohomish region of origin. Openings

in Areas 10 and 11 provide opportunity to harvest non-Indian allocation of coho stocks destined for the South Sound region of origin. Openings in Area 8D provide opportunity to harvest non-Indian allocation of chinook stocks destined for Tulalip Bay Hatchery facility. Openings in Area 12A provide opportunity to harvest non-Indian allocation of coho stocks destined for the Quilcene National Fish Hatchery. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks. There is insufficient time to follow the permanent rule adoption process.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 9, 1988.

By Bette M. Johnson
for Joseph R. Blum
Director

NEW SECTION

WAC 220-47-911 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 AM Sunday September 11 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:

* *Areas 7 and 7A - Under control of Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.*
* *Area 7B - Gillnets using 5-inch minimum, 5 1/2-inch maximum mesh may fish continuously from 12:01 AM Sunday September 11 through 11:59 PM Saturday October 29, and purse seines may fish continuously from 12:01 AM Monday September 12 through 11:59 PM Saturday October 29.*
* *Areas 8A, 8D, 10, and 11 - Gill nets using 5-inch minimum mesh may fish from 6:00 PM Monday September 12 to 9:00 AM Tuesday September 13, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM Tuesday September 13.*
* *Area 12A - Gillnets using 5-inch minimum mesh may fish from 6:00 PM Monday (9/12) to 9:00 AM Tuesday (9/13), and from 6:00 PM Tuesday (9/13) to 9:00 AM Wednesday (9/14), and from 6:00 PM Wednesday (9/14) to 9:00 AM Thursday (9/15). Purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM Tuesday (9/13), and from 5:00 AM to 9:00 PM Wednesday (9/14), and from 5:00 AM to 9:00 PM Thursday (9/15). This Area 12A opening excludes those waters north of a line projected due east from Broad Spit.*
* *Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 8, 9, 9A, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 12, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas - Closed.*

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM Sunday September 11:

WAC 220-47-910 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (88-95)

WSR 88-19-015
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-105—Filed September 9, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is salmon are available to be harvested in Willapa Bay. It is in the public interest to harvest the available salmon. Closure of a portion of Area 2G is necessary to prevent the overharvest of chinook. There is insufficient time to follow the permanent rule adoption process.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 9, 1988.

By Bette M. Johnson
for Joseph R. Blum
Director

NEW SECTION

WAC 220-40-02100K WILLAPA HARBOR GILLNET SEASON. Notwithstanding the provisions of WAC 220-40-021, effective immediately until further notice it is unlawful to fish for or possess salmon taken

for commercial purposes from any Willapa Harbor Salmon Management and Catch Reporting Area except as provided for in this section:

Area 2G west of a line true north-south through Willapa River Channel Marker 13 - Open 6:00 p.m. September 15 to 6:00 p.m. September 19, 1988; 6 1/2 inch maximum mesh.

Area 2G - Open 6:00 p.m. September 19 to 6:00 p.m. October 14, 1988; 6 1/2 inch maximum mesh.

Area 2H - Open 6:00 p.m. September 21 to 11:59 p.m. November 19, 1988; 6 1/2 inch maximum mesh.

Areas 2J and 2K - Open 6:00 p.m. September 22 to 6:00 p.m. September 23, 1988; 6 1/2 inch maximum mesh.
Open 6:00 p.m. September 26 to 6:00 p.m. September 27, 1988; 6 1/2 inch maximum mesh.
Open 6:00 p.m. September 29 to 6:00 p.m. September 30, 1988; 6 1/2 inch maximum mesh.

Area 2M - Open 6:00 p.m. September 21 to 6:00 p.m. October 14, 1988; 6 1/2 inch maximum mesh.

(2) It is unlawful to fish for salmon in Willapa Harbor using gillnet gear longer than 1,500 feet in length or containing mesh less then 5 inches.

(3) It is unlawful to fish for or possess salmon taken with gillnet gear in that portion of Willapa Harbor Area 2J between Long Island and the North Beach Peninsula, south of a line drawn true east-west through Marker Piling 18 after 6:00 p.m. October 7.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-40-02100J WILLAPA HARBOR GILLNET SEASON. (88-98)

WSR 88-19-016
ADOPTED RULES
DEPARTMENT OF LICENSING
[Order PM 763—Filed September 9, 1988]

I, Mary G. Faulk, director of the Department of Licensing, do promulgate and adopt at the Highways-Licenses Building, 4th Floor, Olympia, Washington, the annexed rules relating to the amending of WAC 308-128A-010, 308-128A-020, 308-128A-030, 308-128A-040, 308-128B-010, 308-128B-020, 308-128B-030, 308-128B-050, 308-128B-060, 308-128C-040, 308-128C-050, 308-128D-010, 308-128D-020, 308-128D-030, 308-128D-070, 308-128F-010, 308-128F-020, 308-128F-040, 308-128F-050 and 308-128F-070; new WAC 308-128B-090 and 308-128D-080; and repealing WAC 308-128B-040, 308-128C-010 and 308-128F-030.

This action is taken pursuant to Notice No. WSR 88-08-087 filed with the code reviser on April 6, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.44.320 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 7, 1988.

By Mary G. Faulk
Director

Chapter 308-128A WAC
ESCROW—ORGANIZATION AND ADMINISTRATION

WAC

308-128A-010 Promulgation—Authority.
308-128A-020 Organization.
308-128A-030 Meeting((s)) notice.
308-128A-040 Definitions.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128A-010 PROMULGATION—AUTHORITY. The director of the department of licensing, state of Washington, pursuant to the authority vested by chapter 18.44 RCW, does hereby promulgate the following rules and regulations relating to the ((~~certificating~~)) registration of escrow agents and licensing of escrow officers.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128A-020 ORGANIZATION. The real estate ((~~division~~)) /escrow program management of the business and professions administration of the department of licensing administers the Washington Escrow Agent Registration Act, chapter 18.44 RCW. The escrow commission, composed of the director of the department of licensing and ((~~four~~)) five board members, appointed by the governor, approve examination questions for license applicants, act in an advisory capacity to the director in the activities of escrow agents and escrow officers and perform such other duties and functions as prescribed by chapter 18.44 RCW. Information regarding escrow licenses, the escrow commission or the real estate ((~~division~~)) /escrow program management may be obtained by writing to the ((~~Administrator~~)) Program Manager, Real Estate ((~~Division~~)) /Escrow Program Management, Department of Licensing, P.O. Box ((~~247~~)) 9012, Olympia, Washington 98504.

The ((~~principal~~)) office of the real estate ((~~division~~)) /escrow program management is located ((~~on the Third Floor, Highways-Licenses Building~~)) at 1300 Quince

Street, Olympia, Washington. ((~~The division maintains a Seattle office at the Department of Licensing Examining Station, 320 North 85th Street, Seattle, Washington 98103.~~))

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128A-030 MEETING((~~S~~)) NOTICE. ((~~The escrow commission shall meet at the call of the director.~~)) Individuals desiring to be informed as to date, time, place and agenda of the escrow commission meetings must make a written request to the ((~~administrator~~)) program manager of ((~~the~~)) real estate ((~~division~~)) /escrow program management.

AMENDATORY SECTION (Amending Order RE 126, filed 6/7/79)

WAC 308-128A-040 DEFINITIONS. (1) The terms and definitions used in chapter 18.44 RCW have the same meanings given therein when used in these rules.

(2) "Closing" means the transfer of title of real or personal property or execution of a real estate ((~~or chattel~~)) contract whichever event occurs first.

(3) "Transfer of title" occurs at the time seller acknowledges a deed or executes a bill of sale and such is delivered to the purchaser or recorded.

(4) "Cash deposit" means funds deposited, in lieu of an errors and omissions policy, in an account in a recognized Washington state depository which account is maintained separate and apart from the escrow agent's own funds. The funds shall be deposited in such a manner to permit only the director to withdraw from the principal amount. The escrow agent may withdraw any interest accumulated to the account.

(5) "Securities" means any stock, treasury bill, bond, debenture or collateral-trust certificate tendered in lieu of an errors and omissions policy. It does not mean or include any insurance or endowment policy, annuity contract or letter of credit.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128B-010 CREDIT AND CHARACTER REPORT. Any person making application for an escrow officer license after passing an examination, or to be a designated escrow officer, shall, as an integral part of the application, supply the director with satisfactory proof of applicant's character and credit rating. Such proof shall be obtained and provided by a recognized credit reporting agency ((((~~credit bureau~~)))) in a form approved by the ((~~real estate division~~)) department.

Any person making application for an escrow agent certificate of registration shall, as an integral part of the application, supply the director with satisfactory proof of character and credit rating for the natural person making the application, principal officers, designated escrow officer, controlling persons and partners. Such proof shall be obtained and provided by a recognized credit reporting agency ((((~~credit bureau~~)))) in a form approved by the ((~~real estate division~~)) department.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128B-020 FINGERPRINT IDENTIFICATION. (1) Any person making application for an escrow officer license after passing an examination, or to be a designated escrow officer who has been convicted of a felony or misdemeanor within ten years of application, shall, as an integral part of the application, ((~~supply the director with~~)) submit fingerprint identification on a form provided by the ((~~real estate division~~)) department.

(2) Any person making application for an escrow agent certificate of registration who has been convicted of a felony or misdemeanor within ten years of application, shall, as an integral part of the application, ((~~supply the director with~~)) submit fingerprint identification of the natural person making the application, principal officers, designated escrow officer and partners for those persons who have been convicted of a felony or misdemeanor within ten years of application on a form provided by the ((~~real estate division~~)) department.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128B-030 NOTICE REQUIRED OF INTENTION TO TAKE EXAMINATION. Any person desiring to take an examination for an escrow officer license must file a completed application together with the correct fee, and supporting documents with the ((~~office of the director of licensing~~)) department. Dishonored checks will be considered as an incomplete application. The applicant will be assigned to the first available examination subsequent to determination of eligibility. The cutoff date for ((~~notice of eligibility~~)) submission of a completed application for any specific examination is available upon request. An applicant shall forfeit all examination fees for any examination or examinations for which the applicant has applied and does not take for any reason, other than through the fault or mistake of the ((~~real estate division~~)) department.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128B-050 SUCCESSFUL APPLICANTS MUST APPLY FOR LICENSE. Any person who has passed the examination for escrow officer must apply to become licensed within one year from the date of such examination in order to be eligible for such license. Failure to comply with this provision will necessitate the taking and passing of another examination((~~: PROVIDED, That any person who has passed the examination for escrow officer prior to September 21, 1977, must apply to become licensed by September 21, 1978. An application for license must be received by the real estate division within the eligibility period~~)).

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128B-060 INACTIVE ESCROW OFFICER LICENSE. Any escrow officer license, not

otherwise revoked or cancelled, shall be placed on an inactive status at any time it is delivered to the ((~~director~~)) department. An inactive license may be renewed over a period of three consecutive years from the date of inactive status on the same terms and conditions as an active license.

On the termination of three consecutive years from the date of inactive status the license shall be cancelled. Any subsequent application will necessitate the taking and passing of another examination. No refund shall be made of the unexpended renewal fee.

((~~Any escrow officer license not on an active status as of September 21, 1977, and for which the renewal fee has not been paid may be placed on an inactive status by making application within one year to the real estate division and payment of the renewal fee then in default. The renewal fee shall include fifty dollars for the period remaining to December 31, 1977, which date shall be the annual renewal date. Such renewed license shall be considered to have been on an inactive status commencing September 21, 1977.~~))

NEW SECTION

WAC 308-128B-090 DISHONORED CHECKS AND INSUFFICIENT PAYMENT OF FEES. Payment of any fee required under chapter 18.44 RCW by a check which is dishonored, or is an insufficient payment, shall be considered a nonpayment and the license action for which the dishonored check, or insufficient payment, was tendered shall not be completed by the department.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-128B-040 LICENSE EXPIRATION—RENEWAL.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128C-040 CHANGE OF OFFICE LOCATION. The escrow agent shall notify the ((~~director~~)) department of any change of location or mailing address of the agent's office prior to engaging in business at the new location or address. Notification shall be made by filing a change of address application with the ((~~real estate division~~)) department, accompanied by all licenses issued to the former address or location, and all applicable fees.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128C-050 DECEPTIVE NAMES PROHIBITED. An escrow agent shall not be issued a certificate nor advertise in any manner using names or trade styles which are similar to currently issued certificates or imply that the agent is a nonprofit organization, research organization, public bureau or public group, or which uses or makes reference to the existence of financial responsibility. A bona fide franchisee may be issued a certificate using the name of the franchisor with the firm name of the franchisee.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-128C-010 PREVENTION OF THE SAME OR DECEPTIVELY SIMILAR ESCROW AGENT FIRM NAMES.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128D-010 DESIGNATED ESCROW OFFICER RESPONSIBILITIES. The designated escrow officer shall be responsible for the custody, safety, and correctness of entries of all required escrow records. The escrow officer retains this responsibility even though another person or persons may be assigned by the escrow officer the duties of preparation, custody, recording or disbursing.

The branch escrow officer shall bear responsibilities for the custody, safety and correctness of entries of all transactions at the branch office.

Prior to issuing a new certificate reflecting a change of the designated escrow officer of a registered escrow agent, the agent must submit evidence that the responsibility for preexisting escrows is transferred to the incoming designated escrow officer. Such evidence may take either of the following forms:

(1) A statement signed by both the outgoing designated escrow officer and the incoming designated escrow officer, listing all outstanding trust liabilities and certifying that funds in hand in the trust account maintained by the agent are adequate to meet all such trust liabilities.

(2) An audit, performed at the request of, and at the expense of, the escrow agent by the audit staff of the ((~~real estate division~~)) department. The incoming designated escrow officer shall not be deemed responsible for any discrepancy identified during such audit.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128D-020 REQUIRED RECORDS. Escrow agents shall be required to keep the following transaction records as a minimum; and all records except the reconciled bank statements, shall identify the transaction to which they pertain:

(1) Trust account records.

(a) Duplicate receipt book recording all receipts;

(b) Prenumbered checks with check register or check stubs;

(c) Duplicate bank deposit slips, either validated by the bank or bearing the signature of the designated escrow officer and the date of actual deposit;

(d) Client's ledger containing an individual ledger sheet for each transaction((;

~~(e) Reconciled bank statements and cancelled checks for all bank accounts~~)): PROVIDED HOWEVER, That for computerized record systems, an individual ledger

sheet need not be maintained in the transaction files until the closing of the transaction if the computer records demonstrate on a daily basis the status of the transaction funds.

(2) Other records.

(a) A transaction file shall be maintained to contain all agreements, contracts, documents, leases, escrow instructions, closing statements and correspondence for each transaction;

(b) Reconciled bank statements and cancelled checks for all bank accounts of the escrow agent.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128D-030 ACCURACY AND ACCESSIBILITY OF RECORDS. All records shall be accurate, posted and kept up to date. All records shall be kept at an address where the escrow agent is licensed to maintain an escrow office. Such records shall be retained and available for inspection by the ((~~director or the director's authorized representative~~)) department for a minimum of six years: PROVIDED, HOWEVER, That records of transactions closed or completed for two years or more may be stored at a remote location. If the records are stored at a remote location, the records shall be available upon demand of the department and maintained in a manner to be readily retrievable.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128D-070 SUIT OR COMPLAINT NOTIFICATION. Every ((~~certificated~~)) escrow agent and escrow officer shall, within twenty days after service or knowledge thereof, notify the ((~~administrator of the real estate division~~)) department of any suit, complaint, counterclaim or cross complaint served or filed in any court of competent jurisdiction, civil or criminal, in which the agent, escrow officer, or employee thereof is named as a defendant; and in which the subject matter involves any escrow or business activity of the defendants therein named.

NEW SECTION

WAC 308-128D-080 ESCROW LICENSEES' RESPONSIBILITIES. (1) It is the responsibility of every licensee to be knowledgeable of and keep current with the rules implementing chapter 18.44 RCW.

(2) It is the responsibility of every licensee to keep the department informed of his or her current home address.

(3) It is the licensee's responsibility to ensure accessibility of their offices and records to representatives of the department.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128F-010 BOND. Each certificated escrow agent shall obtain and keep in effect a bond in an aggregate minimum amount of $200,000 providing fidelity coverage on all corporate officers, escrow officers, partners, and employees engaged in escrow transactions. Such bond shall be structured to provide coverage for the total amount of all claims up to an aggregate minimum of $200,000.

AMENDATORY SECTION (Amending Order RE 126, filed 6/7/79)

WAC 308-128F-020 ERRORS AND OMISSIONS POLICY. Each certificated escrow agent shall obtain and keep in effect an errors and omissions policy providing coverage in the minimum aggregate amount of $50,000 or, alternatively, cash deposit or securities in the principal amount of $50,000. Securities used in alternative to an errors and omissions policy shall be physically delivered to the director, department of licensing, for the purpose of fulfilling the requirements of chapter 18.44 RCW and these rules. Securities which are stocks or other interest in the registered escrow agency are not acceptable securities for the purposes of fulfilling the requirements of chapter 18.44 RCW and these rules.

AMENDATORY SECTION (Amending Order RE 126, filed 6/7/79)

WAC 308-128F-040 RETURN OF CASH DEPOSIT OR SECURITIES. (1) The cash deposit or securities shall be returned to the escrow agent ((~~one calendar year after~~)) upon the date of expiration, cancellation, or revocation of the escrow agent's certificate of registration: PROVIDED, That the director may hold the cash deposit or securities for a longer period in order to satisfy any actions commenced under WAC 308-128F-050 prior to the expiration ((~~of this one year period~~)), cancellation, or revocation of the escrow agents certificate of registration.

(2) The cash deposit or securities shall be returned to an applicant within thirty days of the director's denial of an initial application for an escrow agent's certificate of registration.

AMENDATORY SECTION (Amending Order RE 126, filed 6/7/79)

WAC 308-128F-050 CLAIM ON CASH DEPOSIT OR SECURITIES. (1) Upon receipt of notification of a legal action for which notice is required to be given to the ((~~administrator of the real estate division~~)) department under WAC 308-128D-070 ((~~in which the amount of the claim exceeds $2000~~)), the ((~~administrator of the real estate division~~)) department shall ((~~attempt to~~)) notify the complaining party of the existence of any cash deposit or securities and the provisions of this chapter.

(2) ((~~Any~~)) A claim against the cash deposit or securities shall be ((~~commenced by serving and filing the claim with the director. Within ten days of service of claim, the director shall serve a copy of the claim on the escrow agent by certified mail, return receipt requested, addressed to the last known address of the escrow agent as reflected in the department files~~)) in the form of certified copy of a final judgment from a court of competent jurisdiction. Upon receipt of a claim, the department shall release the cash deposit or securities sufficient to pay the final judgment.

(3) ((~~The director or the director's designee shall hear and decide the claim. The claim shall be heard as a contested case under chapter 34.04 RCW between the claimant and the escrow agent. However, there is no right to appeal the decision of the director or the director's designee to superior court~~)) The department shall notify the agent of the receipt of the claim and advise the agent that the agent must deposit cash or securities with the department to maintain the principal amount of $50,000 after payment of the claim.

((~~(4) The escrow agent shall appear and defend the cash deposit or securities from the claim. Should the escrow agent fail to appear and defend, the claimant shall be awarded the amount of the claim from the cash deposit or securities.~~

~~(5) An award from the cash deposit or securities may be made only for harm suffered by the claimant from the actions or nonactions of an escrow agent, escrow officer, or the employee or agent of either.~~))

AMENDATORY SECTION (Amending Order RE 126, filed 6/7/79)

WAC 308-128F-070 CANCELLATION OF ERRORS AND OMISSIONS POLICY, NEW POLICY REQUIRED. In the event of cancellation or expiration of an errors and omissions policy or fidelity bond, the escrow agent shall file a new policy or bond. Failure to file a new policy or bond shall be sufficient grounds for the suspension or revocation of the escrow agent's certificate of registration. During the time the escrow agent does not have an errors and omissions policy or fidelity bond coverage in effect, the escrow agent may not transact business pursuant to RCW 18.44.050.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-128F-030 DEDUCTIBLE AMOUNT.

WSR 88-19-017
ADOPTED RULES
DEPARTMENT OF LICENSING
[Order TL/RG 43—Filed September 9, 1988]

I, Mary Faulk, director of the Washington State Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to cancellation of vehicle registration and license plates, new sections WAC 308-96A-450, 308-96A-460, 308-96A-470 and 308-96A-480.

This action is taken pursuant to Notice No. WSR 88-14-111 filed with the code reviser on July 6, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.16.760(2) which directs that the director of the Department of Licensing has authority to implement the provisions of RCW 46.16.720 through 46.16.750.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 7, 1988.

By Mary Faulk
Director

NEW SECTION

WAC 308-96A-450 DRIVING WITHOUT VALID LICENSE—TEMPORARY VEHICLE REGISTRATION. (1) Arresting officers, at the time of arrest for violation of RCW 46.20.021, 46.20.342(1), 46.20.420, or 46.65.090, may issue a temporary vehicle registration on behalf of the department of licensing to replace any vehicle registration confiscated pursuant to RCW 46.16.710. The temporary vehicle registration shall provide notice to the arrested driver of the department's intention to cancel the vehicle registration and the license plates of the described vehicle in accordance with RCW 46.16.720 and 46.16.730.

(2) Vehicles may be operated during the term of the temporary registration without payment of annual renewal license fees and excise tax. Any renewal fee and tax received for the vehicle during the temporary registration period will be credited to the current renewal of the registration if any fees and/or taxes are currently owed. Fees and taxes received for vehicle registration and license plates which have been cancelled are not refundable and are not applicable to future renewals due to cancellation of the registration.

NEW SECTION

WAC 308-96A-460 VEHICLE REGISTRATION CANCELLATION HEARINGS. (1) Upon notification by the department, or by a law enforcement officer acting on its behalf, of the department's intention to cancel the vehicle registration and license plates under authority of RCW 46.16.720, the driver may request a formal hearing. Such request must be in writing and must be received by the department within fifteen days from the date the temporary registration was issued.

(2) The department will give the driver at least 20 days advance notice of the time and place of the hearing unless the period of notice is waived by the driver. The hearing will be conducted in the county of arrest or in some other county mutually agreed to by the department and the driver.

(3) The hearing will be conducted by a hearing officer appointed by the director. The hearing officer is authorized to render final decisions.

(4) The sworn report submitted by the arresting officer constitutes a presumption that the arresting officer complied with RCW 46.16.710; that the officer arrested the driver for a violation of RCW 46.20.021, 46.20.342(1), 46.20.420, or 46.65.090; that the officer had reasonable grounds to believe the arrested driver was driving in violation of RCW 46.20.342(1); and that the arrest was lawful.

(5) The driving record as maintained by the department is prima facie correct.

(6) The hearing officer shall issue a subpoena upon the request of any party upon a statement showing general relevance and reasonable scope of the evidence sought: Provided, however, that such subpoena may be issued with like effect by the attorney of record of the party in whose behalf the witness is required to appear, and the form of the subpoena may be the same as when issued by the hearing officer except that it shall only be subscribed by the signature of such attorney.

(7) Any party may cross-examine any witness and has the right to submit rebuttal evidence.

(8) The scope of the hearing shall be limited to the following issues:

(a) Whether the driver was a registered owner of the vehicle he or she was driving at the time of the arrest, or that in violation of RCW 46.12.101 no transfer of title of the vehicle has been made.

(b) Whether the arrested driver's privilege to drive was suspended or revoked, or in a suspended or revoked status, at the time of the arrest.

(9) Upon a showing of good cause, the driver may request a continuance of the scheduled hearing date: Provided, the hearing may be continued only if it can be rescheduled for a time no more than sixty days after arrest.

NEW SECTION

WAC 308-96A-470 DRIVING WITHOUT VALID LICENSE—RE-REGISTRATION AFTER CANCELLATION. (1) An application to re-register a vehicle whose registration and license plates have been cancelled pursuant to RCW 46.16.720 may be made:

(a) by a new owner qualified to register the vehicle when title to the vehicle is being transferred to him or her; or

(b) by the arrested driver after he or she has been issued a valid driver's license; or

(c) after the registered owner's suspended/cancelled/revoked driver's license or driving privilege has been reinstated.

(2) Application for re-registration shall be made on a form provided by the department and shall include a replacement plate fee and any annual license renewal fees and excise tax due.

(3) The re-registration expiration date will be:

(a) unchanged - when the previous registration year has not expired; or

(b) new - when the previous expiration date was more than twelve months prior to the month of application; or

(c) one year later than the current expiration date - when the current expiration date is less than thirteen months prior to the date of application.

(4) The department will reissue a registration and issue new vehicle license tabs without cost to the registered owner(s) when the confiscated registration is cancelled in error or the cancellation is reversed by administrative hearing or by the court.

NEW SECTION

WAC 308-96A-480 DRIVING WITHOUT VALID LICENSE—VEHICLE OPERATING ON A PERMIT. (1) At the time of arrest for violation of RCW 46.20.021, 46.20.342(1), 46.20.420, or 46.65.090 if the vehicle is being operated on a thirty day department temporary permit, the arresting officer shall mark the Washington license plates when present, inscribe on the face of the department permit that a temporary vehicle registration was issued, and issue the sixty day temporary vehicle registration.

(2) Upon receipt of the sworn report of the arresting officer, the department shall send written notice by certified mail (or registered mail to Canada) to the arrested driver cancelling any registration and/or plates issued subsequent to the temporary registration and explaining the reasons therefore. Issuance of the registration and/or plates shall not affect the cancellation of the registration and license plates beginning sixty days after arrest, or at the time the cancellation is sustained by a hearing, whichever occurs first.

WSR 88-19-018
RULES OF COURT
STATE SUPREME COURT
[September 2, 1988]

IN THE MATTER OF THE AMENDMENTS
TO RAP 10.4, RAP 18.14 AND NEW RAP 18.16 No. 25700-A-420

The Court of Appeals having proposed amendments to RAP 10.4 and RAP 18.14 and a proposed new RAP 18.16 and the Court having determined that the proposed rules changes will aid in the prompt and orderly administration of justice and having further determined that an emergency exists which necessitates an early adoption; Now, therefore, it is hereby

ORDERED:

(a) That the proposed amendments to RAP 10.4 and RAP 18.14 and proposed new RAP 18.16 as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i) the proposed amendments to RAP 10.4 and RAP 18.14 and the proposed new RAP 18.16 will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 2nd day of September, 1988.

	Vernon R. Pearson
Robert F. Utter	James A. Andersen
	Callow, J.
James M. Dolliver	Charles Z. Smith
	Durham, J.

I object to the lack of clarity in RAP 18.14(e)(2). Brachtenbach, J.

I agree, Justice Dore.

Long Range Planning Committee Version
With WSBA Court Rules and Procedures
Committee Changes Incorporated

RAP 10.4
PREPARATION AND FILING OF BRIEF BY PARTY

(a) Typing and Filing Brief. One legible, clean, and reproductible copy of the brief must be filed with the appellate court. The brief should be typed with black ribbon on 20-pound substance 8 1/2 - by 11-inch white paper. Type must be pica type or its equivalent, with no more than 10 characters an inch. Lines should not generally exceed 5 inches in length. Margins 2 inches on the left side and 1-1/2 inches on the right side and on the top and bottom of each page are preferred. Lines should be double ~~or 1-1/2~~ spaced. Quotations may be single spaced and footnotes should be single spaced.

(b) Length of Brief. A brief of appellant, petitioner, or respondent, and a pro se brief in a criminal case should not exceed ~~70~~ 50 pages~~, or 54 pages if 1-1/2 spaced~~. A reply brief should not exceed ~~35~~ 25 pages ~~if double spaced, or 27 pages if 1-1/2 spaced~~. An amicus curiae brief should not exceed ~~30~~ 20 pages ~~if double spaced, or 23 pages if 1-1/2 spaced~~. For the purpose of determining compliance with this rule appendices~~, are included. The~~ the title sheet, table of contents, and table of authorities are not included. ~~In the absence of~~ For compelling ~~circumstances~~ reasons the court ~~will not~~ may grant a motion to file an over-length brief.

(c) Unchanged.
(d) Unchanged.
(e) Unchanged.
(f) Unchanged.
(g) Unchanged.
(h) Unchanged.

Long Range Planning Committee Version
With WSBA Court Rules and Procedures
Committee Changes Incorporated
"Clearly" Included

RAP 18.14
MOTION ON THE MERITS

(a) Generally. The appellate court may, on its own motion or on motion of a party, affirm or reverse a decision or any part thereof on the merits in accordance with the procedures defined in this rule. A motion by a party pursuant to this rule should be denominated a "motion on the merits." The general motion procedures defined in Title 17 apply to a motion on the merits only to the extent provided in this rule.

(b) Time. A party may submit a motion on the merits to affirm any time after the appellant's brief has been filed. A party may submit a motion on the merits to reverse any time after the respondent's brief has been filed. The appellate court on its own motion may, at any time, set a case on the motion calendar for disposition and enter orders the court deems appropriate to facilitate the hearing and disposition of the case. The clerk will notify the parties of the setting and of any orders entered by the court.

(c) Content, Filing, and Service; Response. A motion on the merits should be a separate document and should not be included within a party's brief on the merits. The motion should comply with rule 17.3(a), except that material contained in a brief may be incorporated by reference and need not be repeated in the motion. The motion should be filed and served as provided in rule 17.4. A response may be filed and served as provided in rule 17.4(e) and may incorporate material in a brief by reference.

(d) Who Decides Motion. A motion on the merits to affirm shall be determined initially by a judge or commissioner of the appellate court. A motion to reverse may be denied by a Commissioner or judge or submitted with a recommendation to a panel of the appellate court.

(e) Considerations Governing Decision on Motion.

(1) Motion to Affirm. A motion on the merits to affirm will be granted in whole or in part if the appeal or any part thereof is determined to be clearly without merit. In making these determinations, the judge or commissioner will consider all relevant factors including whether the issues on review ~~(1)~~ (a) are clearly controlled by settled law, ~~(2)~~ (b) are factual and supported by the evidence, or ~~(3)~~ (c) are matters of judicial discretion and the decision was clearly within the discretion of the trial court.

(2) Motion to Reverse. A motion on the merits to reverse will be granted in whole or in part if the appeal or any part thereof is determined to be clearly with merit. In making these determinations, the judge or commissioner will consider all relevant factors including whether the issues on review (a) are clearly controlled by settled law, (b) are factual and clearly not supported by the evidence, or (c) are matters of judicial discretion and the decision was clearly an abuse of discretion.

(f) Unchanged.
(g) Unchanged.
(h) Unchanged.
(i) Unchanged.
(j) Unchanged.
(k) Unchanged.

Long Range Planning Committee Version
With WSBA Court Rules and Procedures
Committee Changes Incorporated

[Proposed New Rule]

RAP 18.16
EXPEDITED APPEAL REVIEW

(a) Purpose. This temporary rule provides for expedited review of certain cases on appeal. The purpose of establishing an expedited procedure is to reduce the time between the filing of an appeal and the rendering of an opinion in those cases where the parties and the court agree that the case can be handled in an accelerated manner.

(b) Application of Rule. This rule applies only to an appeal to the Court of Appeals from a trial court decision in a civil or criminal case. No more than two issues

can be raised in an expedited appeal. Each Division of the Court of Appeals may adopt procedures to implement the provisions of this rule.

(c) Petition for Expedited Appeal Review. Parties must jointly petition for expedited review by filing a Petition for Expedited Review within 15 days after the appeal is filed. Extensions of time can be granted only by order of the court. The clerk of the appellate court will make the standard form of petition available to persons who request it.

(d) Acceptance by the Court. After review by the court, each petition for expedited review will be granted or denied. Petitions that are denied will be reviewed as provided in the Rules of Appellate Procedure. The time limits provided in RAP 9.2, 9.5, 9.6 and 10.2 will begin as provided by the clerk.

(e) Agreed Report of Proceedings. Within 30 days of notice that the petition was granted, the parties must file an agreed report of proceedings as provided in RAP 9.4. The report is limited to five pages.

(f) Briefs Allowed. All briefs are limited to 10 pages and two issues. For the purpose of determining compliance with this rule, appendices are included. The title sheet, table of contents, table of authorities, excerpts from the clerk's papers, and copy of the court order or memorandum decision are not included. The brief of an appellant or petitioner must be filed with the appellate court within 15 days after the agreed report of proceedings is filed. The brief of a respondent must be filed within 15 days after service of the brief of appellant or petitioner. No reply brief is allowed. Content of the briefs must comply with RAP 10.3(a), (b), and (g).

(g) Filing Brief. The original of each brief must be filed with the appellate court in accordance with the provisions in RAP 10.4, except those portions of the rule relating to length of brief.

(h) Sanctions for late filing. Failure to timely file the petition for accelerated review, the agreed report of proceedings or the brief will result in the case being transferred out of the expedited appeal program and on to the regular docket. The time limits provided in RAP 9.2, 9.5, 9.6 and 10.2 will begin the next day after a party has missed an expedited appeal deadline.

(i) Oral argument. Oral argument will be allowed and limited to 15 minutes for each side. Parties may request to waive oral argument.

(j) Rendering of a decision. Except in extraordinary circumstances or when a panel recommends that the opinion be published, a decision shall be rendered within 30 days after oral argument or, if all parties have waived oral argument, within 30 days after waiver has been approved by the panel.

(k) Court's authority to accelerate cases. The court can also select cases for accelerated review as provided in RAP 18.12.

(l) Conformance to Rules of Appellate Procedure. Except when inconsistent with the provisions of this rule, the Rules of Appellate Procedure are applicable to cases on expedited appeal.

(m) Termination. This rule will automatically terminate 24 months from the date of adoption, unless extended by the Washington Supreme Court.

Reviser's note: The spelling error in the above material appeared in the original copy of the Supreme Court and appears herein pursuant to the requirements of RCW 34.08.040.

Reviser's note: The brackets and enclosed material in the text of the above material occurred in the copy filed by the Supreme Court and appears herein pursuant to the requirements of RCW 34.08.040.

WSR 88-19-019
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed September 9, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning Applicants—Retail liquor licensees ineligible—Exceptions, WAC 314-18-030;

that the agency will at 9:30 a.m., Tuesday, October 25, 1988, in the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 66.08.030.

The specific statute these rules are intended to implement is RCW 66.28.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 25, 1988.

Dated: September 8, 1988
By: L. H. Pedersen
Chairman

STATEMENT OF PURPOSE

Title: WAC 314-18-030 Applicants—Retail liquor licensees ineligible—Exceptions.

Description of Purpose: To amend WAC 314-18-030(4) to further provide that a banquet permit is not required for beer or wine provided by brewery, winery or wholesaler as part of a course of instruction for liquor licensees and/or their employees pursuant to RCW 66.28.150.

Statutory Authority: RCW 66.08.030.

Statutes Implemented by the Rule: RCW 66.28.150.

Summary of Rule: WAC 314-18-030(4) presently provides that a banquet permit is not required for beer or wine sampling conducted in accordance with RCW 66.28.040 as implemented by chapter 314-64 WAC.

Reasons Supporting Proposed Action: WAC 314-18-030(4) presently provides that an enological society may conduct sampling with donated wine to its members and guests and no banquet permit is required. RCW 66.28-.150 allows a liquor supplier to conduct educational classes for retailers at any location and provide beer or wine as a part of the class. It is the opinion of the board that the legislature did not intend that a banquet permit be required for a liquor supplier to provide beer or wine as part of an educational class conducted pursuant to RCW 66.28.150.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing, and enforcing these rules: Gary W. Gilbert, Chief, Enforcement Division, Capital Plaza Building, Olympia, WA 98504-2531, phone (206) 586-3052 and Janice Lee Britt, Supervisor, Manufacturers, Importers and Wholesalers Division, Capital Plaza Building, Olympia, WA 98504-2531, phone (206) 753-6273.

Person or Organization Proposing Rule: The Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: Not made necessary as a result of federal law or federal or state court action.

Small Business Impact Statement: There will be no negative cost impact for this rule amendment.

AMENDATORY SECTION (Amending Orders 110 and 112, Resolution Nos. 119 and 121, filed 8/4/82)

WAC 314-18-030 APPLICANTS—RETAIL LIQUOR LICENSEES INELIGIBLE—EXCEPTIONS. (1) Any person twenty-one years of age or older, either for himself/herself or in a representative capacity on behalf of a society, organization, or business entity, may apply for a banquet permit which authorizes the service and consumption of liquor at a specific place upon a specific date.

(2) Retail liquor licensees are NOT eligible to apply for banquet permits for events to be held at, in, or upon such licensee's premises: PROVIDED, HOWEVER, That the licensee's ineligibility will not apply:

(a) When the application is by an established organization of members or auxiliary within a licensed club;

(b) Where grand openings, or special openings following new construction or substantial alterations, or when conventions are to be held on the licensed premises;

(c) Where special occasions such as employee Christmas parties, business anniversaries, etc. are held on the licensed premises;

(d) For functions held at locations other than the licensed premises.

(3) Banquet permits may be issued to qualified applicants for private functions on a chartered bus, chartered boat, chartered plane, or a chartered passenger car on a train.

(4) A banquet permit is not required for:

(a) Beer or wine sampling conducted in accordance with RCW 66-.28.040 as implemented by chapter 314-64 WAC.

(b) Beer or wine provided by a brewery, winery, or wholesaler as part of a course of instruction for liquor licensees and/or their employees pursuant to RCW 66.28.150.

(5) The board interprets and will apply the relevant portions of the Liquor Act (RCW 66.20.010, 66.04.010(23), 66.04.010(26), 66.24-.480, 66.24.481, and 66.44.100), reading them in pari materia, as not requiring a banquet permit to be obtained by an individual for a function when that individual is not acting with a business purpose or on behalf of an organization or business entity, where each of the following conditions are met:

(a) The function to be held by the individual is of a personal, noncommercial type which would normally be held in the individual's private home but for space considerations. Examples being a birthday party, wedding reception, bar mitzvah, etc. In lieu of holding the function in his or her home, the individual has arranged for use of a facility which is to be closed off from the public during the function and which is not on any licensed premises.

(b) The function is hosted by the individual personally. That is, there is no charge in any manner whatsoever for attendance, whether by admission charge, donation, dues, fees, or otherwise, and there is no charge in any manner whatsoever for anything provided at the function (i.e., mixer, setups, ice, food, hors d'oeuvres, etc.).

(c) That there is no business purpose for the function and that no pecuniary gain is intended or realized by the individual from the holding of the function.

(d) That those persons attending the function are the personal invitees of the individual holding it.

WSR 88-19-020
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
[Memorandum—September 9, 1988]

Wednesday, September 14, 1988
Lynnwood Hall, Room 424

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and brailled or taped information for blind individuals will be provided upon request when adequate notice is given.

WSR 88-19-021
PROPOSED RULES
INSURANCE COMMISSIONER
[Filed September 9, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of Insurance Commissioner intends to adopt, amend, or repeal rules concerning definitions of prohibited acts or practices that compromise the security of insurance license examination materials by unauthorized acquisition, or by engaging in behavior which undermines the purpose of the examination; a requirement that each applicant for an agency's, broker's, adjuster's, or solicitor's license must certify that he or she understands the prohibitions and the legal consequences of committing the prohibited acts; and the applicant's ineligibility for reexamination following a third failure of an examination within a twelve-month period;

that the agency will at 9:00 a.m., Monday, November 14, 1988, in the Senate Hearing Room #1, John Cherberg Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 16, 1988.

The authority under which these rules are proposed is RCW 48.02.060.

The specific statute these rules are intended to implement is RCW 48.17.070, 48.17.110 and 48.17.130.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 14, 1988. Mailing address: Insurance Building, mailstop AQ-21 Olympia, Washington, 98504-0321.

Dated: September 9, 1988
By: Roger Polzin
Deputy Commissioner

STATEMENT OF PURPOSE

Title: Adding WAC 284-17-125, 284-17-130 and 284-17-135 as permanent rules to establish procedures for administration of license examinations to candidates for insurance solicitor's, agent's, broker's, and adjuster's licenses in the state of Washington.

The statutory authority for the proposed rules in RCW 48.02.060, expressly conferring upon the commissioner the power to make reasonable rules and regulations for effectuating any provision of the insurance code. The proposed rules implement RCW 48.17.110, requiring most candidates for solicitor's, agent's, broker's and adjuster's licenses to pass an examination; RCW 48.17.070, requiring that an insurance licensee be competent and trustworthy, and RCW 48.17.130, authorizing a waiting period of reasonable duration before giving a new examination to an applicant who has failed to pass a previous similar examination.

Proposed WAC 284-17-125 broadly prohibits conduct that compromises the security of insurance license examination materials and behavior that undermines the evaluative objective of the examination. The prohibited activity undermines the purpose of the license examination and prevents effective implementation of RCW 48-.17.110 and 48.17.070. The specifically listed acts are not a complete listing of acts that would violate WAC 284-17-125.

Proposed WAC 284-17-130 requires a declaration that the candidate is undertaking an examination solely to qualify for a license, and ensures that the candidate understands the penalties for unauthorized appropriation or conversion of examination questions or materials.

WAC 284-17-135 limits the number of times during a twelve-month period that a candidate may undergo an examination for a particular insurance line. The primary purpose of the limitation is to prevent persons from improperly obtaining and disseminating examination content, thereby compromising the integrity of the examination, through persistent reexamination.

These rules apply directly to any candidate for a solicitor's, agent's, broker's or adjuster's license, who is required to pass the corresponding license examination(s) as a demonstration of competency. The proposed rules also peripherally provide procedural guidelines to license examination administrators.

Roger Polzin, Deputy Commissioner, (206) 753-2403, was directly responsible for the drafting of the proposed sections. The proposed amendments will be implemented and enforced by the insurance education and licensing divisions of the Office of Insurance Commissioner, under the direct supervision of Roger Polzin, to whom all written inquiries and comments may be directed until November 14, 1988, at: Insurance Building, mailstop AQ-21, Olympia, Washington 98504.

The rules are proposed by Dick Marquardt, the insurance commissioner, a state public official. The proposed rules are not necessary as the result of federal law or of state or federal court action.

Small Business Economic Impact Statement: Not required for these rules. The insurance industry will not be economically impacted by these rules, and a small business impact statement has not been prepared or filed. The rules do not place proportionately higher burdens on small businesses.

NEW SECTION

WAC 284-17-125 PROHIBITED ACTS OR PRACTICES BY LICENSE EXAMINEES. The following are prohibited acts or practices: (1) Conduct that compromises the security of insurance license examination materials, including but not limited to:

(a) Unauthorized appropriation of examination questions or materials; or

(b) Unauthorized reproduction or replication of any portion of an examination; or

(c) Aiding, by any means, the unauthorized reproduction or replication of an examination; or

(d) Providing examination questions or other examination information to any person or business engaged in preparing applicants to pass such examination; or

(e) Obtaining examination questions or materials for the purpose of furnishing the questions or materials to license applicants; or

(f) Unauthorized sale, distribution, purchase or possession of any portion of a previously administered, current, or prospective examination; or

(g) Taking or attempting to take an examination in the line of insurance for which the examinee is already qualified.

(2) Behavior that undermines the evaluative objective of the examination, including but not limited to:

(a) Communication with any other examinee during the examination period; or

(b) Coping answers or allowing another to copy answers;

(c) Possession of any books, materials, notes, or photography or recording devices not issued by the independent testing service representative;

(d) Impersonating, or engaging another to impersonate, any applicant for the purpose of completing the examination on behalf of another.

NEW SECTION

WAC 284-17-130 PREREQUISITES TO ADMITTANCE TO EXAMINATION. As a prerequisite to admittance to any examination designed to test the examinee's qualifications to be an agent, broker, solicitor or adjuster, each applicant must certify on the form provided, that he or she:

(a) Is not taking the examination for purposes other than as the means to qualify for a license;

(b) Has not passed the examination for that line of insurance, within the previous two-year period;

(c) Has been advised that the performance of any of the acts proscribed by WAC 284-17-125 constitutes a violation of RCW 48.17-.530 and RCW 48.17.560, as well as other statutes and regulations, and subjects the offender to disciplinary action, including refusal to issue an insurance license to the offender, revocation of any insurance license held by the offender; and the imposition of a fine; and

(d) Has been advised that the unauthorized appropriation or conversion of questions or materials comprising the examination for a Washington state insurance agent's, broker's, adjuster's or solicitor's license is a violation of Federal copyright law.

NEW SECTION

WAC 284-17-135 RE-EXAMINATION AFTER FAILURE TO PASS. An applicant who fails on the third attempt to pass an insurance license examination will not be eligible for further examinations, covering the same line or lines of insurance, for a period of one year from the date of the failed examination.

WSR 88-19-022
EMERGENCY RULES
DEPARTMENT OF NATURAL RESOURCES
[Order 548—Filed September 11, 1988]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the emergency closure of forest lands protected by the Department of Natural Resources in Eastern Washington.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is extreme fire weather conditions exist in Eastern Washington whereby lives, property, and the natural resources are at risk from wildfire. The closure of forest lands in Eastern Washington to access and all activities is necessary to prevent a fire from starting.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.015 and 76.04.325(2) and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 11, 1988.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-091b FOREST CLOSURE. Effective midnight, Sunday, September 11, 1988 through midnight, Friday, September 16, 1988, all lands protected by the Department of Natural Resources in eastern Washington are closed to access by the public and all activities on such lands are prohibited. During the time of this closure all persons are excluded from said lands except those persons present in the interest of fire protection.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 332-26-091 FOREST CLOSURE
WAC 332-26-091a FOREST CLOSURE

WSR 88-19-023
ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 305A—Filed September 12, 1988]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 521 South Capitol Way, Olympia, WA, that it does adopt the annexed rules relating to supplemental shift premium for registered nurses, new WAC 356-15-063. Due to the typographical error used in the first filing of this WAC the dollar amount in (1)(b) should be changed to $3.00 as shows in the minutes of the Personnel Board rather than $2.00.

This action is taken pursuant to Notice No. WSR 88-14-066 filed with the code reviser on July 1, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.06.150 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 11, 1988.

By Leonard Nord
Secretary

NEW SECTION

WAC 356-15-063 SUPPLEMENTAL SHIFT PREMIUM FOR REGISTERED NURSES. (1) For the classes of registered nurse 1, 2, 3, and 4 only, there shall be the following supplemental shift premium rates payable only in the amounts and under the conditions described in this section.

(a) $0.50 an hour, payable alone or in any combination with shift premiums authorized in sections WAC 356-15-060, 356-15-061, and 356-15-063 (1)(b) during any hours worked from 11:00 p.m. until 7:00 a.m. and for no other hours.

(b) $3.00 an hour, payable alone or in combination with shift premiums authorized in sections WAC 356-15-060, 356-15-061, and 356-15-063 (1)(a) during any hours worked from any Saturday morning midnight to Monday morning midnight, and for no other hours.

Example: A registered nurse 2 is scheduled to work from 10:00 p.m. to 6:00 a.m. Friday through Tuesday. On Friday from 10:00 p.m. to 11:00 p.m. the shift premium would be $1.00 an hour as provided in WAC 356-15-060 and WAC 356-15-061. From 11:00 p.m. until 12:00 midnight the supplemental $0.50 an hour would be added, raising the premium rate to $1.50 an hour. At midnight, the supplemental $3.00 an hour for work on Saturday would be added, raising the premium to $4.50 an hour until the end of the shift at 6:00 a.m.

If the employee is directed to work overtime until noon, the basic $1.00 an hour night shift premium continues to be payable to this night shift employee. And the $3.00 Saturday-Sunday premium continues. But the 11:00 p.m. to 7:00 a.m. $0.50 stops at 7:00 a.m., reducing the premium to $4.00 an hour until noon.

(2) These supplemental shift premiums are payable regardless of whether the work was previously scheduled, and regardless of whether the employee is full time or part time.

(3) These supplemental shift premiums are not payable during hours other than those specified, even though additional continuous hours may be worked by the employee.

WSR 88-19-024
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
[Memorandum—September 7, 1988]

The regular meeting of the board of trustees of Seattle Community College District, which was scheduled for Tuesday, October 4, 1988, has been changed to 6:00 p.m. on Tuesday, October 11, 1988. This meeting will be held at Seattle Central Community College, 1701 Broadway, Seattle, WA 98122.

WSR 88-19-025
ADOPTED RULES
DEPARTMENT OF COMMUNITY DEVELOPMENT
(Division of Emergency Management)
[Order 88-05—Filed September 12, 1988]

I, Chuck Clarke, director of the Department of Community Development, do promulgate and adopt at Olympia, Washington, the annexed rules relating to hazardous chemical emergency response planning and community right-to-know reporting, chapter 118-40 WAC.

This action is taken pursuant to Notice Nos. WSR 88-15-074 and 88-18-040 filed with the code reviser on July 20, 1988, and August 31, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Community Development as authorized in RCW 38.52.030(2), 38.52-.050 (1), (3) and 43.63A.060.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 9, 1988.

By Chuck Clarke
Director

Chapter 118-40 WAC
HAZARDOUS CHEMICAL EMERGENCY RESPONSE PLANNING AND COMMUNITY RIGHT-TO-KNOW REPORTING

WAC

118-40-010	Introduction.
118-40-020	Purpose and scope.
118-40-030	Definitions.
118-40-040	State emergency response commission—Establishment, membership, chairperson.
118-40-050	Commission—Purpose, responsibilities.
118-40-060	Department of community development—Title III responsibilities.
118-40-070	Department of ecology—Title III responsibilities.
118-40-080	Washington state patrol—Title III responsibilities.
118-40-090	Hazardous materials advisory committee—Establishment, membership.
118-40-100	Hazardous materials advisory committee—Purpose, responsibilities.
118-40-150	Emergency planning districts—Designation.
118-40-160	Local committee—Organization, membership.
118-40-170	Local committee—Responsibilities.
118-40-180	Hazardous material emergency response plan—Content, guidelines, evaluation process.
118-40-190	Emergency response training.
118-40-300	Title III—Facilities compliance.
118-40-400	Title III—Enforcement, penalties.

NEW SECTION

WAC 118-40-010 INTRODUCTION. On October 17, 1986, the Superfund Amendments and Reauthorization Act of 1986 (SARA) was signed into law (P.L. 99-499). One part of the SARA provisions is Title III: "The Emergency Planning and Community Right-to-Know Act of 1986." Title III establishes requirements for federal, state, and local governments, and industry regarding emergency response planning and community right-to-know on hazardous chemicals.

The emergency planning provisions of Title III (Sections 301-305) are designed to develop state and local government hazardous chemical emergency preparedness and response capabilities through better coordination and planning, especially at the local level.

Community right-to-know provisions of Title III (Sections 311, 312, and 313) require the owners and/or operators of facilities to provide information about the nature, quantity, and location of chemicals manufactured, processed, stored, or used at their facility sites. The purpose of these provisions is to increase public knowledge of the presence of hazardous chemicals in communities and to better prepare for potential emergencies.

NEW SECTION

WAC 118-40-020 PURPOSE AND SCOPE. It is the purpose of this chapter to implement the provisions of Title III in the state of Washington to establish a mechanism for compliance by state and local governmental agencies and industry with the provisions of Title III. This chapter is promulgated under the general policy and rule-making authority of the department of community development as established by RCW 38.52.030(2); 38.52.050 (1) and (3); and 43.63A.060.

Compliance with the requirements of Title III, as recognized by the United States Environmental Protection Agency, is regarded as compliance with the provisions of this chapter. Where federal regulations are duplicated or referred to in this chapter, Title III citations are provided. This chapter is not intended to mandate any new compliance requirements beyond those required by Title III.

NEW SECTION

WAC 118-40-030 DEFINITIONS. "SARA" means the Superfund Amendments and Reauthorization Act of 1986, as amended.

"CERCLA" means the Comprehensive Emergency Response, Compensation and Liability Act of 1980, as amended.

"Commission" means the emergency response commission for Washington state.

"Local committee" means the local emergency planning committee established for each state emergency planning district established by the commission.

"Title III" means Title III of the Superfund Amendments and Reauthorization Act of 1986; also titled the Emergency Planning and Community Right-to-Know Act of 1986, as amended.

"Administrator" means the administrator of the Environmental Protection Agency (EPA).

"Environment" includes water, air, and land and the interrelationship which exists among and between water, air, and land and all living things.

"Extremely hazardous substances" means a substance described in Section 302 (a)(2) of Title III as now authorized or hereafter amended.

"Facility" means all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with such person). For the purpose of Section 304, Title III, the term includes motor vehicles, rolling stock and aircraft, shipping, and pipelines.

"Hazardous chemical" means any chemical which is a physical hazard or a health hazard as defined by OSHA Hazard Communication Standard (29 CFR 1910.1200). Exceptions to the definition of "hazardous chemical" in Title III and in 29 CFR 1910.1200 shall also apply in this chapter.

"Health hazard" means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed individuals. The term health hazard includes chemicals which are carcinogens, toxic or highly toxic agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membrane.

"Physical hazard" means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, or organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water reactive.

"Material Safety Data Sheet (MSDS)" means the sheet required to be developed under Section 1910.1200 (g) of Title 29 CFR, as that section may be amended from time to time.

"NRT-1 guidebook" means the Hazardous Materials Emergency Planning Guide published by the National Response Team, March 1987.

"NRT-1 guidelines" means the guidance outlined in the Hazardous Materials Emergency Planning Guide.

"OSHA" means Occupational Safety and Health Act of 1970.

"Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of state, or interstate body.

"Release" means any spill, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing to the environment of any hazardous chemical, extremely hazardous substance, or toxic chemical.

"Toxic chemical" means a substance described in Section 313 (c) of Title III, as now authorized or hereafter amended.

"WISHA" means Washington Industrial Safety and Health Act of 1973.

NEW SECTION

WAC 118-40-040 STATE EMERGENCY RESPONSE COMMISSION—ESTABLISHMENT, MEMBERSHIP, CHAIRPERSON. (1) In keeping with the provisions of Section 301 (a) of Title III, the governor of Washington state has established a state emergency response commission composed of the following members or their designees:

(a) Director of the department of community development.

(b) Director of the department of ecology.

(c) Chief of the Washington state patrol.

(2) The director of the department of community development shall be the chairperson of the commission.

(3) The assistant director, division of emergency management, department of community development, shall serve as alternate chairperson of the commission in the absence of the chairperson.

NEW SECTION

WAC 118-40-050 COMMISSION—PURPOSE, RESPONSIBILITIES. The purpose of the state emergency response commission is to coordinate hazardous material issues and carry out the mandate of Title III (P.L. 99-499), as now authorized or hereafter amended.

The commission shall be responsible for the establishment of a state hazardous materials emergency preparedness, response, and community right-to-know program as required by Title III. Specific duties of the commission include:

(1) Establishment of a state level hazardous materials advisory committee.

(2) Designation of local emergency planning districts.

(3) Appointment of members to local committees established for each of the local emergency planning districts designated by the commission.

(4) Reception and evaluation of local emergency response plans.

(5) Delegation of responsibilities between the department of ecology, the Washington state patrol, and the department of community development in implementing the Title III program in Washington state.

(6) Establishment of a single address, telephone number and the procedures for the receipt of, management

and access to all notifications, reports, plans and all other information required by Title III.

NEW SECTION

WAC 118-40-060 DEPARTMENT OF COMMUNITY DEVELOPMENT—TITLE III RESPONSIBILITIES. Specific responsibilities of the department of community development include, but are not limited to, the following duties:

(1) Receive and record verbal emergency toxic chemical release reports through the twenty-four-hour duty officer system. Track and maintain records of events annually.

(2) Develop emergency planning guidance and provide assistance to local committees in the development of an emergency response plan for their district. Advise and assist industry in the planning process.

(3) Coordinate the review of each emergency plan as it is submitted.

(4) Serve as repository agency for the local emergency response plans.

(5) Set up community right-to-know program to allow citizens to view emergency response plans, upon request.

(6) Provide staff to commission and hazardous material advisory committee to develop agendas, prepare minutes, coordinate meeting places, draft policy letters, and carry out other support functions as needed.

(7) Prepare and respond to correspondence for signature by the chairperson of the commission.

(8) Receive and coordinate the distribution of correspondence, information, and written reports to offices in the departments of community development and ecology and the Washington state patrol, and local committees, as well as other state agencies when appropriate.

(9) Serve as chairperson of the training subcommittee of the hazardous materials advisory committee.

(10) Develop and apply for training grants, as authorized and provided under Section 305 of Title III.

(11) Provide training and maintain training records for the state hazardous materials training program as authorized and funded through Section 305 of Title III.

NEW SECTION

WAC 118-40-070 DEPARTMENT OF ECOLOGY—TITLE III RESPONSIBILITIES. Specific responsibilities of the department of ecology include, but are not limited to, the following duties:

(1) Serve as advisor to the commission on emergency spill response and environmental restoration issues.

(2) Serve as advisor for emergency responder equipment and training needs at the state and local levels.

(3) Serve as advisor for on-scene spill response and environmental needs at the state and local levels.

(4) Serve as advisor to the commission on community right-to-know issues.

(5) Develop, implement, and maintain a Title III Community Right-to-Know Program which may include, but is not limited to:

(a) Data management of reports and notifications submitted by businesses.

(b) Technical assistance to businesses regarding compliance with Title III.

(c) Accessing and communicating information to the public.

(d) Outreach to businesses and the public about Title III.

(6) Serve as chairperson or member of the community right-to-know subcommittee of the hazardous materials advisory committee.

(7) Serve as liaison between the commission and the Environmental Protection Agency on community right-to-know issues.

(8) Provide training for hazardous substances spill response and cleanup.

NEW SECTION

WAC 118-40-080 WASHINGTON STATE PATROL—TITLE III RESPONSIBILITIES. Specific responsibilities of the Washington state patrol include, but are not limited to, the following duties:

(1) Serve as advisor to the commission on emergency response and coordination of on-scene activities on state and interstate highways and other areas where it has been designated incident command agency.

(2) Serve as chairperson of the emergency response subcommittee of the hazardous materials advisory committee.

(3) Serve as advisor for emergency responder equipment and training needs at the state and local levels.

(4) Serve as a member of the training subcommittee of the hazardous materials advisory committee.

NEW SECTION

WAC 118-40-090 HAZARDOUS MATERIALS ADVISORY COMMITTEE—ESTABLISHMENT, MEMBERSHIP. In order to achieve a broader representation of hazardous materials interests in state emergency response planning and community right-to-know, the commission may establish a state level hazardous materials advisory committee. At a minimum, the committee membership shall consist of members appointed by the commission from the following interest groups:

(1) Four state legislators. One from each caucus in the House of Representatives and one from each caucus in the Senate.

(2) One representative of the Washington association of counties.

(3) One representative of the association of Washington cities.

(4) One representative of the Washington state emergency management association.

(5) One representative of the Washington state association of fire chiefs.

(6) One representative of the Washington association of sheriffs and police chiefs.

(7) One representative of the Washington state utilities and transportation commission.

(8) One representative of the Washington state department of agriculture.

(9) One representative of the Washington state council of firefighters.

(10) Two representatives of the association of Washington businesses.

(11) Two representatives of the Washington environmental council.

(12) Others may be appointed as appropriate.

NEW SECTION

WAC 118-40-100 HAZARDOUS MATERIALS ADVISORY COMMITTEE—PURPOSE, RESPONSIBILITIES. (1) The purpose of the hazardous materials advisory committee is to serve as a policy advisory body regarding hazardous chemical emergencies and community right-to-know.

(2) The members of the hazardous materials advisory committee shall serve the commission in a technical advisory capacity regarding the development and implementation of a hazardous chemical emergency response process and community right-to-know functions. The committee's responsibilities include, but are not limited to, providing advice on the following topics:

(a) Contingency planning at the state and local levels.

(b) Enhanced hazardous materials training.

(c) Assessment of emergency response equipment needs at the state and local levels.

(d) Enhancement of emergency response capabilities at the state and local levels.

(e) State and federal hazardous waste programs.

(f) Interstate planning and agreements.

(g) Joint purchase of equipment and specialized materials.

(h) Develop and propose legislation to meet future needs.

(3) The hazardous materials advisory committee shall provide advice to the commission regarding the establishment of a community right-to-know program including procedures for the receipt of hazardous and toxic chemical information and the release of such information to the general public.

NEW SECTION

WAC 118-40-150 EMERGENCY PLANNING DISTRICTS—DESIGNATION. (1) Emergency planning districts shall be based on the statutory requirement set forth in RCW 38.52.070 which authorizes local emergency management organizations.

(2) Cities and towns that do not have active emergency management organizations as required by chapter 38.52 RCW are considered part of the county planning district in which they are located for the purposes of Title III emergency response planning.

(3) If the provision in WAC 118-40-150(2) is unacceptable to a jurisdiction, the presiding official or officials of that jurisdiction may request that the commission designate that jurisdiction as a Title III emergency planning district.

NEW SECTION

WAC 118-40-160 LOCAL COMMITTEE—ORGANIZATION, MEMBERSHIP. (1) Each local committee shall include, at a minimum, representatives from each of the following groups or types of organizations as specified by Section 301 (c) of Title III:

(a) State and local officials.

(b) Law enforcement.

(c) Emergency management.

(d) Firefighting.

(e) First aid.

(f) Health profession.

(g) Local environment.

(h) Hospital.

(i) Transportation personnel.

(j) Broadcast and print media.

(k) Community groups.

(l) Owners and operators of facilities subject to the requirements of Section 302 (b) of Title III.

(2) Each local emergency planning committee shall appoint a chairperson and establish rules by which the committee shall operate.

(3) Committee rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of emergency response plans to the general public.

NEW SECTION

WAC 118-40-170 LOCAL COMMITTEE—RESPONSIBILITIES. (1) Not later than October 17, 1988, each local committee shall complete the preparation of a hazardous materials emergency response plan. In the development of the plan, as specified by Sections 303(a), (b), (c) and 324(a), (b), Title III, committee duties include, but are not limited to:

(a) Forming a local planning team.

(b) Designating a team leader.

(c) Evaluating the resources needed to develop, implement, and exercise the emergency plan.

(d) Identifying existing emergency response equipment and personnel.

(e) Conducting a needs assessment of emergency response equipment and personnel requirements.

(f) Providing oversight for preparation of the plan by the local planning team.

(2) Each local committee shall establish procedures for receiving and processing requests from the general public for information under Section 324 (including Tier II information under Section 312) Title III. Such procedures shall include the designation of an official to serve as committee coordinator for all information requests.

NEW SECTION

WAC 118-40-180 HAZARDOUS MATERIAL EMERGENCY RESPONSE PLAN—CONTENT, GUIDELINES, EVALUATION PROCESS. (1) Each local committee shall complete a hazardous materials emergency response plan as required by Section 303 (a), (b), (c), Title III.

(2) The committee shall transmit three copies of the completed plan to:

Chairperson
Washington State Emergency Response Commission
Department of Community Development
9th and Columbia Building, GH-51
Olympia, Washington 98504-4151

(3) At a minimum, the plan shall include the requirements of Title III, the standards of the NRT-1 guidelines, and the concepts of the Washington state comprehensive emergency plan as it is written.

(4) Upon receipt of a local committee hazardous material emergency response plan, the state emergency response commission shall:

(a) Send a letter to the local committee formally acknowledging the receipt of the plan and informing them of the review process.

(b) Copies of the plan will then be sent to the following organizations for review and comment:

(i) The state division of emergency management, department of community development, to review it against required federal criteria and the state comprehensive emergency management plan.

(ii) The hazardous materials advisory committee's subcommittee for contingency planning.

(iii) The hazardous materials advisory committee's subcommittee for emergency response.

(c) The above organizations shall review the plan and within ninety days submit their comments and recommendations, if any, to the state emergency response commission on whether the plan meets the requirements of Title III, the recommendations of the NRT-1 guidelines and the concepts of the Washington state comprehensive emergency management plan.

In the event that there are significant differences in the recommendations of the committees, the full state hazardous materials advisory committee will be asked to resolve the differences and make its recommendation to the emergency response commission within forty-five days of the date of referral to the state hazardous materials advisory committee.

(d) Within forty-five days of the receipt of the recommendations, the state emergency response commission will review the recommendations. Upon completion of this review the commission shall, as appropriate, send a letter to the submitting local committee stating one of the following alternative evaluations of the local committee's plan:

(i) The plan has been reviewed and is considered to meet the requirements of Title III, the standards of the NRT-1 guidelines, and the concepts of the state comprehensive emergency management plan as it is written.

(ii) The plan has been reviewed and is considered to meet the standards of the NRT-1 guidelines, Title III requirements and the comprehensive emergency management plan concept, but suggestions are included on how it may be improved at its next revision.

(iii) Serious omissions are apparent in the plan. Please note the following suggestions on the changes that are needed to meet the Title III requirements, the guidelines of the NRT-1 guidebook and the concept of the Washington state comprehensive emergency management plan.

(5) The local committees shall review and update their plans annually, and submit them to the commission for review under the procedures and guidelines prescribed in this section.

NEW SECTION

WAC 118-40-190 EMERGENCY RESPONSE TRAINING. (1) The department of community development, division of fire protection services, shall provide training as authorized by Section 305, Title III, for emergency first responders, including firefighters, law enforcement, and emergency medical personnel. Other constituencies to be trained may include federal, state, and local governmental employees who may directly or indirectly involve themselves in a hazardous materials incident. Such personnel may include health officials, public works personnel, elected officials, emergency and city managers, and personnel employed by private industry.

(2) Emergency training programs shall be designed to improve emergency planning, preparedness, mitigation, response, and recovery capabilities. Such programs shall provide special emphasis with respect to emergencies and responsibilities associated with hazardous materials and Title III.

(3) The division of fire protection services may officially schedule, conduct, and/or contract for courses throughout the state, and may also provide training sessions upon written or verbal request from public or private organizations, agencies, or departments.

NEW SECTION

WAC 118-40-300 TITLE III—FACILITIES COMPLIANCE. The owner or operator of a facility shall meet all of the applicable requirements of Title III, or of rules adopted by the administrator to implement Title III, as now authorized or hereafter amended, including the planning, notification, reporting, access, and information availability requirements as specified by Sections 301, 302, 303, 304, 311, 312, 313, and 324 of Title III.

NEW SECTION

WAC 118-40-400 TITLE III—ENFORCEMENT, PENALTIES. Enforcement of all Title III provisions and the administration of penalties for violations of the provisions shall be pursuant to Section 325 of Title III, as now authorized or hereafter amended.

WSR 88-19-026
ADOPTED RULES
SUPERINTENDENT OF PUBLIC INSTRUCTION
[Order 88-21—Filed September 12, 1988]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—

University of Washington transition school and early entrance program allocations, chapter 392-120 WAC.

This action is taken pursuant to Notice No. WSR 88-13-075 filed with the code reviser on June 16, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.58-.217 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 12, 1988.

By Frank B. Brouillet
Superintendent of Public Instruction

Chapter 392-120 WAC
FINANCE—UNIVERSITY OF WASHINGTON TRANSITION SCHOOL AND EARLY ENTRANCE PROGRAM ALLOCATIONS

WAC

392-120-001	Authority.
392-120-005	Purpose.
392-120-010	Definition—University of Washington transition school and early entrance program.
392-120-015	Definition—Approved University of Washington transition school and early entrance program agreement.
392-120-020	School district authorization of reallocation of moneys to University of Washington transition school and early entrance program.
392-120-025	Transmission of moneys to the University of Washington.

NEW SECTION

WAC 392-120-001 AUTHORITY. The authority for this chapter is RCW 28A.58.217 which authorizes the superintendent of public instruction to adopt rules relating to the allocation of any state and federal moneys for students attending a University of Washington transition school and early entrance program.

NEW SECTION

WAC 392-120-005 PURPOSE. The purpose of this chapter is to set forth policies and procedures relating to the allocation of state and federal moneys to the University of Washington for eligible academically highly capable students attending a University of Washington transition school and early entrance program.

NEW SECTION

WAC 392-120-010 DEFINITION—UNIVERSITY OF WASHINGTON TRANSITION SCHOOL AND EARLY ENTRANCE PROGRAM. As used in this chapter, "University of Washington transition school and early entrance program" means a program operated by the University of Washington for the education of academically highly capable students who are performing at least at high school level.

NEW SECTION

WAC 392-120-015 DEFINITION—APPROVED UNIVERSITY OF WASHINGTON TRANSITION SCHOOL AND EARLY ENTRANCE PROGRAM AGREEMENT. As used in this chapter, "approved University of Washington transition school and early entrance program agreement" means an agreement between a school district and the University of Washington for a school year which meets the requirements for joint or cooperative action pursuant to the Interlocal Cooperation Act, chapter 39.34 RCW.

NEW SECTION

WAC 392-120-020 SCHOOL DISTRICT AUTHORIZATION OF REALLOCATION OF MONEYS TO UNIVERSITY OF WASHINGTON TRANSITION SCHOOL AND EARLY ENTRANCE PROGRAM. A school district meeting the following conditions may authorize the superintendent of public instruction to allocate directly to the University of Washington all or a portion of the state basic education, state categorical, and federal moneys generated by each resident student attending the University of Washington transition school and early entrance program:

(1) The school district shall enter into an agreement with the University of Washington pursuant to WAC 392-120-015. The agreement shall contain the following provisions:

(a) Timely enrollment reports to the school district by the University of Washington transition school and early entrance program;

(b) Assurance by the parties of compliance with the provisions of RCW 28A.58.217; and

(c) Any other information the school district and the University of Washington deem appropriate.

(2) The school district shall report any of the district's student(s) enrolled in the University of Washington transition school and early entrance program on the regular monthly enrollment report P-223 to the superintendent of public instruction in the same manner as other enrolled students are reported.

(3) The school district shall submit to the superintendent of public instruction a written authorization for reallocation of moneys which shall:

(a) Indicate the dollar amount(s) and source(s) of the amount(s) to be allocated to the University of Washington by the superintendent of public instruction; and

(b) Include a statement assuring the superintendent of public instruction that the school district has entered into an agreement with the University of Washington transition school and early entrance program pursuant to WAC 392-120-015 and subsection (1) of this section.

NEW SECTION

WAC 392-120-025 TRANSMISSION OF MONEYS TO THE UNIVERSITY OF WASHINGTON. When so authorized pursuant to WAC 392-120-020(3) by any school district, the superintendent of public instruction shall transmit moneys on a quarterly basis to the University of Washington.

WSR 88-19-027
PROPOSED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed September 12, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning ADATSA protective payee requirements, amending WAC 388-40-110;

that the agency will at 10:00 a.m., Thursday, October 27, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 28, 1988.

The authority under which these rules are proposed is RCW 74.50.010.

The specific statute these rules are intended to implement is chapter 74.50 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 27, 1988.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Troyce Warner
Office of Issuances
Department of Social and Health Services
Mailstop OB-33H
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by October 13, 1988. The meeting site is in a location which is barrier free.

Dated: September 8, 1988
By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.025.

The Following Section is Affected: WAC 388-40-110.

Rule Change is Necessary: To fully implement a legislative mandate relating to the Alcoholism and Drug Addiction Treatment and Support Act (ADATSA). The 1988 legislature mandated that the department establish a pilot project for a case management protective payee system.

Statutory Authority: Chapter 163, Laws of 1988.

In summary, the rule change sets forth ADATSA recipient and protective payee requirements for the pilot project. It also limits the project to King and Snohomish counties.

Person Responsible for Drafting, Implementation and Enforcement of this Rule: Cecile Anderson, Community Services Program Manager, Bureau of Alcohol and Substance Abuse, phone 753-5866, 234-5866 scan, mailstop OB-44W.

This rule is not necessary as the result of federal law, federal court decision, or state court decision.

AMENDATORY SECTION (Amending Order 2635, filed 6/21/88)

WAC 388-40-110 ADATSA PROTECTIVE PAYEE REQUIREMENTS. (1) The department shall pay the assistance needs of recipients receiving outpatient treatment or shelter assistance in independent housing by protective payee or vendor payment. See WAC 388-33-455 for protective payee selection criteria.

(2) An ADATSA protective payee shall have the authority and responsibility to make decisions about the expenditure of outpatient treatment stipends or shelter assistance. Disbursement of funds shall be made first to assure the basic needs of shelter, utilities, food, clothing, and personal incidentals are met.

(a) The protective payee for a recipient in outpatient treatment shall encourage the recipient to participate in the decision-making process as a means of developing good money management, budgeting, and decision-making skills. The amount of control or latitude exercised shall depend upon the recipient's status in treatment and the judgment of the protective payee as to how responsible the recipient has become.

(b) The protective payee for a shelter assistance recipient shall first disburse a payment for shelter and utilities, such as a check directly to the landlord, mortgage company, utility company, etc.

(3) The protective payee may use his or her discretion on the method of disbursing to the recipient any cash balance remaining from the recipient's monthly assistance warrant. The protective payee has the authority to apportion any remaining funds to the recipient at regular intervals throughout the month.

(4) In the event the recipient and/or protective payee relationship is terminated for any reason, the protective payee shall return any remaining funds to the department.

(5) The department has legislative authority, through June 30, 1990, to establish and maintain an intensive protective payee pilot project. The project shall evaluate whether tighter control of the recipient's ADATSA funds by the protective payee can prevent the diversion of assistance for purchasing alcohol and drugs.

(a) The department shall limit project participation to ADATSA recipients in King or Snohomish Counties who choose shelter assistance in independent housing.

(b) The department shall choose all project participants by unbiased scientific sampling. Once an applicant/recipient is chosen to participate, the department shall assign a protective payee designated specifically for the pilot project. The recipient shall participate in the project for as long as he or she continues to reside in the project area, remains eligible for ADATSA, and wants shelter assistance in independent housing.

(i) The recipient has the right to request a change of protective payees within the project if dissatisfied with the department's selection of a particular protective payee. If the department determines good cause exists for the change, it shall reassign the recipient to another protective payee within the pilot project.

(ii) The recipient does not have the right to removal or exemption from the project in order to acquire a less restrictive protective payee.

(c) In addition to the responsibilities and authority set forth in subsections (2)(b) and (3) of this section, the project protective payees shall:

(i) Pay all vendors directly for goods or services provided to or for the recipient, including personal and incidental expenses; and

(ii) Make exceptions only where unusual circumstances prevent direct payment and the client is unlikely to divert the money to purchasing alcohol or drugs.

WSR 88-19-028
EMERGENCY RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 2688—Filed September 12, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to disregard of income, amending WAC 388-28-575.

I, Leslie F. James, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this rule is necessary to tax exempt $2,000 income per individual per calendar year for Alaska Native Indians under P.L. 100-241 or any other tribe under P.L. 98-64.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 74.08.090 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 30, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2572, filed 12/11/87)

WAC 388-28-575 DISREGARD OF INCOME ((~~AND RESOURCES~~)). (1) ((~~To determine need and the amount of the assistance payment in~~)) For AFDC, the department shall disregard as income ((~~and resources~~)):

(a) ((~~Any~~)) Grants, loans, or federal work study to ((~~any~~)) an undergraduate student ((~~for educational purposes made or~~)) insured ((~~under any programs administered~~)) by the ((~~commissioner~~)) Secretary of Education, U.S. Department of ((~~Health and Human Services. Disregard the entire amount of the grant, loan, or work study~~)) Education;

(b) ((~~Any~~)) Per capita judgment funds ((~~paid~~)) under P.L. 92-254 to members of the:

(i) Blackfoot Tribe of the Blackfoot Indian Reservation, Montana((;)); and ((~~the~~))

(ii) Gros Ventre Tribe of the Fort Belknap Reservation, Montana((;)).

(c) ((~~Any~~)) Indian claim settlement per capita funds ((~~distributed per capita~~)) or funds held in trust ((~~as authorized in section 7 of~~)) under P.L. 93-134 or ((~~section 6 of~~)) P.L. 94-114;

(d) The income ((~~and resources~~)) of ((~~an individual receiving benefits under~~)) a Supplemental Security Income ((~~for the period such benefits are received~~)) recipient;

(e) ((~~Any payments~~)) Two thousand dollars per individual per calendar year received ((~~by Alaska natives~~)) under the Alaska Native Claims Settlement Act((~~, to the extent such payments are exempt from taxation~~)) or under ((~~section 21(a) of that act~~)) P.L. 98-64;

(f) ((~~From August 1, 1975, to September 30, 1976, 40 percent of the first $50 collected by the office of support enforcement in payment on the support obligations for the current month;~~

~~(g) Retroactive~~)) AFDC benefits resulting from a court order modifying a department policy;

(((~~h~~))) (g) ((~~The part of a~~)) Veterans' Administration educational assistance ((~~payment~~)) for the student's educational expenses((~~, such as, but not limited to, tuition, books, fees, equipment, transportation for school purposes,~~)) and child care ((~~services~~)) necessary for school attendance;

(((~~i~~))) (h) HUD community development block grant funds ((~~obtained and used under conditions precluding~~)) that preclude use for current living costs; ((~~and~~))

(((~~j~~))) (i) The ((~~first $50 per month of the current~~)) monthly ((~~support obligation of any~~)) child support ((~~collected on the family's behalf or received by the family~~)) incentive payment from the office of support enforcement; and

(j) A previous underpayment of assistance under WAC 388-33-195.

(2) ((~~To determine need and the amount of the assistance payment in AFDC and GA,~~)) The department shall disregard as income, for AFDC and ((~~resources~~)) GA:

(a) ((~~Any~~)) Payment ((~~received~~)) under ((~~the~~)) Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(b) The ((~~value of the~~)) food coupon allotment under ((~~the~~)) Food Stamp Act of ((~~1964, as amended~~)) 1977;

(c) ((~~Any~~)) Compensation ((~~provided~~)) to volunteers in ACTION programs established by Titles I, II, and III of P.L. 93-113((~~, the Domestic Volunteer Service Act of 1973~~));

(d) ((~~Any compensation provided volunteers in ACTION programs established by Title I of P.L. 93-113, the Domestic Volunteer Service Act;~~

~~(e) Any~~)) Benefits ((~~received~~)) under ((~~the~~)) women, infants and children program (WIC) ((~~of the Child Nutrition Act of 1966, as amended, and the special~~));

(e) Food service program for children under the National School Lunch Act((~~, as amended.~~)); and

(f) ((~~Payments made under the Community Services Administration's Emergency Energy Conservation Program of 1979; and~~

~~(g)~~))) Energy assistance payments.

WSR 88-19-029
ADOPTED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 2691—Filed September 12, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Aid to families with dependent children and continuing general assistance—Eligibility need, amending chapter 388-28 WAC.

This action is taken pursuant to Notice No. WSR 88-15-078 filed with the code reviser on July 20, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 8, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Regulation 8.552, filed 1/24/64)

WAC 388-28-365 COMMUNITY, SEPARATE AND JOINTLY OWNED PROPERTY—SEPARATE PROPERTY. (1) The department shall consider property ((~~is considered as~~)) to be separate ((~~property~~)) when ((~~it has been established that it~~)) the department establishes the property:

(a) Was acquired (((~~(~~))and paid for((~~)~~)) by either spouse before marriage((~~,or~~));

(b) Was acquired as a result of gift or inheritance((~~;~~));or

(c) Was acquired and paid for entirely out of income from separate property.

(2) A commingling of community income and income from separate property in the purchase or improvement of property probably destroys the status of separate property.

(((~~(2) The husband's separate property and income therefrom and the earnings, if not legally separated, are regarded as community property or earnings and as available to the wife since the husband is required by law to support his wife and she is provided a means by which she can enforce such support.~~

~~(3) The wife's separate property, her income from separate property and her earnings if not legally separated, are presumed to be resources available to her husband unless and until it is definitely established that they are in fact not available to meet the requirements of the husband.~~))

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Regulation 8.553, filed 1/24/64)

WAC 388-28-370 COMMUNITY, SEPARATE AND JOINTLY OWNED PROPERTY—FURTHER CONSIDERATIONS FOR DETERMINING PROPERTY OF HUSBAND AND WIFE. (((~~(1)~~))) Transfer of ((~~his~~)) separate property by ((~~the husband~~)) one spouse does not disqualify the ((~~wife~~)) other spouse, but ((~~he~~)) the spouse transferring property may not be included in ((~~her~~)) the grant.

(((~~(2) Separate resources or income of a wife shall be presumed to be available to meet the requirements of a husband when:~~

~~(a) They are living together; and~~

~~(b) The marital relationship is apparently normal and stable with mutual sharing of control and responsibility according to their respective capacities.~~

~~(3) Separate property or income of a wife may be considered as not available to meet the requirements of a husband when:~~

~~(a) The wife has definitely stated that she will not contribute toward her husband's requirements out of such separate property or income; and~~

~~(b) The husband and wife are:~~

~~(i) Not living together; or~~

~~(ii) Living together, but under situations such as the following:~~

~~(A) She has publicly repudiated responsibility for the debts or support of her husband; or~~

~~(B) Statements of the spouses are substantiated by other evidence, such as:~~

~~(I) Existence of a pattern of segregation of household costs and responsibilities sustained over some reasonable period of time;~~

~~(II) Tax reports or tax withholding exemptions showing that neither is considered as dependent on the other, and supporting the separate ownership of the income~~

~~(III) Sworn testimony from others who do not stand to benefit directly one way or the other and in a position to know of the family situation~~

~~(IV) Other clear and convincing evidence of circumstances resulting in established property settlements or which have effectively excluded the husband from benefiting from the wife's income.~~

~~(4) When it has been established that property or income is the separate property of the wife of an applicant:~~

~~(a) Transfer of the property by the wife does not disqualify the husband but she may not be included in his grant if she is ineligible because of the transfer.~~

~~(b) The husband shall not be declared ineligible on the basis that the market value of the wife's separate property would disqualify her if she were applying, but she may not be included in his grant.~~))

AMENDATORY SECTION (Amending Order 2276, filed 8/30/85)

WAC 388-28-425 EFFECT OF RESOURCES ON FINANCIAL NEED—REAL PROPERTY OTHER THAN HOME—ALL PROGRAMS. (1) If an applicant owns real property with net equity value in excess of the resource maximum, ((~~he or she~~)) the applicant may receive assistance for a period not to exceed nine months provided the applicant:

(((~~1~~))) (a) ((~~He or she~~)) Is making a good-faith effort to sell the property. "Good-faith effort" means listing the property with a multiple listing realtor or other reasonable means when a multiple listing is unavailable or the realtor refuses to list the property.

(((~~2~~))) (b) ((~~He or she~~)) Signs a repayment agreement ((~~and a lien is filed with the department at the time of application~~)) to repay the lesser of the amount of aid received ((~~during such period that would not have been paid had the property been sold at the beginning of such period, but not to exceed the amount of~~)) or the net proceeds of such sale. "Net sale proceeds" means sale price less encumbrances and costs incurred in selling the property.

(2) If the owner of excess real property ceases to make good-faith efforts to sell the property, the entire amount of assistance may become an overpayment. Clients must be advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good-faith efforts to sell have ceased, prior to assessment of an overpayment under this section.

(3) ((~~If the property is not sold within the nine-month period, or if eligibility ceases for any other reason, the entire amount of aid paid during such period is an overpayment~~)) At the time assistance is authorized, the department shall file a lien without a sum certain on the specific property.

WSR 88-19-030
ADOPTED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2692—Filed September 12, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to hearing aids, amending WAC 388-86-040.

This action is taken pursuant to Notice No. WSR 88-16-055 filed with the code reviser on August 1, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 12, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2368, filed 5/1/86)

WAC 388-86-040 HEARING AIDS. (1) The department ((~~provides~~)) shall provide to categorically needy recipients:

(a) The purchase of a new hearing aid covered by a one-year warranty under the following conditions:

(i) ((~~On~~)) Prescription ((~~of~~)) by the attending physician((~~,~~)); and

(ii) ((~~With a minimum of 50~~)) Fifty decibel minimum hearing loss in the better ear based on auditory screening at 500, 1000, 2000, and 4000 Hertz (Hz) with effective masking as indicated((~~.~~)); and

(iii) The department ((~~is~~)) shall not be responsible for purchase of batteries.

(b) The repair of a hearing aid when the repair is covered by a ninety-day warranty((~~.~~));

(c) Where there are significant handicapping factors, the division may approve:

(i) A second hearing aid and/or replacement; or

(ii) A hearing aid when the 50 decibel loss in the better ear is not met.

(2) The department shall not permit group screening for hearing aids ((~~is not permitted~~)) under the program.

(3) ((~~Individuals~~)) The department shall refer recipients under ((~~age~~)) eighteen ((~~are referred~~)) years of age to the ((~~crippled~~)) local children's coordinated services ((~~conservation of hearing~~)) (Title V) program, administered by the local districts.

(4) ((~~Individuals~~)) Recipients twenty-one years of age and over may sign a waiver statement declining the medical evaluation for religious or personal beliefs that preclude consultation with a physician.

WSR 88-19-031
ADOPTED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2693—Filed September 12, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to chore services monthly dollar lid, amending WAC 388-15-214.

This action is taken pursuant to Notice No. WSR 88-12-031 filed with the code reviser on May 25, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 8, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2605, filed 3/2/88)

WAC 388-15-214 CHORE SERVICES MONTHLY DOLLAR LID. ((~~A monthly dollar lid is the level established by the department to keep within the amount appropriated by the legislature.~~)) (1) The department shall establish a statewide monthly dollar lid based on the budget appropriation. The department shall impose this monthly dollar lid statewide, based on expenditure projections.

(2) When expenditure projections reach the monthly dollar lid, the department shall place names of applicants for chore services on a waiting list in the order of their risk of residential placement.

(3) The department shall admit all those at high risk, as defined in WAC 388-15-208(12), to the program before those at risk of residential care placement, as defined in WAC 388-15-208(11).

(4) When the projected chore service monthly expenditures fall below the monthly lid, the department ((~~will~~)) shall contact applicants on the waiting list in the following priority order:

(a) Level A. Applicants at high risk of residential care placement needing help with any one of the following personal care tasks:

(i) Feeding,

(ii) Body care,

(iii) Bed transfer,

(iv) Wheelchair transfer, or

(v) Toileting.

(b) Level B. Applicants at high risk of residential care placement needing help with four to six other personal care tasks;

(c) Level C. Applicants at high risk of residential care placement needing help with one to three other personal care tasks;

(d) Level D. Applicants at risk of residential care placement needing help with five household tasks;

(e) Level E. Applicants at risk of residential care placement needing help with three or four household tasks; and

(f) Level F. Applicants at risk of residential care placement needing help with one or two household tasks.

(5) In the event the monthly dollar lids are not sufficient to stay within the legislative appropriation for the chore services program, the department may make further reductions using a ratable scale.

WSR 88-19-032
ADOPTED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2694—Filed September 12, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd	WAC 388-29-130	Standards of assistance—Persons in congregate care facilities.
Amd	WAC 388-29-280	Standards of assistance—Adult family home care.

This action is taken pursuant to Notice No. WSR 88-14-137 filed with the code reviser on July 6, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 8, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2588, filed 1/22/88)

WAC 388-29-130 STANDARDS OF ASSISTANCE—PERSONS IN CONGREGATE CARE FACILITIES. (1) The standard for congregate care shall be the rate established and published by the department for payment to specific congregate care facilities which contract with the department to provide a specific level of care.

(2) The monthly standard for clothing, personal maintenance, and necessary incidentals for a person in a congregate care facility shall be ((~~thirty-seven~~)) thirty-eight dollars and ((~~thirty-five~~)) eighty-four cents effective ((~~September 1, 1987~~)) September 1, 1988.

AMENDATORY SECTION (Amending Order 2588, filed 1/22/88)

WAC 388-29-280 STANDARDS OF ASSISTANCE—ADULT FAMILY HOME CARE. (1) The basic monthly standard for adult family home care shall be three hundred eighty-four dollars and sixty-five cents.

(2) The monthly standard for clothing and personal maintenance and necessary incidentals for a person in an adult family home shall be ((~~thirty-seven~~)) thirty-eight dollars and ((~~thirty-five~~)) eighty-four cents.

(3) Activities of daily living add-ons

(a) 1-3	activities.....	$38.43
(b) 4-7	activities.....	$57.63
(c) 8-12	activities.....	$83.24

(4) Health-related services,
maximum of nine.....each .. $25.61

WSR 88-19-033
ADOPTED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2695—Filed September 12, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to needy infants, children and pregnant women, amending WAC 388-83-032.

This action is taken pursuant to Notice No. WSR 88-16-054 filed with the code reviser on August 1, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 12, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2626, filed 5/17/88)

WAC 388-83-032 NEEDY INFANTS, CHILDREN AND PREGNANT WOMEN. (1) The department shall find the following groups eligible for Medicaid as categorically needy, if they meet the income and resource requirements of this section:

(a) Effective July 1, 1987:

(i) Women during pregnancy and during the sixty-day period beginning on the last day of pregnancy, and

(ii) Infants under one year of age.

(b) Effective October 1, 1987, children under two years of age.

(2) Income eligibility:

(a) Total family income shall not exceed ninety percent of the poverty income guidelines as published and updated by the secretary of health and human services. Ninety percent of the 1988 poverty income guidelines is:

	Family Size	Monthly
(i)	One	$ 433.00
(ii)	Two	$ 580.00
(iii)	Three	$ 727.00
(iv)	Four	$ 874.00
(v)	Five	$1,021.00
(vi)	Six	$1,168.00
(vii)	Seven	$1,315.00
(viii)	Eight	$1,462.00

(ix) For family units with more than eight members add $147.00 to the monthly income for each additional member.

(b) The department shall determine family income:

(i) According to AFDC methodology except for the exclusions in WAC 388-83-130 (5) and (6), and

(ii) Shall not use the costs incurred for medical care or for any other type of remedial care to reduce the family income.

(3) Resource eligibility:

(a) The total value of the family's countable resources shall not exceed five thousand dollars.

(b) Countable resources are limited to cash, savings accounts, checking accounts, ((~~stocks, bonds, mutual fund shares,~~)) and certificates of deposit.

(c) The department shall not consider other resources in determining the eligibility of groups included in subsection (1) of this section.

(4) Changes in income or living situations shall not affect eligibility for medical assistance, during pregnancy or during the sixty-day period beginning on the last day of pregnancy:

(a) Once a pregnant woman is determined eligible under this section, or

(b) If at any time while eligible for and receiving medical assistance meets the eligibility requirements of this section.

(5) An infant or child who attains the maximum age as described in subsection (1)(a) or (b) of this section shall continue to be eligible until the later of:

(a) The end of the month in which the infant or child attains the maximum age, or

(b) The end of the month in which the infant or child receives inpatient services if:

(i) The infant or child is receiving inpatient services on the last day of the month in which the child attains the maximum age, and

(ii) The stay for inpatient services continues into the following month(s), and

(iii) Who, but for attaining such age, would be eligible for assistance under this section.

WSR 88-19-034
ADOPTED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Health)

[Order 2696—Filed September 12, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Adoption of United States certificates and report—Modifications pursuant to RCW 43.20A.620, new WAC 248-124-160.

This action is taken pursuant to Notice No. WSR 88-16-107 filed with the code reviser on August 3, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 43.20A.620.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 12, 1988.

By Leslie F. James, Director
Administrative Services

NEW SECTION

WAC 248-124-160 ADOPTION OF UNITED STATES STANDARD CERTIFICATES AND REPORT—MODIFICATIONS PURSUANT TO RCW 43.20A.620. The department adopts and approves for use in the state of Washington, effective January 1, 1989, the 1988 revisions of the United States standard forms for live birth, death, fetal death, marriage, and dissolution. These forms are developed by the United States Department of Health and Human Services, National Center for Health Statistics. With the exception of the confidential section, the department may modify any part of these forms and shall make the following modifications:

U.S. STANDARD CERTIFICATE OF LIVE BIRTH.

Add "mother's request to issue Social Security number."
Add "record amendment."

U.S. STANDARD CERTIFICATE OF DEATH.

Add "citizen of what country."
Under "place of death" add "in transport," "hospital."
Add "smoking in last fifteen years."
Add "or descent" after "of Hispanic origin."
Add "Asian-Pacific Islander" after "race."
Add "date of disposition."
Add "hour pronounced dead (24-hours)."
Add "Record amended section."
Delete "license number (funeral director)" under item 21b.
Delete "License number (certifier)" under item 23b.
Delete "were autopsy findings available prior to completion of cause of death yes/no" under item 28b.
Delete check boxes under item 20a.
Delete "donation" under item 20a.
Delete check boxes under item 31a.
Delete item 32.
Delete "inpatient" under item 9a.
Delete check boxes under item 29.
Delete "natural" under item 29.

U.S. STANDARD REPORT OF FETAL DEATH.

Add "fetus name."
Add "time of delivery."
Add "place of delivery."
Add "state of birth."
Add "registrar signature."
Add "date filed."
Add "burial, cremation, removal, other (specify)."
Add "date (burial)."
Add "cemetery/crematory-name."
Add "location (cemetery)."
Add "funeral director signature."
Add "name of facility."
Add "address of facility."
Add "autopsy yes/no."
Add "certification statement."
Change title to "certificate of fetal death."

U.S. STANDARD LICENSE AND CERTIFICATE OF MARRIAGE.

Change title to "certificate of marriage."
Add "type of ceremony (religious/civil ceremony)."
Add "officiant - date signed."
Add "inside of city limits for bride and groom."
Delete "age last birthday" for the groom under item 2.
Delete "age last birthday" for the bride under item 9.
Delete "license to marry" section.
Delete "expiration date of license" under item 17.
Delete "title of issuing official" under item 20.
Delete "confidential information" under items 27 through 30b.

U.S. STANDARD CERTIFICATE OF DIVORCE, DISSOLUTION OF MARRIAGE, OR ANNULMENT.

Change title to "certificate of dissolution, declaration of invalidity of marriage or legal separation."
Add check boxes for "type of decree."
Add "inside city limits" for both parties.
Delete "date couple last resided in same household" under item 11.
Change "number of children under eighteen in this household as of this date" to "number of children born alive of this marriage" under item 12.
Delete check boxes for "petitioner" under item 13.
Delete section "number of children under eighteen whose physical custody was awarded to" under item 18.
Delete "title of court" under item 20.
Delete "title of certifying official" under item 22.
Delete "date signed" under item 23.
Delete "confidential information" under items 24 through 27b.

WSR 88-19-035
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)

[Order 361—Filed September 12, 1988]

Be it resolved by the director, Department of Wildlife, acting at Olympia, Washington, that it does adopt the annexed rules relating to:

New	WAC 232-28-21704	Closure of lands east of the Cascade Crest in Washington under Department of Natural Resources fire protection to the hunting of wild animals

		and wild birds and to the fishing of game fish.
Rep	WAC 232-28-21703	Closure of lands east of the Cascade Crest in Washington to the hunting of wild animals and wild birds and to the fishing for game fish.

I, the director, Department of Wildlife, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is extreme dry conditions constituting a high potential for wildfire on state and private forest lands under Department of Natural Resources fire protection in Washington east of the Cascade Crest exist and the Department of Natural Resources has closed said lands to access by the public; and further, that hunting of wild animals and wild birds and fishing for game fish under existing regulations are an inducement to attract people to these forest lands, both publicly and privately owned, thereby potentially increasing the risk of accidental wildfire on such lands; the closure of hunting for all wild animals and wild birds and fishing for game fish is necessary to protect such lands.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 77.04.020 and WAC 232-12-085 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 12, 1988.

By Curt Smitch
Director

NEW SECTION

WAC 232-28-21704 CLOSURE OF LANDS EAST OF THE CASCADE CREST IN WASHINGTON UNDER DEPARTMENT OF NATURAL RESOURCES FIRE PROTECTION TO THE HUNTING OF WILD ANIMALS AND WILD BIRDS AND TO THE FISHING OF GAME FISH. Effective 12:01 a.m. on September 13, 1988, it is unlawful for any person to hunt or take any wild animal or wild bird or fish for game fish east of the Cascade Crest on all forest lands protected by the Department of Natural Resources EXCEPT that fishing for game fish under current regulation on the mainstem of the Columbia River including Franklin D. Roosevelt Lake and the mainstem of the Snake River shall be allowed. This action repeals WAC 232-28-21703.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-28-21703 CLOSURE OF LANDS EAST OF THE CASCADE CREST IN WASHINGTON TO THE HUNTING OF WILD ANIMALS AND WILD BIRDS AND TO THE FISHING OF GAME FISH

WSR 88-19-036
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-106—Filed September 12, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is restrictions in Area 7A provide protection for Puget Sound and Canadian chinook stocks. Openings in Area 7B provide opportunity to harvest non-Indian allocation of coho destined for the Nooksack-Samish region of origin. Gillnet mesh restrictions provide protection for Nooksack-Samish origin chinook. Openings in Area 8A provide opportunity to harvest non-Indian allocation of coho stocks destined for the Stillaguamish-Snohomish region of origin. Openings in Areas 10 and 11 provide opportunity to harvest non-Indian allocation of coho stocks destined for the South Sound region of origin. Openings in Area 8D provide opportunity to harvest non-Indian allocation of chinook stocks destined for Tulalip Bay Hatchery facility. Openings in Area 12A provide opportunity to harvest non-Indian allocation of coho stocks destined for the Quilcene National Fish Hatchery. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks. There is inadequate time to follow the permanent rule adoption process.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 12, 1988.

By Bette M. Johnson
for Joseph R. Blum
Director

NEW SECTION

WAC 220-47-912 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC,

effective immediately, until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:

* *Area 7A - That portion of area 7A north and west of the East Point Line, as described in WAC 220-47-269, under control of Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.*
* *Area 7B - Gillnets using 5-inch minimum, 5 1/2-inch maximum mesh may fish continuously from 12:01 AM Sunday September 11 through 11:59 PM Saturday October 29, and purse seines may fish continuously from 12:01 AM Monday September 12 through 11:59 PM Saturday October 29.*
* *Areas 8A, 8D, 10, and 11 - Gill nets using 5-inch minimum mesh may fish from 6:00 PM Monday September 12 to 9:00 AM Tuesday September 13, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM Tuesday September 13.*
* *Area 12A - Gillnets using 5-inch minimum mesh may fish from 6:00 PM Monday (9/12) to 9:00 AM Tuesday (9/13), and from 6:00 PM Tuesday (9/13) to 9:00 AM Wednesday (9/14), and from 6:00 PM Wednesday (9/14) to 9:00 AM Thursday (9/15). Purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM Tuesday (9/13), and from 5:00 AM to 9:00 PM Wednesday (9/14), and from 5:00 AM to 9:00 PM Thursday (9/15). This Area 12A opening excludes those waters north of a line projected due east from Broad Spit.*
* *Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7C, 7D, 7E, 8, 9, 9A, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 12, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas - Closed.*

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-47-911 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (88-104)

WSR 88-19-037
NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY
[Memorandum—September 13, 1988]

Proposed schedule of board of trustees meetings for 1989

February 2, 1989	Bellingham	Old Main 340, WWU
March 2, 1989	Bellingham	Old Main 340, WWU
April 6, 1989	Out of town	
May 4, 1989	Bellingham	Old Main 340, WWU
June 1, 1989	Bellingham	Old Main 340, WWU
August 3, 1989	Bellingham	Old Main 340, WWU
September 7, 1989	Out of town	
October 5, 1989	Bellingham	Old Main 340, WWU
November 2, 1989	Bellingham	Old Main 340, WWU
December 7, 1989	Out of town	

WSR 88-19-038
ADOPTED RULES
GAMBLING COMMISSION
[Order 183—Filed September 13, 1988]

Be it resolved by the Washington State Gambling Commission, acting at Port Angeles, Washington, that it does adopt the annexed rules relating to the amending of WAC 230-02-125, 230-20-325, 230-25-110, 230-25-120, 230-25-250 and 230-40-010; and new WAC 230-25-150 and 230-25-160.

This action is taken pursuant to Notice No. WSR 88-15-018 filed with the code reviser on July 11, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 9.46.070 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 9, 1988.

By Ronald O. Bailey
Director

AMENDATORY SECTION (Amending Order 161, filed 9/15/86)

WAC 230-02-125 ADJUSTED NET GAMBLING RECEIPTS DEFINED. "Adjusted net gambling receipts" means the combined income from all gambling activities that are compared to gross sales for determination of commercial stimulant compliance. Adjusted net gambling receipts are determined by deducting the following expenses from net gambling receipts, when they are supported by verifiable records and actually paid out during the period:

(1) Federal, state, and local taxes and fees, other than income taxes, directly relating to the gambling activity: PROVIDED, That taxes and fees may be deducted using the accrual accounting method if all accounting records are normally maintained on the accrual method and notice is provided to the commission;

(2) The cost of one licensed card room employee to be on duty any time the activity is open for business: PROVIDED, That the total cost allowed shall not exceed $12.50 per hour of operation; ((~~and~~))

(3) The cost of providing a "pan" dealer as allowed by WAC 230-40-225: PROVIDED, That the total cost allowed shall not exceed $7.50 per hour of operation((:)); and

(4) The cost of punchboards, pull tabs, dispensing devices, cards, chips and card room furniture and fixtures actually used in conjunction with the gambling activity. Card room furniture and fixtures that cost in excess of one thousand dollars may be treated as a capital improvement for purposes of this rule.

(5) The actual cost of capital improvements and leasehold improvements to the licensed premises, less interest. Capital improvements shall include remodeling, updating, and other improvements to the licensed premises. Routine maintenance, cleaning, and painting shall not be treated as capital improvements. Provided, the cost for such improvements shall be amortized during a period of not less than two years. The licensee shall choose the period and report it on its quarterly report, along with copies of all receipts supporting the expenditure: Provided, the capital improvement deduction shall not exceed $5,000 for any quarter.

AMENDATORY SECTION (Amending Order 75 [175], filed 3/15/88)

WAC 230-20-325 MANNER OF CONDUCTING A RAFFLE. All raffles shall be conducted by selling individual prenumbered tickets for not more than five dollars and awarding prizes by selecting winners by a random drawing from among all tickets sold. The following operating procedures apply:

(1) All tickets for use in any raffle shall be consecutively numbered and each ticket shall be accounted for separately in accordance with WAC 230-08-070. Raffle tickets sold to the general public shall have a stub or other detachable section bearing a duplicate number corresponding to the number on the ticket.

(2) All prizes available, whether cash or merchandise, and all rules by which such prizes may be won, including all costs to a participant, shall be disclosed to each participant. This information shall be printed upon each ticket sold, or shall be otherwise provided in writing to each purchaser at the time of sale and shall also include, but not be limited to, date and time of drawing, location of drawing, and name of organization conducting raffle.

(3) No person shall be required to pay, directly or indirectly, more than $5.00 in order to enter any raffle. ((E)) After April 15, 1990, each raffle ticket must be sold for the same price as every other raffle ticket being used for that particular raffle. No free tickets, or any opportunity to participate in the drawing of any raffle, shall be awarded or given to a person as a prize or reward for selling raffle tickets or for purchasing a certain number of raffle tickets. No person shall be required to obtain more than one ticket or to pay for anything other than the ticket, in order to enter the raffle: Provided, That licensed raffles conducted among members of the organization only, may be conducted using alternative sales methods if specifically authorized by the commission. This authority will be issued on an individual basis and will require a detailed written request.

(4) From October 15, 1988, through April 15, 1990, each raffle ticket must be sold for the same price as every other raffle ticket being used for that particular raffle. However, the sponsor may provide to a purchaser of a raffle ticket an opportunity to obtain by random method a discount on such a ticket, including the opportunity to obtain that ticket free, but only if the sponsor maintains records for each book of raffle tickets so that income from the sale of tickets in each book can be audited.

(5) If an entrant is required to be present at a raffle drawing in order to be eligible for the prize drawing, then a statement setting forth this condition shall be set forth conspicuously on each raffle ticket and on all promotional material concerning the raffle. When the participant is not required to be present at the drawing the ticket stub or other detachable section(s) of the ticket shall contain the purchaser's name, complete address, and telephone number, and shall be maintained for a period of not less than three years from the end of the fiscal year in which the raffle was completed.

((~~(5)~~)) (6) In conducting a drawing in connection with any raffle, each ticket seller shall return to the licensee the stubs or other detachable section of all tickets sold. The licensee shall then place each stub or other detachable section of each ticket sold into a receptacle out of which the winning tickets are to be drawn. Such receptacle shall be designed so that each ticket placed therein has an equal opportunity with every other ticket to be the one withdrawn.

((~~(6)~~)) (7) The raffle license issued by the commission or a photostatic copy of the license shall be conspicuously posted and displayed at the location at all times during the occasion when a drawing is being conducted.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending Order 81, filed 2/22/78)

WAC 230-25-110 FUND RAISING EVENT—USE OF EQUIPMENT, LEASE OR RENTAL FROM LICENSEE ONLY. Only those persons holding a valid license to sell or distribute punchboards, pull tabs, or pull tab dispensing devices shall be authorized to sell or lease gaming equipment and pull tabs to bona fide nonprofit or charitable organizations licensed to conduct fund raising events for use in connection with a licensed fund raising event. All rules and regulations of the commission relating to the sale or distribution of punchboards, pull tabs, or pull tab dispensing devices by such distributors, shall be likewise applicable to the sale or rental by them of gaming equipment and pull tabs for use in a licensed fund raising event, except to the extent such rules are inconsistent with the provisions of this section: Provided, ((~~That~~)) commission approval of such gaming equipment shall not be required, nor shall identification stamps be required for such equipment: Provided further, ((~~that~~)) a licensee to conduct fund raising events may sell, loan or rent equipment acquired for its own fund raising event to another such licensee without being licensed as a distributor.

No sale or rental of gaming equipment for use in a licensed fund raising event shall be transacted except on commercially reasonable terms established in the competitive market. All rentals shall be a lump sum or hourly rate, and shall not be based upon a percentage of the income or profit derived from the conduct of the fund raising event.

No licensee to conduct fund raising events shall purchase or rent gaming equipment except from another such licensee, or from a licensed distributor.

Any bona fide charitable or nonprofit organization licensed to conduct fund raising events may utilize such equipment, not otherwise prohibited by law or these regulations, as is owned or constructed by such licensee, or which is borrowed or leased from another bona fide charitable or nonprofit organization which has been licensed by the commission to conduct fund raising events.

No licensee to conduct fund raising events shall use, or permit the use of, equipment owned by it for any purpose other than the operation of licensed fund raising events, or other authorized gambling activities by the licensee: Provided, however, That the licensee may, within the twelve calendar month period following the conduct of the fund raising event for which it was licensed, loan or rent such equipment to another bona fide charitable or nonprofit organization for use in conjunction with a licensed fund raising event.

AMENDATORY SECTION (Amending Order 146, filed 1/15/85)

WAC 230-25-120 LIMITS UPON AMOUNT FOR RENT, LEASE OR SIMILAR PAYMENTS FOR FUND RAISING EVENTS. Licensees shall not expend for rent or lease (or similar arrangements) of premises in which to hold a fund raising event, or for any equipment or service in connection with the fund raising event, an amount that exceeds the local prevailing or market price for such premises, equipment or service.

Maximum rental limits shall be:

(1) Premises and other goods or services: Not more than two hundred dollars for all, or any portion, of any twenty-four hour period.

This maximum fee shall include in addition to the use of the premises themselves any and all goods or services of any kind furnished by the person renting the premises to the licensee, or furnished by anyone with a substantial interest in, or immediate family relationship with, that person: Provided, That the limit shall not include (a) fees for gambling equipment which are governed by the maximums set out in (2) below; or (b) charges for food or drink to the licensee or patrons of the fund raising event when the purchase of such food or drink is not, directly or indirectly, a condition of rental of the premises and the licensee may elect to bring in food and drink from an outside source.

(2) Gambling devices and equipment:

(a) Not more than four hundred dollars from each licensee for all, or any portion of, the first twenty-four hour period for all gambling devices and related equipment to conduct the event, including, but not limited to, cards, dice, cash boxes, shoes, chips, non-coin operated pull tab dispensing devices, pull tab scales, delivery thereof and any schooling in its use. This limitation shall not apply to the sale of pull tabs.

(b) Not more than two hundred and twenty-five dollars from each licensee for each succeeding twenty-four hour period, or any portion thereof, for the same kinds of items set out in (a) above.

(3) Individual gambling station:

(a) Not more than thirty dollars for all of the equipment needed to set up each single specific gambling station (such as a single twenty-one table), except for a craps table or a roulette wheel station which shall not exceed $55 or for a station showing horse racing films with advance betting on the outcome of the races which shall not exceed $250, for the first twenty-four hour period, or any portion thereof, including, but not limited to, the equipment, delivery and schooling in its use, to an overall maximum for all items of $400, for each licensee as set out in (2)(a) above.

(b) Not more than twenty dollars for each successive twenty-four hour period or any portion thereof, for the equipment needed to establish each single specific gambling station as set out in (a) above, to an overall maximum of $225 for each licensee as set out in (2)(b) above.

(4) The maximum charges or limits set out in subsections (1) through (3) above include any amount paid to reserve the use of applicable premises, services or equipment.

No more than 50% of the total allowable fees or charges may be paid in advance of the event. Advance payment shall be made only by check which shall not be drawn or paid more than 90 days prior to the event.

The limits in subsections (2) and (3) above shall not apply to expenditures by the licensee for purchases outright, or construction by the licensee of, gambling equipment.

NEW SECTION

WAC 230-25-150 PULL TABS AT FUND RAISING EVENTS-AUTHORIZED. Pull tabs are authorized for use at fund raising events and shall be treated as conducted solely pursuant to the license to conduct a fund raising event. Except where superseded by WAC 230-25-160, all rules applicable to the operation of pull tabs set forth in chapter 230-30 WAC shall be applicable to pull tabs utilized at fund raising events.

NEW SECTION

WAC 230-25-160 PULL TABS AT FUND RAISING EVENTS-OPERATIONAL REQUIREMENTS - LIMITATIONS. (1) The following requirements shall be utilized in the sale of pull tabs at fund raising events.

(a) All pull tab series for use at fund raising events shall contain the inspection identification stamps and record entry labels and shall be purchased for specific use at fund raising events and delivered to the licensee no earlier than 24 hours before the commencement of the event.

(b) Pull tabs shall only be sold out of the original shipping container or a non-coin operated dispensing device (clear container). Pull tab prices shall be equal to the price set by the manufacturer for each specific series. The maximum price for any pull tab shall not exceed fifty cents.

(c) Up to a maximum of three pull tab series may be out for play at one time. All pull tabs shall be sold from a booth or similar confined area which prohibits public access to the pull tabs;

(d) Each pull tab series shall constitute a separate table and have a separate number. Each series shall have a separate corresponding lock box, money paddle, chip rack for making change and payment of prizes, and a winners register. All currency, coin, or chips used to purchase pull tabs, shall immediately be placed in the corresponding lock box by the attendant(s) on duty. All change given back to players shall be in the form of chips or coin.

(e) All winning pull tabs shall be defaced when cashed in and deposited in the corresponding lock box. Winning pull tabs shall be paid in chips and coin only. Provided: winning pull tabs may be redeemed for additional tabs from the same series only. When a winning pull tab of $5 or more is cashed, the attendant shall immediately delete that prize from the corresponding flare with a black marker. In addition, the attendant(s) shall fill out the winners register for prizes paid in excess of twenty dollars;

(f) When a series is removed from play, the series (including the flare), the corresponding lock box and chip rack shall be transported to the count room by a runner at which time the box shall be opened for tabulation. All monies collected, prizes paid and tabs sold shall be tabulated and recorded on the pull tab accounting report furnished by the Commission in accordance with the instructions attached to the accounting report.

(g) After completing the count, winning pull tabs shall be packaged separately or banded and placed with the unused portion of that particular series in the original shipping container. The organization must retain the used series for a period of one year; and

(h) At the completion of the fund raising event, all series still out for play shall be transported to the count room in accordance with paragraphs (f) and (g). All unopened pull tab series shall be returned to the licensed distributor who furnished the series for a full refund. Pull tabs may not be sold, or transferred to another licensee.

AMENDATORY SECTION (Amending Order 80, filed 12/28/77)

WAC 230-25-250 OPERATION OF PUNCHBOARDS ((~~AND PULL TABS~~)) AT A FUND RAISING EVENT PROHIBITED. No licensee to conduct a fund raising event shall operate punchboards ((~~and pull tabs~~)) as a part of that event.

AMENDATORY SECTION (Amending Order 161, filed 9/15/86)

WAC 230-40-010 TYPES OF CARD GAMES AUTHORIZED. The commission hereby authorizes the following card games to be played in public card rooms and social card rooms licensed by the commission:

(1) Poker.

Any poker game described in Hoyle's Modern Encyclopedia of Card Games, by Walter B. Gibson, published by Doubleday and Company, Inc., April 1974, 1st edition, pages 219 through 277 provided that only a maximum of five betting rounds per hand are permitted.

(2) Hearts.
(3) Pinochle.
(4) Cribbage.
(5) Rummy.
(6) Mah-jongg (tiles).
((~~(7) Coon-Can.~~))
((~~(8)~~)) (7) Pan.
((~~(9)~~)) (8) Pitch.

Card games not herein authorized are prohibited.

WSR 88-19-039
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-107—Filed September 13, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is while current conditions now allow the reopening of the lower Klickitat River and Lake Chelan, potential for wildfire on range and forest land still exists to the point of keeping the upper Klickitat River closed. There is insufficient time to follow permanent rule adoption procedures.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 13, 1988.

By J. McKillip
for Joseph R. Blum
Director

NEW SECTION

WAC 220-57-31500L KLICKITAT RIVER. Notwithstanding the provisions of WAC 220-57-315, effective immediately until further notice, it is unlawful to fish for of possess food fish or shellfish taken for any purpose from those waters of the Klickitat River upstream from the Highway 142 Bridge at Pitt.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-57-31500K KLICKITAT RIVER. (88-101)

WAC 220-57A-03500A CHELAN LAKE (CHELAN COUNTY) (88-101)

WSR 88-19-040
ADOPTED RULES
DEPARTMENT OF TRANSPORTATION
[Order 114—Filed September 14, 1988]

I, Duane Berentson, Secretary of Transportation, do promulgate and adopt at the Transportation Building, Olympia, Washington, the annexed rules relating to prequalification of ferry system contractors, chapter 468-310 WAC.

This action is taken pursuant to Notice No. WSR 88-16-031 filed with the code reviser on July 28, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 47.60.680 which directs that the Department of Transportation has authority to implement the provisions of RCW 47.60.680.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 12, 1988.

By Ed W. Ferguson
Deputy Secretary

AMENDATORY SECTION (Amending Order 84, filed 9/12/83)

WAC 468-310-020 CONTENTS OF STANDARD PREQUALIFICATION QUESTIONNAIRE AND FINANCIAL STATEMENT. The standard prequalification questionnaire and financial statement shall be prepared in duplicate. The original shall be transmitted to the assistant secretary for marine transportation and a copy shall be retained by the contractor applicant. The contractor shall provide the following information:

(1) The name, address, phone number, contractor registration number and type of organization (corporation, copartnership, individual, etc.) of the contractor seeking prequalification.

(2) The contract size in dollars and the class or classes of work for which the contractor seeks prequalification (such as vessel dry-docking and hull repairs, vessel electrical repairs, etc.) as enumerated in subsection (8) of WAC 468-310-050.

(3) Ownership of the contractor and if a corporation, the name of the parent corporation (if any) and any affiliated companies or subsidiaries.

(4) An accurate and complete record of the 15 largest contracts in excess of $10,000 performed by the contractor in whole or in part within the preceding three years both in Washington and elsewhere, including subcontracts, giving the contract amount, the date completed, the class of work, the name, address and phone number of the owner/agency representative, and any liquidated damages assessed against the contractor by an owner arising out of the performance of the contract.

(5) The principal officers and key employees showing the number of years each engaged in the class or classes of work for which the contractor seeks prequalification. The department may require resumes of the principal officers and key employees of any contractor seeking prequalification certification for work in excess of $1,000,000.

(6) A contractor ((~~applying for~~)) requesting prequalification certification to perform work in excess of ((~~$1,000,000~~)) $10,000,000 shall ((~~provide, in addition to the financial data required by the questionnaire, a copy of its financial statement for its last fiscal year~~)) submit copies of its audited annual statements for the previous three years as audited by an independent certified public accountant which shall include comparative balance sheets and income statements, a statement of retained earnings, supporting schedules and notes attached thereto, and the opinion of the independent auditor. The financial statement shall not be more than 12 months old when submitted. Any wholly owned subsidiary corporation may file the latest consolidated financial statement of its parent corporation in lieu of a financial statement prepared solely for such subsidiary providing the financial statement otherwise meets the requirements of the preceding two sentences. If a consolidated financial statement is filed on behalf of a subsidiary corporation, a bid of the subsidiary corporation will be considered only if there is on file with the department a letter from the parent corporation guaranteeing performance by the subsidiary corporation of its contract with the department of transportation in an amount at least equal to the amount of the bid. A letter of guarantee by a parent corporation may cover a specific contract bid by its subsidiary or all contracts bid by its subsidiary within a stated period of time. ((~~A contractor requesting prequalification certification to perform work in excess of $2,000,000 shall submit copies of its audited annual statements for the previous three years.~~))

(7) A list of all major items of equipment to be used in those classes of work for which prequalification certification is requested including the original cost, age, location and condition of such equipment. The schedule shall show whether the equipment is owned, leased or rented. All major items of useful equipment should be listed even though fully depreciated but no obsolete or

useless equipment should be included. In the event the contractor seeks prequalification certification to perform work on ferry vessels, the schedule shall also describe plant facilities of the contractor including shipyards, dry docks, repair facilities and other plant facilities.

(8) Such other information as may be required by the prequalification questionnaire.

AMENDATORY SECTION (Amending Order 84, filed 9/12/83)

WAC 468-310-050 CLASSIFICATION AND CAPACITY RATING. (1) Each contractor seeking prequalification under these rules will be classified for one or more of the classes of work listed in subsection 8 of this section and will be given a maximum capacity rating in accordance with its financial ability, the adequacy of its equipment and plant facilities to perform the class or classes of work for which it has sought prequalification, the extent of the contractor's experience in performing contracts of the class or classes for which prequalification is sought, and the adequacy of the experience and capability of the contractor's officers and key employees in performing contracts of the class or classes for which prequalification is sought. The maximum capacity rating will limit the quantity of uncompleted work which the contractor shall have under contract at any one time either as a prime contractor or a subcontractor.

(2) ((~~The maximum capacity rating for a contractor applying for a rating in excess of $1,000,000 will be ten times the contractor's net worth as determined from the contractor's financial statement.~~)) The maximum capacity rating for a contractor applying for a rating in excess of $50,000 ((~~and up to and including $1,000,000~~)) will be ten times the contractor's net worth as set forth in the standard prequalification questionnaire and financial statement. A properly executed letter of credit from an acceptable financial institution may be considered as an asset increasing the contractor's maximum capacity rating by the amount of the credit, but without the use of a multiplier. The maximum capacity rating for a contractor not submitting an audited financial statement as provided in subsection (6) of WAC 468-310-020 will be ((~~$1,000,000~~)) $10,000,000: PROVIDED, That in all cases the contractor's maximum capacity rating may be reduced to an amount considered by the department to be within the contractor's actual capacity based upon its organization, personnel, equipment and plant, and experience.

(3) Consideration will be given to raising, by an amount not to exceed 50 per cent, the maximum capacity rating of a contractor who qualifies with respect to actual capacity based upon organization, personnel, equipment and plant facilities, and experience, upon receipt of evidence of a current bonding capacity of such additional amount with a corporate surety. Such evidence shall be in the form of a letter of commitment executed by an officer of the surety who is authorized to bind the surety. Notwithstanding the provisions of this subsection, the maximum capacity rating for a contractor not submitting an audited financial statement as provided in subsection (6) of WAC 468-310-020 will be ((~~$1,000,000~~)) $10,000,000.

(4) The certificate of prequalification issued by the department will establish a contractor's maximum capacity rating which will be subject to reduction by the total value of its current uncompleted work regardless of its location and with whom it may be contracted to determine the contractor's bidding capacity at the particular time. This bidding capacity shall be called "current capacity."

(5) In determining the current capacity of a contractor, the deduction for uncompleted work will include work subcontracted from others and the contractor will be given a credit for work sublet to others.

(6) In order that the department may have the necessary information to determine a contractor's current capacity, the contractor shall submit to the department for each contract for which it intends to submit a bid (at the time it requests a bid or proposal form) a certificate of the contractor's current capacity which will be prepared by it and executed under oath and which will be accompanied and supported by a status of contracts on hand report. In making this certification, the contractor certifies that its current capacity is sufficient to cover the amount of any single contract for which it has submitted a bid.

(7) Notwithstanding the provisions of this section, a contractor will be allowed to submit a bid for an amount up to $50,000 on a class or classes of work for which it is prequalified without regard to any financial maximum capacity rating or financial current capacity rating: PROVIDED, That the contractor's current capacity may be reduced to an amount considered by the department to be within the contractor's actual capacity based upon its organization, personnel, equipment and plant facilities, and experience.

(8)(a) Construction, repair and maintenance work on ferry vessels and main ferry terminal buildings for which prequalification certification under these rules may be granted are classified as follows:

Class 1 Vessel construction and renovation;
Class 2 Dry-docking and hull repairs;
Class 3 Vessel metal fabrication repairs;
Class 4 Vessel electrical repairs;
Class 5 Vessel miscellaneous repairs;
Class 6 New terminal building construction and terminal building major reconstruction and remodeling;
Class 7 Terminal building renovation and repairs;
Class 8 Painting (terminals ((~~buildings~~)) only);
Class 9 Roofing (terminal buildings only);
Class 10 Terminal ((~~buildings~~)) structures - miscellaneous, including pile driving.

(b) A contractor currently prequalified under RCW 47.28.070 to perform those classes of work required in the construction, improvement and repair of ferry terminal facilities (other than main terminal buildings) will initially be deemed prequalified under these rules to perform such classes of work with the same capacity rating as approved by the department for highway related work.

WSR 88-19-041
ADOPTED RULES
UNIVERSITY OF WASHINGTON
[Order 88-01—Filed September 14, 1988]

Be it resolved by the board of regents of the University of Washington, acting at Friday Harbor, Washington, that it does adopt the annexed rules relating to amendments to establish a small works roster at the University of Washington, chapter 478-355 WAC.

This action is taken pursuant to Notice No. WSR 88-14-140 filed with the code reviser on July 6, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.20-.130 which directs that the University of Washington has authority to implement the provisions of RCW 28B.10.355.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 26, 1988.

By Elsa Kircher Cole
Assistant Attorney General

AMENDATORY SECTION (Amending Order 86-1, filed 3/26/86)

WAC 478-355-020 PURPOSE. ((~~The department of general administration of the state of Washington has established a small works roster and adopted regulations for its use. In order to avoid duplication of services and expense, the University of Washington vice president for finance and administration is authorized to execute an interlocal agreement with the department of general administration for the use of its small works roster by the university. Upon execution of the interlocal agreement, the small works roster created by the department of general administration shall constitute the established university small works roster.~~)) To expedite the award of public work contracts at minimum cost, the University of Washington executive vice president is authorized to establish a small works roster and also authorized to execute an interlocal agreement with the department of general administration for the use of its small works roster by the university.

AMENDATORY SECTION (Amending Order 86-1, filed 3/26/86)

WAC 478-355-030 PROJECT CONSTRUCTION COST. Whenever the estimated project construction cost of any University of Washington public work is less than fifty thousand dollars, the University of Washington executive vice((=))president ((~~for finance and administration~~)) is authorized to use the small works roster in lieu of public advertisement for bids.

AMENDATORY SECTION (Amending Order 86-1, filed 3/26/86)

WAC 478-355-040 PROCEDURE FOR USE. When the small works roster procedure is utilized, bids will be solicited from a bidders list of at least ((~~five~~)) three contractors from the small works roster randomly selected from those who registered the capability of performing the type of public work at the required location and, if required, are MWBE certified. Only the contractors identified on the bidders list will be eligible to bid on the public work. If all bids are rejected, new bids may be solicited either by again utilizing the small works roster or by public advertisement for bids.

AMENDATORY SECTION (Amending Order 86-1, filed 3/26/86)

WAC 478-355-060 ADMINISTRATION. The executive vice president ((~~for finance and administration~~)) is authorized to establish procedures for university use of ((~~the~~)) its small works roster, to terminate the interlocal agreement or to approve modifications to the interlocal agreement when deemed appropriate for ((~~the~~)) cooperative use of ((~~the~~)) a small works roster.

WSR 88-19-042
ADOPTED RULES
UNIVERSITY OF WASHINGTON
[Order 88-02—Filed September 14, 1988]

Be it resolved by the board of regents of the University of Washington, acting at Friday Harbor, Washington, that it does adopt the annexed rules relating to regulate the boat moorage program, chapter 478-138 WAC.

This action is taken pursuant to Notice No. WSR 88-14-139 filed with the code reviser on July 6, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.10-.300 which directs that the University of Washington has authority to implement the provisions of RCW 28B.10.560.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 26, 1988.

By Elsa Kircher Cole
Assistant Attorney General

AMENDATORY SECTION (Amending Order, filed 7/2/73 and 7/27/73)

WAC 478-138-030 USE OF UNIVERSITY STADIUM BOAT MOORAGE FACILITIES—STADIUM BOAT MOORAGE FACILITIES—AREA DEFINED. (1)(a) The stadium boat moorage facilities shall consist of those docks and floats located on Lake Washington in Union Bay, and such other areas as are designated by

the manager of the parking division, which provide water access to the University of Washington shoreline.

(b) The manager of the parking division shall have the authority to determine specific areas along the university shoreline that may be used for waterfront activities which may include but shall not be limited to: Moorage of water related vessels, establishment of load/unload areas for the purpose of loading and unloading passengers to and from water related vessels, and conditions related to facility utilization for individuals who may be engaged in the transporting of passengers for the purpose of moorage or shuttling operations.

(c) Use of the university shoreline and moorage facilities for waterfront activities not designated for that area will subject the violators to arrest under provisions of RCW 9A.52.080 (Criminal trespass in the second degree), City of Seattle 12A.08.040 (criminal trespass), or other applicable law.

(2) In the event the university permits a non-university vessel use of the moorage facilities for moorage, loading and unloading passengers, shuttling passengers to and from anchored vessels, or other related activities, the university does not assume responsibility for nor guarantee the expertise or training of the vessels' pilots or that such vessels are maintained in a safe condition or are adequately equipped with life vests and other safety devices as required by the United States Coast Guard and the Washington state utilities and transportation commission.

WSR 88-19-043
EMERGENCY RULES
UNIVERSITY OF WASHINGTON
[Order 88-03—Filed September 14, 1988]

Be it resolved by the board of regents of the University of Washington, acting at Friday Harbor, Washington, that it does adopt the annexed rules relating to regulate the boat moorage program, chapter 478-138 WAC.

We, the board of regents of the University of Washington, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the boat moorage program must be in effect by September 17, 1988, the date of the first home football game.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 28B.10-.300 which directs that the University of Washington has authority to implement the provisions of RCW 28B.10.560.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 26, 1988.

By Elsa Kircher Cole
Assistant Attorney General

AMENDATORY SECTION (Amending Order, filed 7/2/73 and 7/27/73)

WAC 478-138-030 USE OF UNIVERSITY STADIUM BOAT MOORAGE FACILITIES—STADIUM BOAT MOORAGE FACILITIES—AREA DEFINED. (1)(a) The stadium boat moorage facilities shall consist of those docks and floats located on Lake Washington in Union Bay, and such other areas as are designated by the manager of the parking division, which provide water access to the University of Washington shoreline.

(b) The manager of the parking division shall have the authority to determine specific areas along the university shoreline that may be used for waterfront activities which may include but shall not be limited to: Moorage of water related vessels, establishment of load/unload areas for the purpose of loading and unloading passengers to and from water related vessels, and conditions related to facility utilization for individuals who may be engaged in the transporting of passengers for the purpose of moorage or shuttling operations.

(c) Use of the university shoreline and moorage facilities for waterfront activities not designated for that area will subject the violators to arrest under provisions of RCW 9A.52.080 (Criminal trespass in the second degree), City of Seattle 12A.08.040 (criminal trespass), or other applicable law.

(2) In the event the university permits a non-university vessel use of the moorage facilities for moorage, loading and unloading passengers, shuttling passengers to and from anchored vessels, or other related activities, the university does not assume responsibility for nor guarantee the expertise or training of the vessels' pilots or that such vessels are maintained in a safe condition or are adequately equipped with life vests and other safety devices as required by the United States Coast Guard and the Washington state utilities and transportation commission.

WSR 88-19-044
EMERGENCY RULES
UNIVERSITY OF WASHINGTON
[Order 88-04—Filed September 14, 1988]

Be it resolved by the board of regents of the University of Washington, acting at Friday Harbor, Washington, that it does adopt the annexed rules relating to limitations of use of university facilities, WAC 478-136-030, adding subsection (8)(a) and (b), regarding items allowed to be carried into university facilities, including Husky Stadium.

We, the board of regents, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity

to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is there is a history of disturbances within Husky Stadium and other University of Washington facilities resulting from misuse of alcohol and the throwing of cans, bottles, and other projectiles. These disturbances are prevalent at all Husky football games and have resulted in numerous incidents in which the safety of patrons has been threatened. This amendment will prohibit certain items from being carried into university facilities. Since this danger exists at all events held in the Husky Stadium and other facilities, it is imperative that this amendment be in place on the date of the first Husky football game to be held on September 17, 1988. This emergency adoption has been made after notice and public hearing, held August 11, 1988. A permanent amendment has also been adopted. The emergency adoption will ensure the safety of patrons at the first football game and other events held in University of Washington facilities during the requisite 30 days before the permanent amendment will take effect.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the board of regents of the University of Washington as authorized in RCW 28B.20.130.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 26, 1988.

By Carol S. Niccolls
Assistant Attorney General

AMENDATORY SECTION (Amending Order 84-5, filed 12/14/84)

WAC 478-136-030 LIMITATIONS ON USE. (1) University facilities may not be used in ways which obstruct or disrupt university operations, the freedom of movement, or any other lawful activities.

(2) Faculty, staff, registered or official student organizations may use university facilities to present educational forums regarding ballot propositions and/or candidates who have filed for public office as long as the audience is limited to university faculty, staff and students. However, state law (RCW 42.17.130) prohibits "the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition."

(3) University facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities serve an educational purpose, as determined by the committee on the use of university facilities.

(4) The distribution of handbills, pamphlets and similar materials is not permitted in those areas of campus to which access by the public is restricted or where such distribution would significantly impinge upon the primary business being carried on. Handbills and similar printed materials may not be left in the Daily distribution boxes or left for distribution anywhere else on campus.

(5) Charitable solicitation is not permitted in those areas of the campus to which access by the public is restricted or where such solicitation would significantly impinge upon the primary business being carried on.

(6) Electronic amplification on the grounds of the campus is prohibited with the following exceptions:

(a) The lawn area immediately west of the student union building will be available for open-air speaking events using directional and volume-controlled speech amplification equipment provided by the university. Use of the student union building lawn site will be available to registered or official student organizations and faculty or staff groups on a first-come, first-served basis. The amplification system will be issued upon presentation of a currently valid student, faculty or staff identification card at the Student Union Reservation Office, 104C Student Union Building.

(b) The committee on the use of university facilities may grant permission, under special circumstances, for the use of other amplification equipment on the lawn site west of the student union building or in other outdoor locations. Permission should be requested through the Secretary to the Committee, 400 Administration Building (AI-10), 543-2560, sufficiently in advance of the program to allow timely consideration.

(7)(a) The parking garages on the campus of the University of Washington are open to the public for the limited purpose of parking motor vehicles. Sleeping, or remaining in the parking garages for purposes unrelated to vehicular parking is prohibited. Violators are subject to arrest and criminal prosecution under applicable statutes including RCW 9A.52.080, 9.66.030, and 7.48.220.

(b) The term "parking garages" as used in (a) of this subsection shall mean the sheltered parking areas on the University of Washington campus, and the stairwells and entrances of those covered parking areas.

(8) Within the limits of applicable laws, the University of Washington is committed to establishing and maintaining safe conditions for persons attending football games in Husky Stadium or other athletic events or concerts in campus facilities. Accordingly, the rules enumerated below will apply to all such events and be strictly enforced.

(a) The possession or consumption of alcoholic beverages or illegal drugs is prohibited. In addition to having the beverages or drugs confiscated, violators may be subject to university disciplinary action and/or legal proceedings, and removal from the events.

(b) Air horns, glass bottles, cans, picnic baskets, bota bags, ice chests, and thermoses (in excess of two quart capacity) are prohibited. Individuals possessing such will not be admitted to, or will be removed from, Husky Stadium or other athletic or concert facilities until the items have been stored temporarily at locations provided for that purpose or disposed of in some other manner.

WSR 88-19-045
ADOPTED RULES
UNIVERSITY OF WASHINGTON
[Order 88-05—Filed September 14, 1988]

Be it resolved by the board of regents of the University of Washington, acting at Friday Harbor, Washington, that it does adopt the annexed rules relating to limitations on use of university facilities, WAC 478-136-030, adding subsection (8)(a) and (b), regarding items allowed to be carried into university facilities, including Husky Stadium.

This action is taken pursuant to Notice No. WSR 88-14-084 filed with the code reviser on July 1, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the board of regents of the University of Washington as authorized in RCW 28B.20.130.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 26, 1988.

By Carol S. Niccolls
Assistant Attorney General

AMENDATORY SECTION (Amending Order 84-5, filed 12/14/84)

WAC 478-136-030 LIMITATIONS ON USE. (1) University facilities may not be used in ways which obstruct or disrupt university operations, the freedom of movement, or any other lawful activities.

(2) Faculty, staff, registered or official student organizations may use university facilities to present educational forums regarding ballot propositions and/or candidates who have filed for public office as long as the audience is limited to university faculty, staff and students. However, state law (RCW 42.17.130) prohibits "the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition."

(3) University facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities serve an educational purpose, as determined by the committee on the use of university facilities.

(4) The distribution of handbills, pamphlets and similar materials is not permitted in those areas of campus to which access by the public is restricted or where such distribution would significantly impinge upon the primary business being carried on. Handbills and similar printed materials may not be left in the Daily distribution boxes or left for distribution anywhere else on campus.

(5) Charitable solicitation is not permitted in those areas of the campus to which access by the public is restricted or where such solicitation would significantly impinge upon the primary business being carried on.

(6) Electronic amplification on the grounds of the campus is prohibited with the following exceptions:

(a) The lawn area immediately west of the student union building will be available for open-air speaking events using directional and volume-controlled speech amplification equipment provided by the university. Use of the student union building lawn site will be available to registered or official student organizations and faculty or staff groups on a first-come, first-served basis. The amplification system will be issued upon presentation of a currently valid student, faculty or staff identification card at the Student Union Reservation Office, 104C Student Union Building.

(b) The committee on the use of university facilities may grant permission, under special circumstances, for the use of other amplification equipment on the lawn site west of the student union building or in other outdoor locations. Permission should be requested through the Secretary to the Committee, 400 Administration Building (AI-10), 543-2560, sufficiently in advance of the program to allow timely consideration.

(7)(a) The parking garages on the campus of the University of Washington are open to the public for the limited purpose of parking motor vehicles. Sleeping, or remaining in the parking garages for purposes unrelated to vehicular parking is prohibited. Violators are subject to arrest and criminal prosecution under applicable statutes including RCW 9A.52.080, 9.66.030, and 7.48.220.

(b) The term "parking garages" as used in (a) of this subsection shall mean the sheltered parking areas on the University of Washington campus, and the stairwells and entrances of those covered parking areas.

(8) Within the limits of applicable laws, the University of Washington is committed to establishing and maintaining safe conditions for persons attending football games in Husky Stadium or other athletic events or concerts in campus facilities. Accordingly, the rules enumerated below will apply to all such events and be strictly enforced.

(a) The possession or consumption of alcoholic beverages or illegal drugs is prohibited. In addition to having the beverages or drugs confiscated, violators may be subject to university disciplinary action and/or legal proceedings, and removal from the events.

(b) Air horns, glass bottles, cans, picnic baskets, bota bags, ice chests, and thermoses (in excess of two quart capacity) are prohibited. Individuals possessing such will not be admitted to, or will be removed from, Husky Stadium or other athletic or concert facilities until the items have been stored temporarily at locations provided for that purpose or disposed of in some other manner.

WSR 88-19-046
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-108—Filed September 14, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is restrictions in Area 7A provide protection for Puget Sound and Canadian chinook stocks. Openings in Area 7B provide opportunity to harvest non-Indian allocation of coho destined for the Nooksack-Samish region of origin. In-season area restrictions provide protection for Samish origin chinook. Openings in Area 12A provide opportunity to harvest non-Indian allocation of coho stocks destined for the Quilcene National Fish Hatchery. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks. Restrictions for the Puget Sound Treaty Indian salmon fishery in the Nisqually River are lifted per state-tribal agreement. Treaty tribes will remain closed in the Nisqually River by tribal regulation through October 30, 1988. There is insufficient time to follow the permanent rule adoption process.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 14, 1988.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-47-913 PUGET SOUND ALL-CITIZENS COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 AM Thursday September 15 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:

* *Area 7A - That portion of area 7A north and west of the East Point Line, as described in WAC 220-47-269, under control of Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.*

* *Area 7B - Gillnets using 5-inch minimum mesh may fish continuously through 11:50 PM Saturday, October 29, and purse seines may fish continuously through 11:59 PM Saturday October 29. Effective 12:01 AM Thursday September 15, this area 7B opening excludes that portion of area 7B south of a line projected from Governors Point to the most northerly tip of Vendovi Island.*

* *Area 12A - Gillnets using 5-inch minimum mesh may fish from 6:00 PM Wednesday (9/14) to 9:00 AM Thursday (9/15). Purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM Thursday (9/15). This Area 12A opening excludes those waters north of a line projected due east from Broad Spit.*

* *Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7C, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas - Closed.*

REPEALER

The following sections of the Washington Administrative Code are repealed effective 12:01 AM Thursday September 15th:

WAC 220-47-912 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (88-106)
WAC 220-28-800 PUGET SOUND TREATY INDIAN SALMON FISHERY RESTRICTIONS (88-93)

WSR 88-19-047
ADOPTED RULES
DEPARTMENT OF LICENSING
[Order PM 772—Filed September 14, 1988]

I, Mary Faulk, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to cosmetologists, barbers and manicurists; new WAC 308-20-107, 308-20-109 and 308-20-155; and amending WAC 308-20-010, 308-20-020, 308-20-030, 308-20-040, 308-20-050, 308-20-060, 308-20-070, 308-20-080, 308-20-090, 308-20-100, 308-20-105, 308-20-110, 308-20-120, 308-20-130, 308-20-140, 308-20-150, 308-20-171, 308-20-190 and 308-20-205.

This action is taken pursuant to Notice No. WSR 88-13-130 filed with the code reviser on June 22, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.16.030 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 18.16 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 14, 1988.

By Mary Faulk
Director

AMENDATORY SECTION (Amending Order PL 480, filed 9/12/84)

WAC 308-20-010 DEFINITIONS. (1) Achievement indicators—Form((s))—Form designed and used by the school to record achievement rating of student learning objectives.

(2) ((~~Basic—Beginning, essential understanding.~~

~~(3)~~)) Chemical compounds formulated for professional use only—Compounds containing hazardous chemicals in a form not generally sold to the public; such as, bulk concentrates of permanent wave solution, neutralizers, chemical relaxers, oxidizing agents, flammable substances or corrosive materials.

((~~(4) Concept—Understanding an idea.~~

~~(5)~~)) (3) Curriculum—Detailed course of study.

((~~(6)~~)) (4) Student learning objectives—Measurable outcomes expected to occur as the result of instruction.

((~~(7)~~)) (5) Instructional objectives—Measurable evaluation of the attainment of the student learning objectives.

((~~(8)~~)) (6) Terminal learning objectives—Final outcomes expected to occur at the completion of a course of study as a result of instruction.

((~~(9) Special student—Optional method for public high school students to enroll in cosmetology school. Students electing to enroll as special students must complete high school or GED equivalency.~~

~~(10) Commercial practice or business—Services performed for sale or profit. One's work, occupation or profession.~~

~~(11) Task—A step or procedure within a job.~~

~~(12) Job—A complete service; i.e., haircut, machine facial, permanent wave, etc.~~))

AMENDATORY SECTION (Amending Order PL 480, filed 9/12/84)

WAC 308-20-020 TERM OF COURSE—EXAMINATION ELIGIBILITY. ((~~The department~~)) A school shall not require students to remain in school after the completion of any course of instruction.

Any individual, seventeen years of age or older, having completed 500 hours of manicurist training approved by the director may apply for examination to be licensed as a manicurist.

Any individual, seventeen years of age or older, having completed 800 hours of barber training as approved by the director may apply for examination to be licensed as a barber.

Any individual, seventeen years of age or older, having completed 1600 hours of cosmetology training as approved by the director may apply for examination to be licensed as a cosmetologist. ((~~Course will~~)) Cosmetology training consists of a 500 hour manicurist course, the 800 hour barber course and an additional 300 hours of training in the performance of all chemical services as approved by the director.

Any person who has the same qualifications as a cosmetologist and who has completed at least 500 hours of instruction in cosmetology teaching techniques and lesson planning in a school may apply for examination to be licensed as a cosmetology instructor.

AMENDATORY SECTION (Amending Order PL 480, filed 9/12/84)

WAC 308-20-030 CURRICULUM STRUCTURE. Each curriculum shall be designed to prepare students for at least beginning employment/job entry ((~~and to pass the licensing examination~~)).

Each curriculum shall include clearly defined, tangible instructional objectives and student learning objectives to meet the training needs ((~~of the student within the corresponding time frame~~)) for each curriculum offered by the school.

((~~Each curriculum shall include terminal objectives with achievement indicators that measure achievement of all student learning objectives.~~))

AMENDATORY SECTION (Amending Order PM 681, filed 10/9/87)

WAC 308-20-040 APPLICATION FOR SCHOOL LICENSE. With each school application, the following items must be included before a school license will be approved by the department:

(1) ((~~Owners—~~))Names and addresses of all school owners ((~~must be on the application for a school license~~));

(2) ((~~List~~)) Names and addresses of all school operators or managers;

(3) Names and addresses of all instructors((~~, with their addresses~~)) responsible for the training of students. The department must be notified, in writing, when a change of instructor staff occurs;

((~~(3)~~)) (4) A copy of the curriculum for each course the school intends to offer. A cosmetology school must submit a curriculum for manicurist, barber and chemical services; a barber school must submit a barber curriculum; a manicurist school must submit((s)) a manicurist curriculum. Any school offering cosmetology instructor training must submit a curriculum in cosmetology teaching techniques and lesson planning. Each curriculum must meet the training guidelines established by the director and adopted by rules pursuant to this chapter. A copy of the instructional objectives, student learning objectives, terminal learning objectives and achievement indicator form for each curriculum must be submitted with the application. The achievement indicator form must include the school name and address preprinted on the form;

((~~(4)~~)) (5) Each school will submit, at the time of application, a ((~~copy of their~~)) catalog, ((~~brochure and contract they intend to use for the enrollment of students. Each catalog, brochure and enrollment contract~~

~~will contain in clear, concise language, the cancellation and refund policy of the school;~~

~~(5) The~~)) bulletin or other printed material which contains accurate and current information regarding the operation and requirements of the school. Supplements to the catalog/bulletin are to be fastened to the publication and, if such information supersedes any information contained elsewhere in the catalog/bulletin, it must be clearly indicated on the supplement. The catalog/bulletin is to be made available to all students prior to enrollment and must include, but not be limited to, the following information:

(a) Names of all owners and/or managers.

(b) Names and qualifications of all instructors.

(c) Beginning and ending dates of training, including hours of operation, and observed holidays.

(d) Placement assistance, if any.

(e) Policy outlining acceptable conduct of students including grounds for dismissal and readmission.

(f) School policy on absences, leave, tardiness, and make-up work.

(g) School policy and regulations regarding student progress including expected rate of progress, minimum acceptable grades, penalties for unsatisfactory progress, and the rights of students to appeal.

(h) Total cost to students including registration fee, books, supplies, equipment, tuition, lab fees, or any other associated cost for which the student is liable.

(i) A description of each course to include total hours, the course objectives and the method of instruction. (E.g., classroom lab, etc.,) and any certificate or credentials awarded upon completion.

(j) Cancellation and refund policies.

(6) Each school shall submit a copy of the enrollment contract or agreement. The contract/agreement must include at least the following:

(a) The school's cancellation and refund policy;

(b) Adequate information to clearly define the terms of the agreement between the student and the school, including but not limited to:

(i) The name and address of the school and student.

(ii) The date training is to begin, and the number of hours of instruction.

(iii) An itemized list of all costs incurred by the student to complete the training. Such costs shall include tuition and registration fees, books, supplies, and equipment and all other charges made by the school. Methods of payment or payment schedule must be clearly stated.

(c) A statement acknowledging receipt of the copy of the school's catalog/brochure and enrollment agreement by the student;

(d) The school shall retain a copy of the student enrollment agreement and one copy shall be delivered to the student at the time of execution.

(7) A description of the school facilities and equipment ((~~can~~)). This may be submitted by facility architect's blue print with equipment penciled in or by accurate hand drawn diagram including equipment to be used for training of students;

((~~(6)~~)) (8) A surety bond as established by WAC 308-20-060 shall be submitted with the application for school licensure. No school shall be approved until the surety bond is in force.

The department shall be notified within fifteen days of any changes in subsections (1) through ((~~(6)~~)) (8) of this section.

AMENDATORY SECTION (Amending Order PL 480, filed 9/12/84)

WAC 308-20-050 CHANGE IN OWNERSHIP OF SCHOOL. If a change involving twenty-five or more percent of school ownership occurs, a new license application must be submitted with proof of ownership, or percentage of ownership, by the new owners. A new application must then be submitted to the department within fifteen days of change of ownership. Such notification is to include any changes made in curriculum, management personnel, instructional staff, tuition or registration fee, catalog, brochure, contract or surety bond.

AMENDATORY SECTION (Amending Order PM 681, filed 10/9/87)

WAC 308-20-060 SURETY BOND REQUIREMENT FOR SCHOOLS. Every currently licensed school and every applicant for a new or renewed school license is required to have a surety bond which meets legal requirements. Surety bonds shall be made to the state of Washington and be kept on file at the department of licensing.

(1) The amount of the bond shall be one thousand dollars or five percent of the annual gross tuition collected by the school, whichever is greater. The bond shall not exceed twenty-five thousand dollars and shall run to the state of Washington for the protection of unearned prepaid student tuition.

(2) At the time of licensing each school shall file a surety bond with the director of licensing, hereinafter referred to as the director, in a form acceptable to the department. The bond may be continuous or renewable at the time of renewal of license: PROVIDED, That the bond shall cover the full period during which a school is licensed unless the surety has been released as provided in subsection (4) of this section.

(3) The bond shall be executed by the licensed school as principal and by a surety company authorized to do business in this state as surety. The bond shall run to the state of Washington, for protection of unearned prepaid student tuition.

(4) A surety on a bond may be released by serving written notice thereof to the director at least thirty-five days prior to the release, but the release shall not discharge or otherwise affect any claim theretofore or thereafter filed by a student or enrollee, or, in the case of a minor, his or her parents or guardian.

The director shall give the school at least thirty days' written notice prior to the release of the surety to the effect that upon release of the surety the school license will be null and void by operation of RCW 19.72.130 until a new and sufficient surety bond is filed in the same

manner and amount as the bond being terminated. Students shall not receive credit for instruction received during any time a school bond is not in effect.

AMENDATORY SECTION (Amending Order PL 480, filed 9/12/84)

WAC 308-20-070 TRAINING GUIDELINES. A numerical rating scale ((to)) shall be used ((when evaluating student progress)) to evaluate and ((recording)) record student progress on the achievement indicator form.

((Rating scale: Numerical scale to be used to rate)) The student's competency in ((attainment of)) attaining learning objectives ((will)) is to be ((used)) rated on a scale of "1-4" as follows:

4. Job ready—Can completely perform the job safely and independently.
3. Moderately competent—Can perform job completely and safely with limited supervision.
2. Limited competency—Requires instruction and close supervision in order to perform a task safely.
1. No exposure—No experience or knowledge in this area.

Schools will design instructional objectives which promote student progress from a beginning "1" rating to completion "4" rating ((as the terminal objective)) within the specified hours required for each course. Each month the school shall provide each student with a current copy of ((their)) his/her achievement indicator form.

AMENDATORY SECTION (Amending Order PL 480, filed 9/12/84)

WAC 308-20-080 COURSE OUTLINE OF TRAINING REQUIREMENTS.

COURSE	MINIMUM ACHIEVEMENT REQUIRED BEFORE STUDENTS MAY WORK ON CUSTOMERS IN SCHOOL	((SUGGESTED JOB READINESS COMPLETION RATING — 4))
Barber services training:		
1. Shampooing	2	
2. Haircutting or trimming	2	
3. Arranging, dressing, curling or waving (excluding chemical services)	2	
4. Sanitation of materials, equipment and tools	3	
5. Safety		
(a) The use of materials, equipment and tools	3	
(b) Recognition of ((a)) diseases or disorders of the skin, scalp or hair	3	
Manicurist services training:		
1. Application and removal of artificial nails	2	
2. Sanitation of materials, equipment and tools to provide the service	3	
3. Safety		
(a) In the use of materials, equipment and tools to provide a service	3	
(b) In the recognition of a disease or disorder of the nail or skin	3	
(c) Use of chemicals formulated for professional use only	3	
4. Skin care involving hot compresses or massage	2	
5. Skin care involving electrical appliances	2	
6. Temporary removal of superfluous hair		
(a) Mechanical	2	
(b) Chemical	2	
(c) Electrical	2	
((7. Safety		
(a) Skin analysis for the recognition of disease or disorders	3	
(b) Use of chemicals formulated for professional use only	3	
(c) Use of materials, equipment and tools to provide a service	3	
8. Sanitation of all materials, equipment and tools used to provide a service	3))	
Cosmetology chemical services training:		
1. Permanent waving		
(a) Sectioning and wrapping	2	
(b) Preperm test curl	2	
(c) Solution application	2	
(d) Processing	2	
(e) Neutralizing	2	
2. Chemical relaxing		
(a) Sectioning	2	
(b) Strand test	2	
(c) Relaxer application	2	
(d) Processing	2	
(e) Neutralizing	2	

COURSE	MINIMUM ACHIEVEMENT REQUIRED BEFORE STUDENTS MAY WORK ON CUSTOMERS IN SCHOOL	((~~SUGGESTED JOB READINESS COMPLETION RATING = 4~~))
3. Hair coloring or bleaching		
(a) Predisposition test	2	
(b) Strand test	2	
(c) Measurement and mixing of chemicals	2	
(d) Application of chemicals	2	
(e) Removal of chemicals	2	
4. Safety		
(a) In the storage, mixing and use of chemicals	3	
(b) In the uses of materials, equipment and tools to provide a service	3	
5. Sanitation of all materials, equipment and tools to provide a service	3	

All ratings are to be recorded at least monthly on each student's achievement indicator form. All ratings should reflect job readiness rather than a grade given in class. The suggested job readiness completion rating for all procedures is "4."

((~~Ratings will be recorded on each student's achievement indicator.~~))

AMENDATORY SECTION (Amending Order PL 480, filed 9/12/84)

WAC 308-20-090 STUDENT CREDIT FOR TRAINING. (1) Only those hours of instruction received under the direction of a licensed instructor and on the premises of the licensed school may be credited toward the hourly training requirement.

(2) Students shall not receive credit for training received during any period the school license is void, expired, suspended, revoked, or otherwise not currently in effect.

(3) Manicurists will be given 500 hours credit and barbers will be given 800 hours credit toward meeting the hourly requirement of 1600 hours in cosmetology. Cosmetology students transferring to a barber or manicurist course shall transfer only the credit that applies to the course for which they are transferring.

((~~(2)~~)) (4) Students transferring from another state, country or territory ((~~will~~)) may, at the school's discretion, receive credit toward completion of student learning objectives and course requirement hours as follows: (a) Hour for hour credit as applies to each course; (b) student learning objective credit after successfully demonstrating to the school that the objectives have been met. ((~~Each student will receive a copy of the achievement indicators.~~))

AMENDATORY SECTION (Amending Order PL 480, filed 9/12/84)

WAC 308-20-100 RECORDING STUDENT HOURS. Each school shall record student hours daily and provide to each student monthly accumulated totals of all hours obtained for each course offered ((~~to each student~~)). Cosmetology students will have hours recorded in manicuring, barbering and chemical services as the training takes place. Up to date monthly accumulated hourly totals shall be recorded ((~~on each student's objective achievement indicator record. The student learning objectives shall be recorded on student's objective indicator record~~)) as they are achieved((~~:~~)): The original report will be kept on file at the school and a copy provided to the student each month.

AMENDATORY SECTION (Amending Order PL 480, filed 9/12/84)

WAC 308-20-105 CURRICULUM FOR ((~~CADET~~)) INSTRUCTOR((~~S~~))-TRAINEES. Licensed schools wishing to offer training for cosmetology instructors are required to develop and maintain an appropriate curriculum. This curriculum should be based on five hundred hours of training and study in the areas shown below:

(1) Training in instructional methods covering the following subjects or units:

(a) Methods of teaching cosmetology:

(i) Lesson planning to meet instructional objectives;

(ii) Student learning principles for student learning objectives;

(iii) Classroom management; and

(iv) Four-step method.

(b) Occupational analysis and advisory committees:

(i) Develop system for analysis;

(ii) Charting and categorizing;

(iii) Validating; and

(iv) Organizing and working with advisory committees.

(c) Course organization:

(i) Develop instruction from analysis;

(ii) Organize and prioritize;

(iii) Group and sequence learning units;

(iv) Test and evaluate; record progress of students on achievement indicators; and

(v) Teaching aids.

(d) Student leadership development:

(i) How to be effective;

(ii) Vocational Industrial Clubs of America or student leadership organization;

(iii) Personality and conduct;

(iv) Interpersonal relationships; and

(v) Customer relations.

(e) One of the following topics or units:

(i) Testing and rating;

(ii) Audio visual materials;

(iii) Philosophy of vocational education; or

(iv) Techniques in individualized instruction.

(2) Training in clinic supervision and management covering the application of teaching techniques as follows:

(a) Practical classroom and clinic services:

(i) Sanitation of all tools, implements, equipment, and work areas; and

(ii) Safety involved in providing any service to members of the public.

(b) Safety in the storage, mixing, and use of all chemicals used in a cosmetology, barber, or manicurist school or business.

(c) Reception area management:

(i) Customer relations;

(ii) Use of cash register; and

(iii) Telephone techniques((~~; and~~)).

((~~(iv)~~)) (d) Student's practical assignments((:)).

((~~(A)~~)) (e) Motivational supervision((~~; and~~)).

((~~(B)~~)) (f) Student assistance.

((~~(3) Student cosmetology instructors cannot be used to replace a licensed instructor for the training of students. Student instructors must be under the direct supervision of a licensed instructor at all times.~~))

NEW SECTION

WAC 308-20-107 USE AND TRAINING OF INSTRUCTOR-TRAINEES. (1) Cosmetology instructor-trainees cannot be used to replace a licensed instructor for the training of students. Instructor-trainees must be under the direct supervision of a licensed instructor at all times.

(2) "Direct supervision" means the licensed cosmetology instructor shall:

(a) Inspect a substantial portion of the instructor-trainee's work;

(b) Be physically present on the premises where the instructor-trainee is working and be available for consultation with the instructor-trainee a minimum of eighty percent of the time claimed as hours of training received. Provided, that "direct supervision" shall not require that the licensed cosmetology instructor while on the premises inspect all the instructor-trainee's work, nor shall it require that the licensed cosmetology instructor and the instructor-trainee be constantly in the same room.

(3) A school licensed under chapter 18.16 RCW and providing instruction to instructor-trainees must provide the department of licensing at least seven days advance notice, in writing, of the name and address of each person who will receive instruction as a cosmetology instructor-trainee.

(4) No person may be used as, or receive credit for training as, a cosmetology instructor-trainee unless the person holds a current, valid cosmetology license or is currently eligible for licensure as a cosmetologist and has the same qualifications as a cosmetologist.

(5) No person may be used as, or receive credit for training as, a cosmetology instructor-trainee for more than 600 hours total at any school or schools licensed under chapter 18.16 RCW, unless the school has first requested and received from the department of licensing written approval to use or train a certain instructor-trainee for additional hours.

(6) No cosmetology instructor-trainee may receive any wage or commission.

NEW SECTION

WAC 308-20-109 INSTRUCTOR-TRAINEE CREDIT FOR TRAINING. Each cosmetology school shall daily record instructor-trainee hours of instruction received in cosmetology teaching techniques and in lesson planning. The cosmetology school shall provide to each instructor-trainee monthly accumulated totals of hours of instruction the instructor-trainee has received. Except for instruction received in an otherwise state approved teacher training program, only those hours of instruction received under the direct supervision of a licensed instructor and on the premises of the licensed school may be credited toward the instructor-trainee hourly training requirement.

AMENDATORY SECTION (Amending Order PL 480, filed 9/12/84)

WAC 308-20-110 MINIMUM SCHOOL SAFETY STANDARDS. (1) Each licensed school or institution ((~~to whom the license is issued~~)) will be responsible for providing a clean, safe environment for the training of students and provide all students the necessary training to ((~~insure~~)) ensure that sanitation and safety measures are applied for the maximum protection of the public, students or models used by students or instructors.

(2) An adequate supply of hot and cold running water must be provided for the benefit of the student's and consumer's health, safety and welfare.

(3) Clean towels shall be provided for each customer and shall be laundered after every use.

(4) Robes or gowns used by customers((~~, when necessary to protect or remove clothing,~~)) must be laundered after every use. Towels, robes and gowns shall not be washed or dried on the premises except in suitable automatic washers and dryers.

(5) ((~~Dispensary, with sink and~~)) A separate area with an adequate supply of hot and cold running water, shall be ((~~a~~)) designated((~~, separate and appropriate area~~)) as a dispensary for the dispensing of supplies and for the cleaning of tools, equipment and materials.

(6) Wet sanitizer—Fresh, clean solution shall be placed daily in a clean container for the sanitizing of combs, brushes and other tools or implements.

(7) ((~~Storage of~~)) Chemicals must be ((~~done in such a manner which eliminates the possibility of~~)) stored in compliance with state and local laws to ensure maximum protection against fires, fumes, corrosion of containers or contamination ((~~and must comply with state and local laws~~)). Flammable liquids that have a flash point below 100°F and vapor pressure not exceeding 40 lbs per square inch under 100°F must be provided adequate ventilation in storage so that normal leakage of such vapors from containers will be diluted enough to prevent spark from igniting them. Reducing or oxidizing materials must be stored separately from powerful oxidizing agents. Storage areas shall be posted "flammable liquids." Acids must be stored in a cool, well ventilated area void of sources of ignition. ((~~If acids are stored on~~)) Metal shelves((~~, they~~)) used to store acids must be painted or otherwise rendered immune to attack by

acids. Corrosive materials must be kept ((~~cool but well above freezing~~)) in a cool, well ventilated area ((~~to prevent accumulation of fumes~~)). Materials should be inspected regularly ((~~as corrosive materials often destroy their containers.~~)) and corroded containers must be discarded immediately.

(8) Approved fire extinguishers ((~~approved by local fire department~~)) must be kept in vicinity of storage area.

(9) Adequate toilet facilities((~~=Every licensed school~~)) shall ((~~provide adequate toilet facilities~~)) be provided for the use of customers, employees and students. The use of common towels and bar soap is prohibited.

(10) Shampoo bowls will be kept clean and free of hair in traps.

AMENDATORY SECTION (Amending Order PL 480, filed 9/12/84)

WAC 308-20-120 EXAMINATION CONSTRUCTION AND CONTENT. Examinations for cosmetologists, barbers and manicurists shall consist of written questions, with multiple choice answers. The examination will determine the applicant's knowledge of safe and sanitary practice. Safe and sanitary practices ((~~may~~)) includes but is not necessarily limited to, the use of tools, machines, materials, processes used to provide a service, or working conditions, which may adversely affect the members of the public or licensees. The examination for a cosmetology instructor's license will cover lesson planning and cosmetology teaching techniques.

AMENDATORY SECTION (Amending Order PL 480, filed 9/12/84)

WAC 308-20-130 EXAMINATION OBJECTIVES. The following objectives will constitute the basis for written examination questions for ((~~each licensing category~~)) the cosmetologist's, barber's, and manicurist's license:

(1) The applicant's knowledge of safety skills in the use of tools, machines, materials and processes in providing any service offered within each course of instruction.

(2) The applicant's knowledge of providing maximum protection, caution and consideration for consumer's eyes, ears, skin, nails, hair and clothing ((~~for the well being of the consumer~~)) as applies to each course of study.

(3) The applicant's knowledge of all means of sanitation necessary to maintain clean tools, equipment, machines, materials and work areas to prevent contamination and the spread of disease.

(4) The applicant's knowledge of hazards involved in the storage of flammable, volatile or combustible substances, acids and corrosive materials used within the cosmetology, barber or manicurist occupation.

AMENDATORY SECTION (Amending Order PL 480, filed 9/12/84)

WAC 308-20-140 EXAMINATION—APPLICATION. Examinations ((~~will be given~~)) are administered monthly. Examination schedules will be published by the director and issued to each school. Each licensed school shall post the schedule of examinations in plain view for the students and provide students with an application and all necessary information for completing and submitting the application. No school shall prohibit or hinder a student from submitting an application for examination if the student is at least seventeen years of age and has completed the required number of hours in the approved course of study.

Each application submitted ((~~by the student~~)) must ((~~have notarized signatures of both the student and the school owner or manager~~)) include a sworn statement of both the student and the school owner or manager that all statements on the application are true and correct. Each application must be complete in every respect, including fee, before the applicant may be scheduled for examination.

((~~All~~)) Applications and fees for examination ((~~or re-examination~~)) must be date stamped received into the department of licensing no later than the first day of the month to be scheduled for the following month's examination. (For example: Must be received by August 1 to be scheduled for September examination.) Only when the date received stamp is omitted or illegible, will the postmark by the postal service be substituted.

Any person ((~~failing to be present for scheduled examination, or requesting~~)) who either (1) fails to appear as scheduled for an examination, or (2) fails to request to be rescheduled at least seven days prior to scheduled examination date shall forfeit fee for examination, except in ((~~emergencies~~)) cases of emergency as determined by the department((~~, shall forfeit fee for examination~~)).

Applications and fees for reexamination must be received by the professional licensing division at 1300 Quince Street, Olympia, Washington on or before the 20th of the month to be scheduled for the following month's examination.

AMENDATORY SECTION (Amending Order PL 480, filed 9/12/84)

WAC 308-20-150 STUDENT APPEAL—EXAMINATION ELIGIBILITY DENIAL BY THE SCHOOL. Should a school owner or manager refuse to sign the eligibility portion of the student examination application after the student has obtained the required course hours, the student may appeal ((~~the decision~~)). An appeal must be submitted to the department, in writing, stating specific reasons why ((~~they think they are~~)) the student feels he/she is eligible. ((~~Such~~)) An appeal ((~~to~~)) must be submitted with a completed examination application, accompanied by the required fee and copy of achievement indicator form showing completion of hours and learning objectives.

((~~Schools will be~~)) A school owner or manager is required to respond in writing stating the reason for refusal to sign((~~, supply copies or~~)). The school owner or manager shall provide documentation of events or reasons which substantiate ((~~their~~)) his/her refusal ((~~or reasons why the required training was not provided or obtained within the time required~~)) to sign. A school's failure to respond within twenty days ((~~will~~)) may result in default. More than four appeals from students of any one school in a one-year period may result in review of curriculum and training provided for students by the school.

NEW SECTION

WAC 308-20-155 PROCEDURE FOR APPLICANTS REQUIRING SPECIAL ACCOMMODATIONS FOR LICENSURE EXAMINATION. (1) An applicant for a licensure examination who, due to a specific physical, mental or sensory impairment, requires special accommodation in examination procedures, may submit a written request for the specific accommodation needed.

(a) The applicant must submit an individualized written opinion from a physician or other specialist:

(i) Verifying the existence of a specific physical, mental, or sensory impairment;

(ii) Stating whether special accommodation is needed for a specific licensure examination; and

(iii) Stating what special accommodation is necessary. The applicant must also submit to the department a signed and notarized authorization, authorizing the specifically identified physician or other specialist to discuss the matter with the department of licensing's representative.

(b) The written request for special accommodation and individualized written opinion must be submitted to the department of licensing at least eight weeks in advance of the examination date and must be accompanied by a completed application and the application fee.

(c) Only readers and translators provided by the department may be used for reading/translating the examination.

(d) Applicants who pass the cosmetology examination with the assistance of a reader/translator will be issued a license with the following printed restriction: "Requires Reading Supervision For Product Usage When Performing Chemical Services." If a licensee with a license restriction successfully retakes the chemical services portion of the examination without the assistance of a reader or translator, a new license will be issued without the restriction.

(2) Applicants who wish to use a foreign language dictionary during an examination must obtain approval at the examination site prior to the examination. Only dictionaries without definitions will be approved for use.

AMENDATORY SECTION (Amending Order PM 614, filed 12/5/86)

WAC 308-20-171 PASSING ((~~GRADES~~)) SCORES ON ALL EXAMINATIONS. Passing ((~~grades~~)) scores are based on the standard of 100 percent and are determined by the cosmetology/barber/manicurist advisory board.

The passing ((~~grade~~)) score on the barber, manicurist, and chemical services examinations is 76 percent. An applicant who receives a passing score of not less than 76 percent shall be entitled to a license.

Applicants for a barber license will be required to obtain a passing ((~~grade~~)) score on the barber examination.

Applicants for a manicurist license will be required to obtain a passing ((~~grade~~)) score on the manicurist examination.

Applicants for a cosmetology license will be required to obtain a passing ((~~grade~~)) score on the barber examination, the manicurist examination and the chemical services examination. No one will be licensed to perform chemical services until successfully passing all three examinations.

If a cosmetology applicant passes the barber examination, a barber license will be issued upon request.

If a cosmetology applicant passes the manicurist examination, a manicurist license will be issued upon request. There will be no refund of fees for separate licenses issued. If both barber and manicurist licenses are requested, an additional fee for a manicurist license will be required.

Applicants for cosmetology instructor license will be required to obtain a ((~~scaled~~)) converted score of eighty on the instructor's examination.

((~~The instructor's examination will cover lesson planning and teaching techniques.~~))

AMENDATORY SECTION (Amending Order PL 480, filed 9/12/84)

WAC 308-20-190 RESTRICTED LICENSE. Should the director restrict the licensee's scope of practice, the licensee ((~~will be required to~~)) shall surrender ((~~their~~)) the unrestricted license to the department of licensing ((~~whereby~~)) so the stated restriction ((~~will~~)) can be affixed((~~, then~~)) to the license and the license returned to the licensee. All restricted licenses must be posted at the work station of the individual in clear view of the public. ((~~Restricted~~)) Services beyond those authorized by the restricted license may not be performed by the licensee until the restriction is removed from the license.

AMENDATORY SECTION (Amending Order PL 480, filed 9/12/84)

WAC 308-20-205 LICENSE RENEWAL—PENALTIES. (1) Each individual license shall be renewed on or before the birthdate expiration date shown on the license. Failure to renew the license by the expiration date will result in a penalty fee determined by the director. Licenses may be reinstated up to three years by payment of all renewal fees and a penalty fee((~~s~~)) for the period for which the license had lapsed.

(2) Each school license shall be renewed on or before July 1st as indicated by the expiration date on the license. Failure to renew the school license by the expiration date will result in a penalty fee determined by the director. Students shall not receive credit for instruction received during any period a school license is expired.

WSR 88-19-048
ADOPTED RULES
DEPARTMENT OF LICENSING
(Board of Massage)
[Order PM 770—Filed September 14, 1988]

Be it resolved by the Washington State Board of Massage, acting at Seattle, Washington, that it does adopt the annexed rules relating to:

New	WAC 308-51-021	Reciprocity.
Amd	WAC 308-51-140	Special examination.

This action is taken pursuant to Notice No. WSR 88-16-069 filed with the code reviser on August 2, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.108-.025 which directs that the Washington State Board of Massage has authority to implement the provisions of chapter 18.108 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 7, 1988.

By Susan Rosen
Chairperson

NEW SECTION

WAC 308-51-021 RECIPROCITY. The board, at its discretion, and subject to the laws pertaining to the licensing of massage practitioners may endorse a massage practitioner license issued by the proper authorities of any other state, territory, or foreign jurisdiction upon payment of the application fee and initial license fee and submission of evidence satisfactory to the board:

(1) That such other state, territory, or foreign jurisdiction maintains a system and standard of education and examination for massage practitioners which is substantially equivalent to that required in Washington;

(2) That such applicant provides proof, in a manner approved by the department, that the education and examination requirements of the alternative state, territory, or foreign jurisdiction are equivalent to that of Washington;

(3) That such applicant successfully demonstrates, to the satisfaction of the board, a working knowledge of Washington laws pertaining to the practice of massage;

(4) That such applicant has not had any disciplinary action taken against himself/herself including a license revocation or suspension in any state, territory, or foreign jurisdiction in which the applicant has received a massage practitioner's license or reciprocal endorsement;

(5) That such applicant, after meeting the preceding requirements, must submit the application fee, initial license fee and is subject to annual renewal fees and late penalty fees.

AMENDATORY SECTION (Amending Order PM 725, filed 5/10/88)

WAC 308-51-140 SPECIAL EXAMINATION. An applicant who states that the applicant cannot read or speak the English language with sufficient facility to take the written or practical examination may elect one of the following options:

(1) To have the examination read in English; or

(2) Take the examination with the assistance of ((~~an interpreter~~)) a translator.

The applicant must notify the department of the applicant's need for a translator at the time of filing an application to take the massage exam.

The translator shall not define or translate from English to the requested language any medical terms, conditions, or treatments.

WSR 88-19-049
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Examiners for Nursing Home Administrators)
[Filed September 14, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Examiners for Nursing Home Administrators intends to adopt, amend, or repeal rules concerning:

Rep	WAC 308-54-140	Approval of courses of study.
Amd	WAC 308-54-130	Courses of study.
Amd	WAC 308-54-170	Temporary permits.
New	WAC 308-54-162	AIDS prevention and information education requirements;

that the agency will at 1:30 p.m., Thursday, October 27, 1988, in the Peninsula East Room at the Hilton, 17620 Pacific Highway South, Seattle, WA 98168-0964, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.52.100(8), 18.52.100(11) and 18.130.050(1).

The specific statute these rules are intended to implement is RCW 18.52.100(11).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 27, 1988.

This notice is connected to and continues the matter in Notice No. WSR 88-10-056 filed with the code reviser's office on May 4, 1988.

Dated: September 12, 1988
By: Terry Noeth
Assistant Attorney General

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Examiners for Nursing Home Administrators.

Purpose: To establish procedures for implementation of AIDS prevention and information education requirements for health care professions under the director's authority.

Statutory Authority: RCW 18.52.100(11).

Responsible Departmental Personnel: In addition to the Board of Examiners for Nursing Home Administrators, departmental personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Maria Gardipee, Executive Secretary, Professional Programs Management Division, 1300 Quince Street S.E., P.O. Box 9012, Olympia, WA 98504, phone (206) 753-1230 comm, 234-1230 scan.

Proponents: The Washington State Board of Examiners for Nursing Home Administrators.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal law or federal or state court requirements.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses.

AMENDATORY SECTION (Amending Order PL 407, filed 10/6/82)

WAC 308-54-130 COURSES OF STUDY. A course of study provided to satisfy the continuing education requirement of licensed nursing home administrators must meet the following conditions before approval by the board ((~~can~~)) will be considered:

(1) Such ((~~program shall qualify as an approved course of instruction as defined in WAC 308-54-140; and~~)) course of study must be registered before being offered;

(2) Such ((~~program~~)) course of study shall consist of a minimum of ((~~three~~)) one hour((~~s~~)) of organized instruction with the exception of board-approved correspondence courses of study; ((~~and~~))

(3) Such ((~~program~~)) course of study may include the following general subject areas or their equivalents, and must be oriented to the nursing home administrator and reasonably related to the administrator of nursing homes:

(a) Applicable standards of environmental health and safety
(b) Local health and safety regulations
(c) General administration
(d) Psychology of patient care
(e) Principles of medical care
(f) Personal and social care
(g) Therapeutic and supportive care and services in long-term care
(h) Departmental organization and management
(i) Community inter-relationships; ((~~and~~))

(4) Such ((~~program~~)) course of study shall issue certificates of attendance or other evidence satisfactory to the board; and

(5) All courses of study for continuing education are subject to board approval.

AMENDATORY SECTION (Amending Order 348, filed 7/1/80)

WAC 308-54-170 TEMPORARY PERMITS. (1) Upon the director's receipt of the ((~~annual fee and the~~)) application and temporary permit fees, a temporary permit may be issued by the director under ((~~certain unusual circumstances~~)) the criteria, circumstances, and requirements, stated in this section, and without examination, for a period up to six months. ((~~No more than three consecutive permits shall be issued to one person.~~)) Such permits shall be subject to confirmation ((~~or~~)), rescission, or modification by order of the board upon review at the next board meeting. A person holding a temporary permit shall work closely with the representative of the board. A permit holder shall not be eligible for a subsequent permit and such permit shall terminate upon the holder being advised of the licensure examination results. A temporary permit shall be valid only for the specific facility for which it is issued and shall terminate upon the permit holder's departure from the facility unless otherwise approved by the board. An applicant shall meet all of the following criteria:

(a) Be currently licensed and in good standing as a nursing home administrator in another state.

(b) Have passed the national examination with an equivalent score of 75% (113 raw score) or better. Applicants licensed prior to the existence of the national examination will be individually reviewed.

(c) The applicant is otherwise eligible for the licensure examination in this state and has met the requirements and applied for the next scheduled examination.

(d) Have a written agreement for consultation with a Washington state licensed nursing home administrator, which is subject to review by the board at its next regularly scheduled meeting.

(e) The foregoing provisions of (a) and (b) of this subsection shall not apply in the case of an administrator of a religious care facility described in RCW 18.51.170 and acting under a limited license described in RCW 18.52.070(3).

(2) ((~~A person holding a temporary permit shall work closely with the executive secretary of the board. This working relationship shall involve written arrangements for consultation by a licensed administrator, subject to review by the board at the next regularly scheduled meeting.~~)) The following circumstances will be considered for the issuance of a temporary permit:

(a) There is a specific vacancy due to the departure of the nursing home administrator from a facility which creates an undue hardship.

(b) Illness of the current nursing home administrator of the facility which prevents such person from performing his/her duties.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-54-140 APPROVAL OF COURSES OF STUDY.

NEW SECTION

WAC 308-54-162 AIDS PREVENTION AND INFORMATION EDUCATION REQUIREMENTS. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the Department of Social and Health Services or any successor department with jurisdiction over public health matters as defined in 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989 persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) Renewal of licenses. Effective with the renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the model curriculum available from the Office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

WSR 88-17-050
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Funeral Directors and Embalmers)
[Filed September 14, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Funeral Directors and Embalmers of the state of Washington, intends to adopt, amend, or repeal rules concerning AIDS prevention and information education requirements, new section WAC 308-48-350;

that the agency will at 10:00 a.m., Thursday, November 17, 1988, in the Regional Office, Department of Licensing, 464 12th Avenue, Suite 300, Seattle, WA 98122, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is section 604, chapter 206, [Laws of 1988].

The specific statute these rules are intended to implement is section 604, chapter 206, Laws of 1988.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 16, 1988.

Dated: September 12, 1988
By: Terry Noeth
Assistant Attorney General

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Funeral Directors and Embalmers.

Purpose: To establish procedures for implementation of AIDS prevention and information education requirements for health care professions under the director's authority.

Statutory Authority: Section 604, chapter 206, Laws of 1988.

Responsible Departmental Personnel: In addition to the Board of Funeral Directors and Embalmers, departmental personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Patti Rathbun, Assistant Program Manager, Professional Programs Management Division, 1300 Quince Street S.E., P.O. Box 9012, Olympia, WA 98504, phone (206) 753-3199 comm, 234-3199 scan.

Proponents: The Washington State Board of Funeral Directors and Embalmers.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal law or federal or state court requirements.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses.

NEW SECTION

WAC 308-48-350 AIDS PREVENTION AND INFORMATION EDUCATION REQUIREMENTS. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the Department of Social and Health Services or any successor department with jurisdiction over public health matters as defined in 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989 persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) Renewal of licenses. Effective with the renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the model curriculum available from the Office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

WSR 88-19-051
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
[Order 1987—Filed September 14, 1988]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to use of pesticides on seed alfalfa in WAC 16-228-600.

I, C. Alan Pettibone, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is recent changes in Federal Environmental Protection Agency policy have enabled this agency to declare the alfalfa seed crop and nonfood crop in time for the current growing season. This will allow growers greater freedom in pesticide choice. The emergency rule has been scheduled for hearing and this emergency is necessary to continue this action during the growing season, until a public hearing can be held.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapters 15.58 and 17.21 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 14, 1988.

By C. Alan Pettibone
Director

NEW SECTION

WAC 16-228-600 USE OF PESTICIDES ON SEED ALFALFA. (1) For purposes of pesticide registration, all alfalfa seed crop fields may be considered non-food and non-feed sites of pesticide use; PROVIDED, that the following conditions shall be met:

(a) All seed screenings shall be disposed of in such a way that they cannot be distributed or used for food or feed. The seed conditioner shall keep records of screening disposal for three years from the date of disposal and shall furnish the records to the director forthwith upon request. Disposal records shall consist of documentation from a controlled dump site, incinerator, or other equivalent disposal site and shall show the amount of material disposed of, its grower, and the date of disposal.

(b) No portion of the seed alfalfa plant, including but not limited to green chop, hay, pellets, meal, whole seed, and cracked seed, may be used or distributed for food or feed purposes.

(c) All alfalfa seed conditioned in this state shall bear a tag which forbids use of the seed for human consumption or animal feed.

(d) No alfalfa seed conditioned in this state may be distributed for human consumption or animal feed.

(2) Violation of any condition listed in subsection (1) of this section is declared to be a violation of chapters 17.21 and 15.58 RCW.

(3) Alfalfa seed crop certified under provisions of chapter 15.86.070 RCW, the Organic Food Products Act, shall be exempt from the requirements of this section.

WSR 88-19-052
EMERGENCY RULES
DEPARTMENT OF NATURAL RESOURCES
[Order 549—Filed September 15, 1988]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the restricting of all burning on lands protected by the Department of Natural Resources in the state.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is due to the dryness of the forest fuels certain restricts on burning are necessary to prevent wildfires from occurring whereby life, property and the natural resources would be in danger.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.015 and 76.04.315 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 15, 1988.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-092 OUTDOOR BURNING RESTRICTIONS. Effective midnight, Thursday, September 15, 1988, through midnight, Saturday, October 15, 1988, privileges to have an outdoor fire without a written burning permit, as allowed by WAC 332-26-211, on all lands protected by the department in the state are suspended. PROVIDED, That fires contained in established campfire pits, approved by the Department, located in state, county, municipal, or other campgrounds and the use of barbecues or camp stoves in state, county, municipal, or other campgrounds are exempt from these burning restrictions.

NEW SECTION

WAC 332-26-093 BURNING BARREL RESTRICTIONS. Effective midnight, Thursday, September 15, 1988, through midnight, Saturday, October 15, 1988, privileges to burn in a burning barrel without a written burning permit, as allowed by WAC 332-24-201 and described in WAC 332-24-225, on all lands protected by the department in the state are suspended.

WSR 88-19-053
ADOPTED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
[Order 88-18—Filed September 15, 1988]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amending of WAC 296-81-007(3) to rescind ANSI/ASME A17.1, Rule 211.3b and replace it with WAC 296-81-275 and WAC 296-81-007(4) adopts the American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1, 1987 edition.

This action is taken pursuant to Notice No. WSR 88-13-128 filed with the code reviser on June 22, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.87.080, [70.87.]090 and [70.87.]100 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 15, 1988.

By Joseph A. Dear
Director

AMENDATORY SECTION (Amending Order 87-21, filed 11/6/87)

WAC 296-81-007 NATIONAL ELEVATOR CODE ADOPTED. (1) The American National Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, American National Standards Institute A17.1, as amended or revised through 1971, is adopted as the standards in this state for elevators, dumbwaiters, escalators, and moving walks installed from February 25, 1972, through June 30, 1982.

(2) The American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1, 1981 edition, is adopted as the standard for elevators, dumbwaiters, escalators, and moving walks installed on or after July 1, 1982 through January 9, 1986.

(3) The American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1, 1984 edition is adopted as the standard for elevators, dumbwaiters, escalators, and moving walks installed on or after January 10, 1986, with the exception of ANSI A17.1, part XIX. For all elevators, dumbwaiters, escalators, and moving walks installed on or after November 1, 1988, the requirements of ANSI A17.1, 1984 edition apply, with the exception of ANSI A17.1, part XIX and ANSI A17.1, part II, Rule 211.3b, which is replaced by WAC 296-81-275.

(4) The American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1, 1987 edition is adopted as the standard for elevators, dumbwaiters, escalators, and moving walks installed on or after January 1, 1989, with the exception of ANSI A17.1, part XIX, and ANSI A17.1, part II, Rule 211.3b, which is replaced by WAC 296-81-275.

NEW SECTION

WAC 296-81-275 SMOKE DETECTORS. Phase I recall shall be provided for all elevators with fully automatic open and close power operated doors, and shall be activated from, but not limited to, alarm devices in the elevator equipment room(s) and lobbies or areas adjacent to hoistways. Devices for deactivating recall shall be secure from tampering and shall be accessible to fire, inspection, and elevator service personnel only. Owner-designated patient express and emergency hospital service elevators may have a manual control in the car for use by authorized patient care personnel. When activated, it shall preclude Phase I recall.

WSR 88-19-054
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
[Filed September 15, 1988]

I would like to withdraw WAC 296-81-276, Notice No. WSR 88-13-129 filed on June 22, 1988.

Joseph A. Dear
Director

WSR 88-19-055
ADOPTED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
[Order 88-21—Filed September 15, 1988]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at the General Administration Building, Olympia, Washington 98504, the annexed rules relating to 4/10 public works projects, WAC 296-127-022. The 1988 legislature amended chapter 49.28 RCW which addresses hours of work and conditions of labor on public works projects. The proposed rule is intended to implement the amended law.

This action is taken pursuant to Notice No. WSR 88-14-106 filed with the code reviser on July 6, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Labor and Industries as authorized in RCW 43.22.270.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 15, 1988.

By Joseph A. Dear
Director

NEW SECTION

WAC 296-127-022 OVERTIME ACCORDING TO CHAPTER 49.28 RCW. (1) Work performed on public works contracts will not require the payment of overtime rates for the first two hours worked in excess of eight hours per day when the employer has obtained the employee's agreement to work a four-day, ten-hour work week.

(2) For the purpose of this section an agreement must:

(a) Have been authorized by employees who bargained collectively with their employers through representatives of their own choosing; or

(b) Be obtained in writing; and

(c) Be obtained individually from each employee; and

(d) Obtained separately for each public works project; and

(e) Obtained voluntarily.

(3) It is prohibited to work more than ten hours in any calendar day on a public works project except in

cases of extraordinary emergency, such as danger to life or property.

(4) Notwithstanding the above provisions, overtime must be paid for all hours worked in excess of forty hours per week.

WSR 88-19-056
PROPOSED RULES
INSURANCE COMMISSIONER
[Filed September 16, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt, amend, or repeal rules to establish requirements for the orderly conversion and substitution of existing Medicare supplement insurance policies, contracts or certificates due to changes in the federal Medicare program; to provide for reasonable standardization of coverage, terms and benefits eliminating policy provisions which duplicate Medicare-provided benefits; to provide for refunds of premiums associated with benefits duplicating Medicare program benefits; to provide for substitution of all existing Medicare supplement insurance policies with complying policies no later than January 1, 1990; to eliminate age rating of Medicare supplement insurance policies or contracts; and to establish minimum loss ratio standards and procedures for all Medicare supplement insurance policies or contracts;

that the agency will at 9:30 a.m., Tuesday, October 25, 1988, in the John A. Cherberg Building, Hearing Room #1, State Capitol Campus, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 31, 1988, at 2:00 p.m. in the Conference Room, Insurance Commissioner's Office, Insurance Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 48.02.060 (3)(a) and 48.30.010(2).

The specific statute these rules are intended to implement is RCW 48.20.450, 48.20.460, 48.20.470, 48.66.041, 48.66.050, 48.66.070, 48.66.100(3), 48.66.110 and 48.66.130.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 25, 1988. Mailing address: Insurance Building, AQ-21, Olympia, Washington 98504-0321.

Dated: September 15, 1988
By: Melodie Bankers
Deputy Commissioner

STATEMENT OF PURPOSE

Title: Amending chapter 284-55 WAC to establish requirements for the orderly conversion and implementation of changes in Medicare supplement insurance policies due to changes in the federal Medicare program.

Statutory Authority: RCW 48.02.060 (3)(a) and 48.30.010(2) to effectuate the provisions of RCW 48.20.450, 48.20.460, 48.20.470, 48.66.041, 48.66.050, 48.66.070, 48.66.100(3), 48.66.110 and 48.66.130.

Summary: Effective December 1, 1988, the amendments to chapter 284-55 WAC will require that all insurers advise insureds via annual adjustment notices of the changes to the insured's Medicare supplement insurance policy required by changes to the federal Medicare program. In addition, the amendments to chapter 284-55 WAC provide for the following: No insurance policy may duplicate Medicare-provided benefits; no insurer may require the purchase of additional coverage in connection with the changes to existing Medicare supplement insurance policies; new minimum benefit requirements are established; commissions for replacement Medicare supplement insurance policies must be paid at renewal rate; loss ratio requirements established for all insurers; attained age rating prohibited for all insurers; new policy forms must be substituted for old forms no later than January 1, 1990, riders and endorsements may be used to reduce or modify benefits only until that date; new rates, forms and loss ratios to meet the new federal and state Medicare standards must be filed annually with the commissioner; and all Medicare supplement insurance advertising used in Washington must be filed 30 days prior to use in this state.

Statement of Reasons Supporting the Proposed Action: It is the intent of the rule to establish standards for Washington licensees that meet or exceed the federal Medicare standards and to furnish guidelines to all licensees so that the new rules will be effective without being unduly burdensome.

The rule is required by changes to the federal Medicare program which requires adoption of complying regulations by each state. The amendments to chapter 284-55 WAC meet or exceed the required changes. Where this action exceeds minimum federal guidelines, it was determined by the commissioner that these changes are necessary for the protection of the citizens of this state.

Attained age rating is prohibited because it is a means that can be used by insurers to price insureds out of the market at the time in life when the protection is most needed. Premiums based on other methods of premium calculation may be higher at age 65 than those based on attained age rating; but at the older ages, and over the "life" of the policy, a policy based on attained age rating will cost more than a policy based on other methods of premium determination.

Substitute policies will be required no later than January 1, 1990. It is the commissioner's opinion that the use of endorsements and riders to eliminate duplication of Medicare-provided benefits will be unduly confusing to Washington policyholders. Rather than require the immediate substitution of policies, however, this exchange may be made any time in the next 13 months.

Agency Personnel Responsible: Melodie Bankers, Deputy Commissioner, (206) 586-3574, was directly responsible for the drafting of the proposed rule, under the supervision of Robert E. Johnson, Deputy Commissioner, (206) 753-2406. It will be implemented and enforced, as appropriate, by the Company Supervision and

Consumer Protection divisions of the Insurance Commissioner's Office under the direct supervision of David H. Rodgers, Chief Deputy Commissioner, (206) 753-7302. The address of each of the individuals named is Insurance Building, AQ-21, Olympia, Washington 98504.

Agency Official Proposing Rule: Dick Marquardt, the Insurance Commissioner, a state public official.

Federal Action Requires Rule: The proposed rule is necessary as the result of federal law, the Medicare Catastrophic Coverage Act of 1988.

Small Business Economic Impact Statement: Since no insurer is required to offer Medicare supplement insurance coverage to residents of this state, licensees who choose to offer such coverage to residents of this state will have added expense, but that is primarily the result of federal law, not the rule.

AMENDATORY SECTION (Amending Order R 82-3, filed 5/26/82)

WAC 284-55-010 PURPOSE. The purpose of this regulation is to effectuate the provisions of RCW 48.20.450, 48.20.460 and 48.20-.470, and to supplement the requirements of chapter 48.66 RCW, the Medicare Supplemental Health Insurance Act, by establishing minimum standards for benefits and specific standards for Medicare supplement insurance, by prescribing the "outline of coverage" to be used in the sale of Medicare supplemental insurance, by establishing other disclosure requirements, by prohibiting the use of certain provisions in Medicare supplement insurance policies, by defining and prohibiting certain practices as unfair acts and practices, and establishing loss ratio requirements; to assure the orderly implementation and conversion of Medicare supplement insurance benefits and premiums due to changes in the federal Medicare program; to provide for the reasonable standardization of the coverage, terms, and benefits of Medicare supplement insurance policies; to eliminate policy provisions which may duplicate Medicare benefits; and to provide for refunds of premiums associated with benefits duplicating Medicare program benefits.

AMENDATORY SECTION (Amending Order R 81-6, filed 12/9/81)

WAC 284-55-020 APPLICABILITY AND SCOPE. (1) Except as otherwise specifically provided, this regulation shall apply to every group and individual policy of disability insurance and to every subscriber contract of an insurer, fraternal benefit society, health care service contractor, or health maintenance organization, which relates its benefits to Medicare, or which is advertised, marketed, or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare by reason of age. Such policy or contract is referred to in this regulation as "Medicare supplemental insurance" or "Medicare supplement insurance policy."

(2) Except as required by federal law, this regulation shall not apply to:

(a) A policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or combination thereof, or for members or former members, or combination thereof, of the labor organizations;

(b) A policy or contract of any professional, trade, or occupational association for its members or former members, or combination thereof, if such association:

(i) Is composed of individuals all of whom are or have been actively engaged in the same profession, trade or occupation;

(ii) Has been maintained in good faith for purposes other than obtaining insurance; and

(iii) Has been in existence for at least two years prior to the date of initial offering of such policy or plan to its members;

(c) Individual policies or contracts issued pursuant to a conversion privilege under a policy or contract of group or individual insurance when such group or individual policy or contract includes provisions which are inconsistent with the requirements of this regulation;

(d) Policies issued to employees or members as additions to franchise plans in existence on the effective date of this regulation, or

(e) Health maintenance organization contracts specified in ((~~section 16, of chapter 153, Laws of 1981~~)) RCW 48.66.160, to the extent they may be in conflict with this regulation.

AMENDATORY SECTION (Amending Order R 81-6, filed 12/9/81)

WAC 284-55-030 DEFINITIONS. For purposes of this regulation:

(1) "Applicant" means:

(a) In the case of an individual Medicare supplement insurance policy or subscriber contract, the person who seeks to contract for insurance benefits, and

(b) In the case of a group Medicare supplement insurance policy or subscriber contract, the proposed certificate holder.

(2) "Certificate" means any certificate issued under a group Medicare supplement insurance policy, which policy has been delivered or issued for delivery in this state.

(3) "Insurer" includes insurance companies, fraternal benefit societies, health care service contractors and health maintenance organizations.

(4) "Direct response insurer" means an insurer who, as to a particular transaction, is transacting insurance directly with a potential insured without solicitation by, or the intervention of, a licensed insurance agent.

(5) "Policy" means a Medicare supplement insurance policy or contract, regardless of the kind of insurer issuing it, unless the context clearly indicates otherwise.

AMENDATORY SECTION (Amending Order R 82-3, filed 5/26/82)

WAC 284-55-035 POLICY DEFINITIONS AND TERMS. No insurance policy or subscriber contract may be advertised, solicited, or issued for delivery in this state as a Medicare supplement policy unless such policy or contract contains definitions or terms which conform to the requirements of this section.

(1) "Accident," "accidental injury," or "accidental means" shall be defined to employ "result" language and shall not include words which establish an accidental means test or use words such as "external, violent, visible wounds" or similar words of description or characterization.

(a) The definition shall not be more restrictive than the following: "Injury or injuries for which benefits are provided means accidental bodily injury sustained by the insured person which is the direct result of an accident, independent of disease or bodily infirmity or any other cause, and occurs while insurance coverage is in force."

(b) Such definition may provide that injuries shall not include injuries for which benefits are provided under any workers' compensation, employer's liability or similar law, motor vehicle no-fault plan, unless prohibited by law, or injuries occurring while the insured person is engaged in any activity pertaining to any trade, business, employment, or occupation for wage or profit.

(2) "Convalescent nursing home," "extended care facility," or "skilled nursing facility" shall be defined in relation to its status, facilities and available services.

(a) A definition of such home or facility shall not be more restrictive than one requiring that it:

(i) Be operated pursuant to law;

(ii) Be approved for payment of Medicare benefits or be qualified to receive such approval, if so requested;

(iii) Be primarily engaged in providing, in addition to room and board accommodations, skilled nursing care under the supervision of a duly licensed physician;

(iv) Provide continuous twenty-four hours a day nursing service by or under the supervision of a registered graduate professional nurse (R.N.); and

(v) Maintains a daily medical record of each patient.

(b) The definition of such home or facility may provide that such term shall not be inclusive of:

(i) Any home, facility or part thereof used primarily for rest;

(ii) A home or facility for the aged or for the ((~~care of drug addicts or alcoholics~~)) treatment of chemical dependency; or

(iii) A home or facility primarily used for the care and treatment of mental diseases or disorders, or custodial or educational care.

(3) "Hospital" may be defined in relation to its status, facilities and available services or to reflect its accreditation by the Joint Commission on Accreditation of ((~~hospitals~~)) Health Care Organizations.

(a) The definition of the term "hospital" shall not be more restrictive than one requiring that the hospital:

(i) Be an institution operated pursuant to law; and

(ii) Be primarily and continuously engaged in providing or operating, either on its premises or in facilities available to the hospital on a prearranged basis and under the supervision of a staff of duly licensed physicians, medical, diagnostic and major surgical facilities for the medical care and treatment of sick or injured persons on an inpatient basis for which charge is made; and

(iii) Provide twenty-four hour nursing service by or under the supervision of registered graduate professional nurses (R.N.'s).

(b) The definition of the term "hospital" may state that such term shall not be inclusive of:

(i) Convalescent homes, convalescent, rest, or nursing facilities; or

(ii) Facilities primarily affording custodial, educational, or rehabilitory care; or

(iii) Facilities for the aged, drug addicts, or alcoholics; or

(iv) Any military or veterans hospital or soldiers home or any hospital contracted for or operated by any national government or agency thereof for the treatment of members or ex-members of the armed forces, except for services rendered on an emergency basis where a legal liability exists for charges made to the individual for such services.

(4) "Mental or nervous disorders" shall not be defined more restrictively than a definition including neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder of any kind.

(5) "Nurses" may be defined so that the description of nurse is restricted to a type of nurse, such as registered graduate professional nurse (R.N.), a licensed practical nurse (L.P.N.), or a licensed vocational nurse (L.V.N.). If the words "nurse," "trained nurse," or "registered nurse" are used without specific instruction, then the use of such terms requires the insurer to recognize the services of any individual who qualified under such terminology in accordance with the applicable statutes or administrative rules of the licensing or registry board of the state.

(6) "Physician" may be defined by including words such as "duly qualified physician" or "duly licensed physician." The use of such terms requires an insurer to recognize and to accept, to the extent of its obligation under the contract, all providers of medical care and treatment when such services are within the scope of the provider's licensed authority and are provided pursuant to applicable laws.

(7) "Sickness" shall not be defined to be more restrictive than the following: "Sickness means sickness or disease of an insured person which first manifests itself after the effective date of insurance and while the insurance is in force." The definition may be further modified to exclude sicknesses or diseases for which benefits are provided under any workers' compensation, occupational disease, employer's liability, or similar law.

AMENDATORY SECTION (Amending Order R 82-3, filed 5/26/82)

WAC 284-55-040 PROHIBITED POLICY PROVISIONS. (1) No insurance policy or subscriber contract may be advertised, solicited or issued for delivery in this state as a Medicare supplement policy unless such policy or contract meets the requirements of chapter 48.66 RCW, the Medicare Supplemental Health Insurance Act.

(2) No Medicare supplement policy or certificate in force in this state shall contain benefits which duplicate benefits provided by Medicare.

(3) No insurance policy or subscriber contract may be advertised, solicited, or issued for delivery in this state as a Medicare supplement policy if such policy or subscriber contract limits or excludes coverage by type of illness, accident, treatment, or medical condition, except as follows:

(a) Foot care in connection with corns, calluses, flat feet, fallen arches, weak feet, chronic foot strain, or symptomatic complaints of the feet;

(b) Mental or emotional disorders((~~, alcoholism~~)) and ((~~drug addiction~~)) chemical dependency;

(c) Illness, treatment, or medical condition arising out of:

(i) War or act of war (whether declared or undeclared); participation in a felony, riot or insurrections; service in the armed forces or units auxiliary thereto;

(ii) Suicide (sane or insane), attempted suicide, or intentionally self-inflicted injury;

(iii) Aviation((~~;~~)), other than as a fare-paying passenger on a scheduled or charter flight operated by a scheduled airline.

(d) Cosmetic surgery, except that "cosmetic surgery" shall not include reconstructive surgery when such service is incidental to or follows surgery resulting from trauma, infection, or other diseases of the involved part;

(e) Care in connection with the detection and correction by manual or mechanical means of structural imbalance, distortion, or subluxation in the human body for purposes of removing nerve interference and the effects thereof, where such interference is the result of or related to distortion, misalignment, or subluxation of, or in the vertebral column;

(f) Treatment provided in a governmental hospital; benefits provided under Medicare or other governmental program (except medicaid), any state or federal workers' compensation, employer's liability or occupational disease law, or any motor vehicle no-fault law; services rendered by employees of hospitals, laboratories, or other institutions; services performed by a member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance;

(g) Dental care or treatment;

(h) Eye glasses, hearing aids, and examination for the prescription or fitting thereof;

(i) Rest cures, custodial care, transportation, and routine physical examinations;

(j) Territorial limitations:

PROVIDED, That Medicare supplement insurance policies may not contain, when issued, limitations or exclusions of the type enumerated in (a), (e), (i) or (j) of this subsection that are more restrictive than those of Medicare. Medicare supplement policies may exclude coverage for any expense to the extent of any benefit available to the insured under Medicare.

((~~(3)~~)) (4) A "noncancellable," "guaranteed renewable," or "noncancellable and guaranteed renewable" Medicare supplement insurance policy shall not provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium.

((~~(4)~~)) (5) Termination of a Medicare supplement policy shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits. Any provision to the contrary is prohibited.

((~~(5)~~)) (6) No Medicare supplement insurance policy shall restrict, exclude or limit benefits for a sickness through use of a probationary, or similar, provision.

(7) No insurer shall require any person covered under a Medicare supplement policy to purchase additional coverage in connection with the amendment of a Medicare supplement insurance policy.

(8) The terms "Medicare supplement," "Medigap," or words of similar import shall not be used unless the policy is issued in compliance with chapter 48.66 RCW and this chapter.

AMENDATORY SECTION (Amending Order R 82-3, filed 5/26/82)

WAC 284-55-045 MINIMUM BENEFIT STANDARDS. Except as permitted by WAC 284-55-040(2), no insurance policy or subscriber contract may be advertised, solicited, or issued for delivery in this state as a Medicare supplement policy which does not meet the following minimum benefit standards. Except in subsection (1) of this section which requires fixed benefits these are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards.

(1) ((~~Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the sixty-first day through the ninetieth day in any Medicare benefit period;~~

~~(2) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital reserve days;~~

~~(3) Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of ninety percent of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional three hundred sixty-five days; and~~)) Coverage for either all or none of the Medicare Part A deductible amount.

(2) Coverage for the daily copayment amount of Medicare Part A eligible expenses for the first eight days per calendar year incurred for skilled nursing care.

(3) Coverage for the Medicare eligible cost of the first three pints of blood under Medicare Part A not replaced by blood bank or otherwise.

(4)(a) Until January 1, 1990, coverage of twenty percent of the amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket deductible of two hundred dollars of such expenses and to a maximum benefit of at least five thousand dollars per calendar year.

(b) Effective January 1, 1990, coverage for the copayment amount of Medicare eligible expenses (excluding outpatient prescription drugs) under Medicare Part B up to the out-of-pocket amount for Medicare Part B after the Medicare deductible amount.

(5) Coverage of the Medicare eligible cost of the first three pints of blood under Medicare Part B not replaced by blood bank or otherwise.

(6) Effective January 1, 1990, coverage for the copayment amount of Medicare eligible expenses for home intravenous (IV) therapy drugs.

(7) Effective January 1, 1990, coverage for the copayment amount of Medicare eligible expenses for drugs used in immuno-suppressive therapy.

AMENDATORY SECTION (Amending Order R 81-6, filed 12/9/81)

WAC 284-55-050 OUTLINE OF COVERAGE REQUIRED. (1) An agent or insurer initiating a sale of an individual or group Medicare supplement insurance policy in this state shall complete and sign a disclosure form, and deliver the completed form to the applicant not later than the time of application for the policy.

(2) The disclosure form to be used shall be the "outline of coverage," which is set forth in WAC 284-55-060.

(3) Except for direct response insurers, an insurer shall obtain an acknowledgement of receipt of such outline from the applicant.

AMENDATORY SECTION (Amending Order R 81-6, filed 12/9/81)

WAC 284-55-060 FORM FOR "OUTLINE OF COVERAGE."

(COMPANY NAME)
OUTLINE OF MEDICARE
SUPPLEMENT COVERAGE

(1) Read your policy carefully - This outline of coverage provides a very brief description of the important features of your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth in detail the rights and obligations of both you and your insurance company. It is, therefore, important that you READ YOUR POLICY CAREFULLY!

(2) Medicare supplement coverage - Policies of this category are designed to supplement Medicare by covering some hospital, medical, and surgical services which are partially covered by Medicare. Coverage is provided for hospital inpatient charges and some physician charges, subject to any deductibles and copayment provisions which may be in addition to those provided by Medicare, and subject to other limitations which may be set forth in the policy. The policy does not provide benefits for custodial care such as help in walking, getting in and out of bed, eating, dressing, bathing and taking medicine (delete if such coverage is provided).

(3)(a) (for agents:)

Neither (Insert company's name) nor its agents are connected with Medicare.

(b) (for direct responses:)

(Insert company's name) is not connected with Medicare.

(4) (A brief summary of the major benefit gaps in Medicare Parts A and B with a parallel description of supplemental benefits, including dollar amounts, provided by the Medicare supplement coverage in the following order:)

~~SERVICE~~	~~BENEFIT~~	~~MEDICARE PAYS~~	~~((THIS POLICY PAYS~~	~~YOU PAY~~
~~HOSPITALIZATION~~				
~~semiprivate room and board, general nursing and miscellaneous hospital services and supplies.~~	~~First 60 days~~	~~All but $~~		
	~~61st to 90th day~~	~~All but $~~		
~~Includes meals, special care units, drugs, lab tests, diagnostic x-rays, medical supplies, operating and recovery room, anesthesia and rehabilitation services.~~	~~91st to 150th day~~	~~All but $ a day~~		
	~~Beyond 150 days~~	~~Nothing~~		
~~POSTHOSPITAL SKILLED NURSING CARE . . .~~	~~First 20 days~~	~~100% of costs~~		
~~In a facility approved by Medicare, you must have been in a hospital for at least three days and enter the facility within 30 days after hospital discharge.~~	~~Additional 80 days~~	~~All but $ a day~~		
	~~Beyond 100 days~~	~~Nothing~~		

((~~THIS~~

~~SERVICE~~	~~BENEFIT~~	~~MEDICARE PAYS~~	~~POLICY PAYS~~	~~YOU PAY~~
~~MEDICAL EXPENSE~~	~~Physician's services, inpatient and outpatient Medicare services and supplies at a hospital, physical and speech therapy and ambulance.~~	~~80% of reasonable charge (after $ deductible)~~		

))

SERVICE	THIS POLICY PAYS	YOU PAY
I. Part A		
A. INPATIENT HOSPITAL SERVICES:		
Semi-private Room & Board		
Miscellaneous Hospital Services & Supplies, such as Drugs, X-Rays, Lab Tests & Operating Room		
B. SKILLED NURSING CARE		
C. BLOOD		
II. Part B		
A. MEDICAL EXPENSE:		
Services of a Physician		
Medical Supplies other than Prescribed Drugs		
Out-of-Pocket Maximum		
B. PRESCRIPTION DRUGS		
C. BLOOD		
III. Miscellaneous		
A. Home Intravenous (IV) Therapy Drugs		
B. Immunosuppressive Drugs		
C. Home Health Services		
D. Mammography Screening		
E. Respite Care Benefits		

IN ADDITION TO THIS OUTLINE OF COVERAGE, (INSURANCE COMPANY NAME) WILL SEND AN ANNUAL NOTICE TO YOU THIRTY DAYS PRIOR TO THE EFFECTIVE DATE OF MEDICARE CHANGES WHICH WILL DESCRIBE THESE CHANGES AND THE CHANGES IN YOUR MEDICARE SUPPLEMENT COVERAGE.

(5) (Statement that the policy DOES OR DOES NOT cover the following:)

(a) Private duty nursing,

(b) Skilled nursing home care costs (beyond what is covered by Medicare),

(c) Custodial nursing home care costs,

(d) Intermediate nursing home care costs,

(e) Home health care above number of visits covered by Medicare,

(f) Physician charges (above Medicare's reasonable charge),

(g) Drugs and insulin (other than prescription drugs furnished during a hospital or skilled nursing facility stay),

(h) Care received outside of U.S.A. (and its territories),

(i) Dental care or dentures, checkups, routine immunizations, cosmetic surgery, routine foot care, examinations for, or the cost of, eyeglasses or hearing aids.

(6) (An explanation of such terms as "usual and customary," "reasonable and customary," or words of similar import, if used in the policy((;)).)

(7) A description of any policy provisions which exclude, eliminate, resist, reduce, limit, delay, or in any other manner operate to qualify payments of the benefits described in subsection (4) ((~~above~~)) of this section, including conspicuous statements:((~~:~~))

(a) ((~~(~~))That the chart summarizing Medicare benefits only briefly describes such benefits.((~~)~~))

(b) ((~~(~~))That the Health Care Financing Administration or its Medicare publications should be consulted for further details and limitations.((~~)~~

~~(7) (~~)) (8) A description of policy provisions respecting renewability or continuation of coverage, including any reservation of rights to change premium.((~~)~~

~~(8) (~~)) (9) The amount of premium for this policy.((~~)~~))

.....
(Insurer's Name)

By Date

.....
(Agent's or Officer's Signature)

(Drafting note. ((~~The term "certificate" should be substituted for the word "policy" throughout the outline of coverage where appropriate~~)) Where inappropriate terms are used, such as "insurance," "policy," or "insurance company," a fraternal benefit society, health care service contractor or health maintenance organization shall substitute appropriate terminology.)

AMENDATORY SECTION (Amending Order R 82-3, filed 5/26/82)

WAC 284-55-065 ((~~REQUIRED DISCLOSURE PROVISIONS AND~~)) BUYER'S GUIDE. (1) ((~~Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured or exercises a specifically reserved right under a Medicare supplement policy, all riders or endorsements added to a Medicare supplement policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require a signed acceptance by the insured. After the date of policy issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term must be agreed to in writing signed by the insured, except if the increased benefits or coverage is required by law.~~

~~(2) Where riders or endorsements are used at the time a policy is issued and separate additional premium is charged therefor, such premium charge shall be set forth in the policy.~~

~~(3)~~)) Insurers issuing accident and sickness policies, certificates, or subscriber contracts that provide hospital or medical expense coverage on an expense incurred or indemnity basis, other than incidentally, to persons eligible for Medicare by reason of age must provide to all applicants a Medicare supplement "buyer's guide."

((~~(4)~~)) (2) The "buyer's guide" required to be provided is the pamphlet Guide to Health Insurance for People with Medicare, developed jointly by the National Association of Insurance Commissioners and Health Care Financing Administration of the United States Department of Health and Human Services, or any reproduction or official revision of that pamphlet. Specimen copies may be obtained from the

Superintendent of Documents, United States Government Printing Office, Washington, D.C. ((~~The guide is identified as Department of Health and Human Services/Health Care Financing Administration Form Number HCFA-02110.~~

~~(5)~~)) (3) Delivery of the "buyer's guide" must be made whether or not such policies, certificates, or subscriber contracts are advertised, solicited, or issued as Medicare supplement policies. Except in the case of direct response insurers, delivery of the "buyer's guide" must be made to the applicant at the time of application and acknowledgement of receipt of the "buyer's guide" must be obtained by the insurer. Direct response insurers must deliver the "buyer's guide" to the applicant upon request but not later than at the time the policy is delivered.

AMENDATORY SECTION (Amending Order R 82-3, filed 5/26/82)

WAC 284-55-067 NOTICE REGARDING POLICIES OR SUBSCRIBER CONTRACTS WHICH ARE NOT MEDICARE SUPPLEMENT POLICIES. Any accident and sickness insurance policy or subscriber contract, other than a Medicare supplement policy((;)), disability income policy((;)), basic, ((~~catastrophic~~)) comprehensive, or major medical expense policy((;)), single premium nonrenewable policy or other policy identified in WAC 284-55-020 (2)(c) and (d), issued for delivery in this state to persons eligible for Medicare by reason of age, shall notify insureds under the policy or subscriber contract that the policy or subscriber contract is not a Medicare supplement policy. Such notice shall either be printed or attached to the first page of the outline of coverage delivered to insureds under the policy or subscriber contract, or if no outline of coverage is delivered, to the first page of the policy, certificate or subscriber contract delivered to insureds. Such notice shall be in no less than twelve point type and shall contain the following language: "THIS (POLICY, CERTIFICATE OR SUBSCRIBER CONTRACT) IS NOT A MEDICARE SUPPLEMENT (POLICY OR CERTIFICATE). If you are eligible for Medicare, review the Medicare Supplement Buyers Guide available from the company."

AMENDATORY SECTION (Amending Order R 81-6, filed 12/9/81)

WAC 284-55-070 REQUIREMENTS FOR APPLICATION FORMS, REPLACEMENT. (1) Application forms shall include a question designed to elicit information as to whether a Medicare supplement insurance policy or certificate is intended to replace any other health care service contract, health maintenance organization contract, disability insurance policy or certificate presently in force. A supplementary application or other form to be signed by the applicant containing such a question may be used.

(2) Upon determining that a sale will involve replacement, the insurer, other than a direct response insurer, or its agent, shall furnish the applicant, prior to issuance or delivery of the Medicare supplement insurance policy or certificate, a notice regarding replacement of accident and sickness coverage. One copy of such notice shall be provided to the applicant and an additional copy signed by the applicant shall be retained by the insurer. A direct response insurer shall deliver to the applicant at the time of the issuance of the policy the notice regarding replacement of accident and sickness coverage.

(3) The notice required by subsection (2) of this section for an insurer, other than a direct response insurer, shall be provided in substantially the form set forth in WAC 284-55-080.

(4) The notice required by subsection (2) of this section for a direct response insurer shall be in substantially the form set forth in WAC 284-55-090.

(5) The application form shall also contain questions as to whether, as of the date of the application, the applicant

(a) Has any other health care service contract, health maintenance organization contract, disability insurance policy or certificate in force, and

(b) Is eligible for state medical assistance coupons (Medicaid).

AMENDATORY SECTION (Amending Order R 81-6, filed 12/9/81)

WAC 284-55-080 FORM FOR "REPLACEMENT NOTICE."

NOTICE TO APPLICANT REGARDING REPLACEMENT OF ACCIDENT AND SICKNESS INSURANCE

According to (your application) (information you have furnished), you intend to lapse or otherwise terminate existing accident and sickness insurance and replace it with a policy to be issued by (Company Name) Insurance Company. ((~~Your new policy~~)) Federal law provides thirty days within which you may decide without cost whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

(1) Health conditions which you may presently have (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.

Drafting note. This subsection may be modified if preexisting conditions are covered under the new policy.

(2) You may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

(3) If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical/health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, reread it carefully to be certain that all information has been properly recorded.

The above "Notice to Applicant" was delivered to me on:

.....
(Date)

.....
(Applicant's Signature)

AMENDATORY SECTION (Amending Order R 81-6, filed 12/9/81)

WAC 284-55-090 FORM FOR "REPLACEMENT NOTICE" BY DIRECT RESPONSE INSURER.

NOTICE TO APPLICANT REGARDING REPLACEMENT OF ACCIDENT AND SICKNESS INSURANCE

According to (your application) (information you have furnished) you intend to lapse or otherwise terminate existing accident and sickness insurance and replace it with the policy delivered herewith issued by (Company Name) Insurance Company. ((~~Your new policy~~)) Federal law provides thirty (30) days within which you may decide without cost whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

(1) Health conditions which you may presently have (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.

(2) You may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

(3) (To be included only if the application is attached to the policy.) If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, read the copy of the application attached to your new policy and be sure that all questions are answered fully and correctly. Omissions or misstatements in the application could cause an otherwise valid claim to be denied. Carefully check the application and write to (Company Name

and Address) within thirty (30) days if any information is not correct and complete, or if any past medical history has been left out of the application.

.....
(Company Name)

NEW SECTION

WAC 284-55-095 PROHIBITED COMPENSATION FOR REPLACEMENT WITH THE SAME INSURER. No insurer shall provide compensation to its agents or other producers which is greater than the renewal compensation which would have been paid on an existing policy if the existing policy is replaced by another policy with the same company where the new policy benefits are substantially similar to the benefits under the old policy and the old policy was issued by the same insurer or insurer group.

NEW SECTION

WAC 284-55-115 STANDARDS FOR LOSS RATIOS. (1) Medicare supplement policies shall return to policyholders in the form of aggregated benefits under the policy, for the entire period for which rates are computed to provide coverage, loss ratios not less than those set forth in this section. Such aggregated benefits shall be on the basis of incurred claims experience and earned premiums for such period. The loss ratio standards of this section are more stringent and more appropriate than those imposed by RCW 48.66.100, and are necessary for the protection of the public interest. Where coverage is provided by a health maintenance organization on a service rather than reimbursement basis, such aggregated benefits shall be on the basis of incurred health care expenses and earned premiums for such period.

(2) All filings of rates and rating schedules shall demonstrate that actual and expected losses in relation to premiums comply with the requirements of this chapter.

(3) Every insurer providing Medicare supplement policies in this state shall annually file its rates, rating schedules, and supporting documentation including ratios of incurred losses to earned premiums by number of years of policy duration demonstrating that it is in compliance with the applicable loss ratio standards and that the period for which the policy is rated is reasonable in accordance with accepted actuarial principles and experience. Supporting documentation shall include the amounts of unearned premium reserve, additional policy reserves, and claim reserves and liabilities, both nationally and for this state.

(4) Incurred losses shall include claims paid and the change in claim reserves and liabilities. Incurred losses shall not include policy reserves, home office or field overhead, acquisition and selling costs, taxes or other expenses, contributions to surplus, profit, or claims processing costs.

(5) The following criteria will be used to determine whether policy forms are in compliance with the loss ratio standards of this section:

(a) For the most recent year, the ratio of the incurred losses to earned premiums is greater than or equal to the applicable percentages contained in this section; and

(b) The expected losses in relation to premiums over the entire period for which the policy is rated complies with the requirements of this section, relying on the judgment of the pricing actuary and acceptable to the commissioner; and

(c) An expected third-year loss ratio, greater than or equal to the applicable percentage, shall be demonstrated for policies or certificates in force less than three years.

(d) Similar policy forms shall be grouped together according to the rules set forth in WAC 284-60-040.

(e) Additional criteria including, but not limited to:

(i) Equitable treatment of policyholders; and

(ii) The amount of additional policy reserves as defined in the insurer's statutory annual statement may be considered by the commissioner.

(6) Medicare supplement insurance policies issued by disability insurers and fraternal benefit societies shall be expected to return to a policyholder in the form of aggregated loss ratios under the policy, at least sixty-five percent of the earned premiums in the case of individual policies, and seventy-five percent in the case of group policies.

(7) The minimum anticipated loss ratio requirement for health care service contractors shall be seventy percent for individual forms and eighty percent for group contract forms.

(8)(a) The minimum anticipated loss ratios for a health maintenance organization are deemed to be met if its health care expense costs are thirty percent or less of the earned premium charged individual subscribers, or twenty percent of the earned premium charged subscribers covered under a group contract.

(b) For purposes of this chapter, "health care expense costs" means expenses of a health maintenance organization associated with the delivery of health care services which are analogous to incurred losses of insurers. Such expenses shall not include home office and overhead costs, advertising costs, commissions and other acquisition costs, taxes, capital costs, administrative costs and "claims" processing costs.

(9) For purposes of this chapter, "premium" means all sums charged, received, or deposited as consideration for a Medicare supplement insurance policy or the continuance thereof. An assessment or a membership, contract, survey, inspection, service, or other similar fee or charge made by the insurer in consideration for such contract is deemed part of the premium.

(10) For purposes of this chapter, "earned premium" shall mean the "premium" applicable to an accounting period whether received before, during, or after such period.

NEW SECTION

WAC 284-55-120 ATTAINED AGE RATING PROHIBITED. Effective January 1, 1989, with respect to Medicare supplement insurance policies issued to residents of this state, it shall be an unfair practice for an insurer, and a prohibited practice for a health care service contractor or a health maintenance organization to use the increasing age of an insured, subscriber, or participant as the basis for increasing premiums or prepayment charges.

NEW SECTION

WAC 284-55-125 RIDERS AND ENDORSEMENTS. (1) In order to assure the orderly implementation and conversion of Medicare supplement insurance benefits due to changes in the federal Medicare program and to eliminate provisions which may duplicate Medicare:

(a) No later than January 1, 1990, all insurers must substitute new policies for all Medicare supplement insurance policies or contracts sold to residents of this state prior to January 1, 1989, which policies were amended by riders or endorsements to comply with changes to Medicare.

(b) Subject to RCW 48.66.050(2) and except for riders or endorsements issued in accordance with subsection (2) of this section, no rider, endorsement, waiver, or any other means of contractual modification may be used by an insurer to exclude, limit, or reduce the coverage or benefits of a policy issued to a resident of this state.

(2)(a) After the date of policy issue, only riders or endorsements which increase benefits or coverage may be used in this state, unless the benefits are required by the minimum standards for Medicare supplement insurance policies, or unless the increased benefits or coverage are required by law.

(b) All riders and endorsements added after the date of issue or at renewal or reinstatement by which an insurer effectuates a request made in writing by the insured, or an insured exercises a specifically reserved policy right, and which require a concomitant increase in premium during the policy term, must be agreed to in a writing signed by the insured.

(c) Where riders or endorsements are used at the time a policy is issued and separate additional premium is charged therefor, such premium charge shall be set forth in the policy.

NEW SECTION

WAC 284-55-130 SUBSTITUTION OF POLICIES. Each Washington resident insured under a Medicare supplement insurance policy, whether individual or group, issued prior to January 1, 1989, shall receive a substitution policy or certificate which meets all of the following requirements and which has been approved by the commissioner in accordance with the provisions of this chapter. New certificates shall be provided to members of groups after the necessary changes have been made to the master contract.

(1) Each insured must be guaranteed a "roll-over" from an existing Medicare supplement insurance policy to a new policy, and except for benefits that duplicate Medicare, such substitution policy shall contain benefits that are at least as favorable to the insured as the benefits provided by the insured's prior policy.

(2) Premiums for the substitution policy must be based on the insured's original issue age.

(3) Where the insured has already satisfied any waiting or exclusionary period under a prior Medicare supplement insurance policy, the substitution policy may not require a new waiting period, a new preexisting condition limitation, or any other provision which would have the effect of limiting benefits.

(4) Renewal of a substitution Medicare supplement insurance policy may not be declined by an insurer for any reason except for nonpayment of premium.

(5) The provisions of the substitution Medicare supplement insurance policy may not be retroactively changed, except that the insurer may make changes in premium rates on a class basis.

(6) No insurer shall require an insured to purchase additional coverage or benefits in connection with the roll-over to a substitution policy.

NEW SECTION

WAC 284-55-150 FILING REQUIREMENTS AND PREMIUM ADJUSTMENTS. (1) For Medicare supplement policy forms which are or will be sold to residents of this state on or after January 1, 1990:

(a) Within ninety days of the effective date of this rule, every insurer required to file its Medicare supplement insurance policy forms with the commissioner shall file with the commissioner new Medicare supplement policy forms which eliminate any duplication of Medicare supplement benefits with benefits provided by Medicare and which provide a clear description of the policy or contract benefit; and

(b) The filing required under this subsection shall provide for loss ratios which are at least as favorable to the consumer as the minimum loss ratio standards established by WAC 284-55-115.

(2) Annually, beginning with changes to be effective January 1, 1990, as soon as practicable, but not less than sixty days prior to the annual effective date of the Medicare benefit changes, every insurer providing Medicare supplement insurance policies in this state shall file with the commissioner, in accordance with the applicable filing procedures of this state:

(a) Policy forms necessary to accomplish the Medicare supplement insurance modifications necessary to eliminate benefit duplications with Medicare, such forms providing a clear description of the Medicare supplement benefits provided by the policy or contract; and

(b) Appropriate premium adjustments necessary to produce complying loss ratios originally anticipated for the applicable policies or contracts and such supporting documents necessary in the opinion of the commissioner to justify the adjustments.

(3) Every insurer providing Medicare supplement insurance or benefits to a resident of this state shall make such premium adjustments as are necessary to produce an expected loss ratio under such policy or contract as will conform with the minimum loss ratio standards of WAC 284-55-115.

(4) No premium adjustment which would modify the loss ratio experience under the policy, other than the adjustments described in this section, may be made with respect to a policy at any time other than upon its anniversary date.

(5) Premium adjustments shall be in the form of refunds or premium credits and shall be made no later than upon renewal if a credit is given, or within sixty days of the anniversary date if a refund is provided to the premium payer.

(6) For purposes of rate making and requests for rate increases, all individual Medicare supplement policy forms of an insurer are considered "similar policy forms" including forms no longer being marketed.

NEW SECTION

WAC 284-55-155 FILING REQUIREMENTS FOR OUT-OF-STATE GROUP POLICIES. Every insurer providing group Medicare supplement insurance benefits to a resident of this state shall, within thirty days of its use in this state, file with the commissioner a copy of the master policy and any certificate used in this state.

NEW SECTION

WAC 284-55-160 ANNUAL ADJUSTMENT NOTICE TO CONFORM EXISTING MEDICARE SUPPLEMENT POLICIES TO MEDICARE CHANGES. (1) No later than thirty days prior to the annual effective date of Medicare benefit changes, every insurer providing Medicare supplement insurance policies to a resident of this state shall notify its insureds of modifications it has made to Medicare supplement insurance policies in an annual adjustment notice, substantially in the format prescribed by the commissioner at WAC 284-55-165 through 284-55-175. The annual adjustment notice is intended to be informational only and for the sole purpose of informing policy and certificate holders about changes in Medicare benefits, indexed deductible and copayment provisions, premium adjustments and the like.

(a) Such notice shall include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement policy.

(b) Such notice shall inform each covered person as to when any premium adjustment due to changes in Medicare benefits will be made.

(c) Such annual adjustment notice of benefit modifications and any premium adjustment shall be furnished in outline form and in clear and simple terms so as to facilitate comprehension.

(d) Such notice shall not contain or be accompanied by any solicitation.

(2) No modification to an existing Medicare supplement policy shall be made at the time of or in connection with the annual adjustment notice requirements of this regulation except to the extent necessary to eliminate duplication of Medicare benefits and any modifications necessary under the policy or contract to provide indexed benefit adjustments.

NEW SECTION

WAC 284-55-165 FORM OF ANNUAL ADJUSTMENT NOTICE—POLICY CHANGES EFFECTIVE JANUARY 1, 1989.

(COMPANY NAME)

NOTICE ON CHANGES IN MEDICARE AND YOUR MEDICARE SUPPLEMENT INSURANCE -- 1989

Your health care benefits provided by the federal Medicare program will change beginning January 1, 1989. Additional change will occur on medical benefits in following years. The major changes are summarized below. These changes will affect hospital, medical and other services and supplies provided under Medicare. Because of these changes your Medicare supplement coverage provided by _____(company name)_____ will change, also. The following outline briefly describes the modifications in Medicare and in your Medicare supplement coverage. Please read carefully!

(A brief description of the revisions to Medicare Parts A & B with a parallel description of supplemental benefits with subsequent changes, including dollar amounts, provided by the Medicare supplement coverage in substantially the following format.)

MEDICARE BENEFITS		YOUR MEDICARE SUPPLEMENT COVERAGE	
Medicare Now Pays **Per Benefit Period**	Effective January 1, 1989 Medicare Will **Pay Per Calendar Year**	Your 1989 Coverage **Per Benefit Period**	Effective Jan. 1, 1989 Your Coverage Will Pay **Per Calendar Year**
MEDICARE PART A: SERVICES AND SUPPLIES			
First 60 days - all but $540	Unlimited number of hospital days after $564 deductible		
61st to 90th day - all but $135/day			
91st to 150th day - all but $270/day			
POSTHOSPITAL SKILLED NURSING CARE			
Requires a 3-day prior stay and enter the facility within 14 days after hospital discharge	There is no prior confinement requirement for this benefit		
First 20 days - 100% of costs	First 8 days - All but $(___) a day		

Medicare Now Pays Per Benefit Period	Effective January 1, 1989 Medicare Will Pay Per Calendar Year	Your 1989 Coverage Per Benefit Period	Effective Jan. 1, 1989 Your Coverage Will Pay Per Calendar Year
21st through 100th day - all but $67.50 a day	9th through 150th 100% of costs		
Beyond 100 days - Nothing	Beyond 150 days - Nothing		
MEDICARE PART B: SERVICES AND SUPPLIES			
80% of allowable charges (after $75.00 deductible	In 1989 Medicare Part B pays the same as in 1989		
NOTE: Medicare Benefits changes on January 1, 1990 as follows: 80% of allowable charges (after $75.00 deductible) until an annual Medicare Catastrophic Limit is met. 100% of allowable charges for the remainder of the calendar year. The limit in 1990 is $1370* and will be adjusted on an annual basis.			
PRESCRIPTION DRUGS			
Inpatient prescription drugs only	In 1989 Medicare covers inpatient prescription drugs only		
NOTE: Effective January 1, 1990, per calendar year -- 80% of allowable charges for home intravenous (IV) therapy drugs and 50% of allowable charges for immunosuppressive drugs after calendar year deductible is met ($550 in 1990).			

* Expenses that count toward the Part B Medicare Catastrophic Limit include: the Part B deductible and copayment charges and the Part B blood deductible charges.

Medicare Now Pays **Per Benefit Period**	Effective January 1, 1989 Medicare Will Pay **Per Calendar Year**	Your 1989 Coverage **Per Benefit Period**	Effective Jan. 1, 1989 Your Coverage Will Pay **Per Calendar Year**

NOTE continued:
Effective January 1, 1991, per calendar year inpatient prescription drugs -- 50% of allowable charges for all other outpatient prescription drugs after a $600 calendar year deductible is met. (The deductible will change.) Coverage will increase to 60% of allowable charges in 1992 and to 80% of allowable charges from 1993 on.

(ANY ADDITIONAL BENEFITS)

(Describe any coverage provisions changing due to Medicare modifications.)

(Include information about premium adjustments that may be necessary due to changes in Medicare benefits or when premium information will be sent.)

This chart summarizing the changes in your Medicare benefits and in your Medicare supplement insurance provided by ___(company)___, only briefly describes such benefits. For information on your Medicare benefits contact your Social Security office or the Health Care Financing Administration. For information on your Medicare supplement (policy) contact: _____(company name -- or name of agent) (address) (phone number).

NEW SECTION

WAC 284-55-170 FORM OF ANNUAL ADJUSTMENT NOTICE—POLICY CHANGES EFFECTIVE JANUARY 1, 1990.

(COMPANY NAME)

NOTICE ON CHANGES IN MEDICARE AND YOUR MEDICARE SUPPLEMENT INSURANCE -- 1990

Your health care benefits provided by the federal Medicare program will change beginning January 1, 1990. Additional change will occur on medical benefits in following years. The major changes are summarized below. These changes will affect hospital, medical and other services and supplies provided under Medicare. Because of these changes your Medicare supplement coverage provided by _____(company name)_____ will change, also. The following outline briefly describes the modifications to Medicare and in your Medicare supplement coverage. Please read carefully!

(A brief description of the revisions to Medicare Parts A & B with a parallel description of supplemental benefits with subsequent changes, including dollar amounts, provided by the Medicare supplement coverage in substantially the following format.)

MEDICARE BENEFITS		YOUR MEDICARE SUPPLEMENT COVERAGE	
Medicare Now Pays **Per Benefit Period**	Effective January 1, 1990 Medicare Will **Pay Per Calendar Year**	Your Coverage Now Pays **Per Benefit Period**	Effective Jan. 1, 1990 Your Coverage Will Pay **Per Calendar Year**
MEDICARE PART A: SERVICES AND SUPPLIES			
Unlimited number of hospital days after [$564] deductible			
POSTHOSPITAL SKILLED NURSING CARE			
There is no prior confinement requirement for this benefit			
First 8 days - All but $(___) a day			
9th through 150th day -- 100% of costs			
Beyond 150 days - Nothing			

		COVERAGE	
Medicare Now Pays Per Benefit Period	Effective January 1, 1990 Medicare Will Pay Per Calendar Year	Your 1990 Coverage Per Benefit Period	Effective Jan. 1, 1990 Your Coverage Will Pay Per Calendar Year
MEDICARE PART B: SERVICES AND SUPPLIES			
80% of allowable charges (after $75.00 deductible) until an annual Medicare Catastrophic Limit is met. 100% of allowable charges for the remainder of the calendar year. The limit in 1990 is $(1370)* and will be adjusted on an annual basis.			
PRESCRIPTION DRUGS			
Inpatient prescription drugs. 80% of allowable charges for home intravenous (IV) therapy drugs and 50% of allowable charges for immunosuppressive drugs after calendar year deductible is met ($550 in 1990).			

* Expenses that count toward the Part B Medicare Catastrophic Limit include: the Part B deductible and copayment charges and the Part B blood deductible charges.

NOTE: Effective January 1, 1991, per calendar year inpatient prescription drugs -- 50% of allowable charges for all other outpatient prescription drugs after a $600 calendar year deductible is met. (The deductible will change.) Coverage will increase to 60% of allowable charges in 1992 and to 80% of allowable charges from 1993 on.

(Describe any coverage provisions changing due to Medicare modifications.)

(Include information about premium adjustments that may be necessary due to changes in Medicare benefits or when premium information will be sent.)

This chart summarizing the changes in your Medicare benefits and in your Medicare supplement insurance provided by __(company)__, only briefly describes such benefits. For information on your Medicare benefits contact your social security office or the health care financing administration. For information on your Medicare supplement (policy) contact: _____(company name -- or name of agent) (address) (phone number).

NEW SECTION

WAC 284-55-175 FORM OF ANNUAL ADJUSTMENT NOTICE—POLICY CHANGES EFFECTIVE JANUARY 1, 1991.

(COMPANY NAME)

NOTICE ON CHANGES IN MEDICARE AND YOUR MEDICARE SUPPLEMENT INSURANCE -- 1991

Your health care benefits provided by the federal Medicare program will change beginning January 1, 1991. Additional change will occur on medical benefits in following years. The major changes are summarized below. These changes will affect hospital, medical and other services and supplies provided under Medicare. Because of these changes your Medicare supplement coverage provided by _____(company name)_____ will change, also. The following outline briefly describes the modifications in Medicare and in your Medicare supplement coverage. Please read carefully!

(A brief description of the revisions to Medicare Parts A & B with a parallel description of supplemental benefits with subsequent changes, including dollar amounts, provided by the Medicare supplement coverage in substantially the following format.)

MEDICARE BENEFITS		YOUR MEDICARE SUPPLEMENT COVERAGE	
Medicare Now Pays **Per Benefit Period**	Effective January 1, 1991 Medicare Will **Pay Per Calendar Year**	Your Coverage Now Pays **Per Benefit Period**	Effective Jan. 1, 1991 Your Coverage Will Pay Per **Calendar Year**

MEDICARE PART A: SERVICES AND SUPPLIES

Unlimited number of hospital days after [$_____] deductible

POSTHOSPITAL SKILLED NURSING CARE

There is no prior confinement requirement for this benefit

First 8 days - All but $(___) a day

9th through 150th day -- 100% of costs

Beyond 150 days - Nothing

MEDICARE BENEFITS		YOUR MEDICARE SUPPLEMENT COVERAGE	
Medicare Now Pays Per Benefit Period	Effective Jan. 1, 1991 Medicare Will Pay Per Calendar Year	Your 1991 Coverage Per Benefit Period	Effective Jan. 1, 1991 Your Coverage Will Pay Per Calendar Year
MEDICARE PART B: SERVICES AND SUPPLIES			
80% of allowable charges (after $_75_ deductible) until an annual Medicare Catastrophic Limit is met. 100% of allowable charges for the remainder of the calendar year. The limit in 1991 is $_____* and will be adjusted on an annual basis.			
PRESCRIPTION DRUGS			
Inpatient prescription drugs. 50% of allowable charges for all other outpatient prescription drugs, until $600 year deductible is met ($550 in 1990).		Inpatient prescription drugs 60% of allowable charges for all other outpatient prescription drugs, until $652 calendar year deductible is met. Coverage will increase to 80% of allowable charges from 1993 on, and deductible will be adjusted on an annual basis.	

* Expenses that count toward the Part B Medicare Catastrophic Limit include: the Part B deductible and copayment charges and the Part B blood deductible charges.

(Describe any coverage provisions changing due to Medicare modifications.)

(Include information about premium adjustments that may be necessary due to changes in Medicare benefits or when premium information will be sent.)

This chart summarizing the changes in your Medicare benefits and in your Medicare supplement insurance provided by __(company)__, only briefly describes such benefits. For information on your Medicare benefits contact your Social Security office or the Health Care Financing Administration. For information on your Medicare supplement (policy) contact: _____(company name -- or name of agent) (address) (phone number).

NEW SECTION

WAC 284-55-180 REQUIREMENTS FOR ADVERTISING. (1) At least thirty days prior to use in this state, every insurer who provides Medicare supplement insurance coverage to a resident of this state shall provide the commissioner with a copy of any advertisement, as defined at WAC 284-50-030, intended for use in this state, whether through written, radio, or television, medium in a form specified by the commissioner.

(2) Advertisements shall comply with the Washington disability advertising regulation, RCW 48.30.040 through 48.30.090, and all other applicable state laws.

NEW SECTION

WAC 284-55-185 COMPLIANCE WITH OMNIBUS BUDGET RECONCILIATION ACT OF 1987. Every insurer to whom it applies shall certify to the commissioner on the Medicare supplement experience exhibit of its annual statement that it has complied with Section 4081 of the Omnibus Budget Reconciliation Act of 1987, P.L. 100-203, (1987).

NEW SECTION

WAC 284-55-190 CHAPTER NOT EXCLUSIVE. Nothing contained in this chapter shall be construed to limit the authority of the commissioner to regulate a Medicare supplement insurance policy under other sections of Title 48 RCW.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-55-100 RETURN OF CERTIFICATE FOR REFUND, UNFAIR PRACTICE.
WAC 284-55-110 LOSS RATIO REQUIREMENTS.

WSR 88-19-057
PROPOSED RULES
BASIC HEALTH PLAN
[Filed September 16, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Basic Health Plan intends to adopt, amend, or repeal rules concerning this notice proposes to establish a new chapter 55-01 WAC, Washington Basic Health Plan (BHP), and several new sections within that chapter. These rules address the health care benefits to be made available to the public through the BHP, the basis upon which premium charges will be established, and the process whereby individuals may apply for enrollment. Eligibility for enrollment and reasons for disenrollment are also addressed. Procedures for the resolution of disputes are described, as are provisions whereby the administrator may contract with managed health care systems. An additional section defines terms to be used in the rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 30, 1988.

The authority under which these rules are proposed is RCW 70.47.050.

The specific statute these rules are intended to implement is chapter 70.47 RCW.

This notice is connected to and continues the matter in Notice No. WSR 88-15-073 filed with the code reviser's office on July 20, 1988.

Dated: September 15, 1988
By: Thomas L. Kobler
Administrator

WSR 88-19-058
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-109—Filed September 16, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is openings in Areas 7 and 7A provide opportunity for reef net gear to harvest the non-Indian coho allocation by preseason agreement. Restrictions in Area 7A provide protection for Puget Sound and Canadian chinook stocks. Openings in Area 7B provide opportunity to harvest non-Indian allocation of coho destined for the Nooksack-Samish region of origin. The in-season area restriction provides protection for Nooksack and Samish origin chinook. Openings in Areas 10 and 11 provide opportunity to harvest non-Indian allocation of south sound coho; the area restriction has been agreed by the State and Puget Sound tribes to reduce harvest impacts on local coho stocks and to facilitate south sound coho harvest adjustment agreements. Openings in Area 12A provide opportunity to harvest non-Indian allocation of coho stocks destined for the Quilcene National Fish Hatchery. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks. There is inadequate time to follow the permanent rule adoption process.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 16, 1988.

By A. Dennis Austin
for Joseph R. Blum
Director

AMENDATORY SECTION

WAC 220-47-914 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 AM Sunday September 18 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:

* *Areas 7 and 7A - Reef nets may fish from 5:00 AM to 9:00 PM Monday September 19. This area 7A opening excludes that portion north and west of the East Point Line, as described in WAC 220-47-269.*
* *Area 7A - That portion of area 7A north and west of the East Point Line, as described in WAC 220-47-269, under control of Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.*
* *Area 7B - Gillnets using 5-inch minimum mesh may fish continuously through 11:59 PM Saturday October 29, and purse seines may fish continuously through 11:59 PM Saturday October 29. This area 7B opening excludes that portion of area 7B south of a line projected from Governors Point to the most northerly tip of Vendovi Island.*
* *Areas 10 and 11 - Purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM Monday September 19, and Gill nets using 5-inch minimum mesh may fish from 5:00 PM Monday September 19 to 9:00 AM Tuesday September 20. This area 10 opening excludes those waters east of a line projected from West Point to Alki Point.*
* *Area 12A - Purse seines using the 5-inch strip may fish from 5:00 AM, to 9:00 PM Monday September 19 and from 5:00 AM to 9:00 PM Tuesday September 20 and from 5:00 AM to 9:00 PM Wednesday September 21. Gillnets using 5-inch minimum mesh may fish from 5:00 PM Monday September 19 to 9:00 AM Tuesday September 20 and from 5:00 PM Tuesday September 20 to 9:00 AM Wednesday September 21 and from 5:00 PM Wednesday September 21 to 9:00 AM Thursday September 22. This Area 12A opening excludes those waters north of a line projected due east from Broad Spit.*
* *Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 8, 8A, 8D, 9, 9A, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 12, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas - Closed.*

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM Sunday September 18:

WAC 220-47-913 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (88-108)

WSR 88-19-059
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-110—Filed September 16, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are adopted pursuant to the decision of the September 15, 1988, Columbia River Compact. Run size estimates for Columbia River chinook and coho salmon stocks indicate that harvestable numbers of these species are available in the area below Bonneville Dam. It is in the public interest to harvest the available salmon. Action to open the commercial fishery has to be taken immediately in order to harvest these fish, and there is inadequate time to follow the permanent rule adoption procedures.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 16, 1988.

By A. Dennis Austin
for Joseph R. Blum
Director

AMENDATORY SECTION

WAC 220-32-03000V COLUMBIA RIVER SALMON SEASONS BELOW BONNEVILLE. (1) Notwithstanding the provisions of WAC 220-32-030 and WAC 220-32-031, it is unlawful for a person to take or possess salmon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E, except from:

6:00 p.m. September 18 to 6:00 p.m. September 23, 1988;

6:00 p.m. September 25 to 6:00 p.m. September 30, 1988;

6:00 p.m. October 2 to 6:00 p.m. October 7, 1988;

6:00 p.m. October 9 to 6:00 p.m. October 14, 1988;

6:00 p.m. October 16 to 6:00 p.m. October 21, 1988;

6:00 p.m. October 23 to 6:00 p.m October 28, 1988;

6:00 p.m. October 30 to 6:00 p.m. November 4, 1988; and

6:00 p.m. November 6 to 6:00 p.m. November 11, 1988.

(2) It is unlawful to fish for salmon with monofilament gill-net webbing or to have on the boat monofilament gill-net webbing while fishing for salmon in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E.

(3) Notwithstanding the provisions of WAC 220-32-036 the closed river mouth areas within Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E are:

(a) All tributaries flowing into the Columbia River.

(b) Grays Bay - those waters of the Columbia River and Grays Bay northerly of a line projected from Rocky Point Light (flashing green 4-second) easterly to Harrington Point.

(c) Elokomin - those waters of Elokomin Slough and the Columbia River lying northerly and easterly of a straight line from light "37" on the Washington shore to light "39" on Hunting Island.

(d) Abernathy - those waters of the Columbia River near the mouth of Abernathy Creek from a point 1,300 yards downstream from Abernathy Creek at light "81" (flashing green 4-second) to a point one-half mile upstream and extending to mid shipping channel of the Columbia River.

(e) Cowlitz - those waters of the Columbia River and Carrolls Channel lying inside the center of the shipping channel between a fishing boundary marker at the junction of the Port of Longview docks and international paper docks on the Washington shore approximately one mile downstream from the Cowlitz River mouth and flashing green light "29A" on Cottonwood Island and also those waters of Carrolls Channel downstream of a line between a fishing boundary marker approximately 3000 feet upstream of the Cowlitz River mouth and a fishing boundary marker on Cottonwood Island.

(f) Kalama - those waters of the Columbia River between a fishing boundary marker on the Washington shore approximately one mile downstream and a point one-half mile upstream of the mouth of the Kalama River and extending completely across the Columbia River, excepting those waters west of a line projected from Coffin Rock Light "42" in Oregon to the Kalama Range Light "47A" on the Washington shore.

(g) Lewis - those waters of the Columbia River between a point one mile downstream and a point one-half mile upstream of the mouth of the Lewis River and lying within one-quarter mile of the Washington shore.

(h) Washougal - those waters of Camas Slough lying upstream from a line projected true north from the most western tip of Lady Island to the Washington shore and inside of the State Highway 14 Bridge.

(i) Big Creek - those waters of the Columbia River at the mouth of Big Creek from the Oregon shore across Knappa Slough to Karlson Island about one-quarter mile upstream of the east bank of Big Creek, at the Gnat Creek deadline downstream to the east end of Minaker Island which is about three-quarters mile downstream from the west bank at the mouth of Big Creek.

(j) Gnat Creek - those waters of the Columbia River between a point one mile downstream and a point at the

upper easterly bank at the mouth of Gnat Creek and lying within one-quarter mile of the Oregon shore.

(k) Sandy River - those waters of the Columbia River between a point one mile downstream and a point at the upper easterly bank at the mouth of the Sandy River and lying within one-quarter mile of the Oregon shore.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 p.m September 16, 1988:

WAC 220-32-03000U COLUMBIA RIVER SALMON SEASONS BELOW BONNEVILLE (88-102)

WSR 88-19-060
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-111—Filed September 16, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these regulations are adopted pursuant to the decision of the September 15, 1988, Columbia River Compact. Run size estimates for Columbia River salmon and steelhead stocks indicate that harvestable numbers of these species are available in the area between Bonneville Dam and McNary Dam. Action to open the treaty fishery has to be taken immediately in order to harvest these fish, and there is not adequate time to follow the permanent rule adoption procedures.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 16, 1988.

By A. Dennis Austin
for Joseph R. Blum
Director

NEW SECTION

WAC 220-32-05100J COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (1) Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052, effective immediately, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G or 1H, except that those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish from 6:00 p.m. September 18 to 6:00 p.m. September 21, 1988, using 8 inch minimum mesh.

(2) During the seasons specified in subsection 1, it is unlawful to retain sturgeon for commercial purposes.

(3) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between approximately 0.8 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River to 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a point one-half mile upstream from the eastern shoreline and a boundary marker located 3/4 of a mile downstream from the western shoreline of the mouth of the Big White Salmon River.

(f) Spring Creek is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a boundary marker located 3/4 of a mile downstream from the western shoreline of the mouth of the Big White Salmon River and a point one and one half mile downstream from the western shoreline of the hatchery outlet.

(g) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half mile downstream from the western shoreline.

(h) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half mile downstream from the western shoreline.

(i) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-

half mile upstream from the eastern shoreline to three-quarters mile downstream from the western shoreline.

(4) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) shall include those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids.

(b) Area 1G shall include those waters of the Columbia River upstream from a line drawn between a point one mile above the fishway exit on the Washington shore and a point one line above the fishway exit on the Oregon shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H shall include those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, to a fishing boundary marker on the Washington shore and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

REPEALER

The following section of the Washington Administrative Code is repealed, effective 6:00 pm September 17, 1988:

WAC 220-32-05100I COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (88-94)

WSR 88-19-061
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-112—Filed September 16, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is chinook management season ends September 17, 1988. This regulation is necessary to protect natural stock coho and per agreement with the Point No Point Treaty Council. There is inadequate time to follow the permanent rule procedures.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 16, 1988.
By A. Dennis Austin
for Joseph R. Blum
Director

NEW SECTION

WAC 220-57-43000A SKOKOMISH RIVER. Notwithstanding the provisions of WAC 220-57-430, effective one hour after official sunset on September 17, 1988 until further notice, it is unlawful to fish for or possess salmon taken for personal use from the waters of the Skokomish River.

WSR 88-19-062
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-113—Filed September 16, 1988]

I, Joseph R. Blum, director of the Washington State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is conforms Washington trawl regulations to federal regulations, and provides acceptable resource protection while reducing possibility of codends breaking and wastage of catch. The proposal for permanent regulation change has been filed, and this regulation allows for double wall codend use until the permanent regulations take effect.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 16, 1988.
By A. Dennis Austin
for Joseph R. Blum
Director

NEW SECTION

WAC 220-44-03000D COASTAL BOTTOMFISH GEAR. Notwithstanding the provisions of WAC 220-44-030, effective immediately until further notice it is lawful to use double wall codends in coastal bottomfish trawl gear provided that:

(1) Double wall codends may not be used in pelagic gear, nor in any trawl gear having mesh size less than 4.5 inches.

(2) The double walled layers of the codend must be the same mesh size and coincide knot-to-knot, and may not be longer than 25 meshes or 12 feet, whichever is greater.

WSR 88-19-063
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed September 16, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 25, 1988.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 25, 1988.

Dated: September 16, 1988
By: A. Dennis Austin
for Joseph R. Blum
Director

STATEMENT OF PURPOSE

Title: WAC 220-44-030 Coastal bottomfish gear.

Description of Purpose: Allow use of double codends.

Statutory Authority: RCW 75.08.080.

Summary of Rule and Reasons Supporting Proposed Action: Provides for use of double walled codends on coastal bottomfish gear. Double walled codends are allowed by federal regulation, and this proposal conforms state law with federal regulation.

Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, WA, 586-2429; Implementation: Mark Pederson, 115 General Administration Building, Olympia, WA, 753-6716; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, WA, 753-6585.

These rules are proposed by the Washington State Department of Fisheries.

Comments: No public hearing is scheduled.

These proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: No differential impact is anticipated. No effect on 10% of businesses in any one three-digit industrial classification nor 20% of all businesses is expected.

AMENDATORY SECTION (Amending Order 84-24, filed 3/27/84)

WAC 220-44-030 COASTAL BOTTOMFISH GEAR. It is unlawful to take, fish for, possess, transport through the waters of the state or land in any Washington state ports, bottomfish taken for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Areas 59A, 59B, 60A and that portion of Area 58 within the United States 200-mile Fishery Conservation Zone with any gear except as provided in this section:

(1) Otter trawl and beam trawl.

(a) It is unlawful to use, operate or carry aboard any fishing vessel otter trawl gear having meshes measuring less than 3 inches.

(b) It is unlawful to use or operate any bottom trawl having meshes less than 4.5 inches. A bottom trawl must have a minimum of two continuous riblines sewn to the net and extending from the mouth of the trawl net to the terminal end of the codend if the fishing vessel is simultaneously carrying aboard a net of less than 4.5-inch minimum mesh size.

For all bottom trawls, chafing gear must have a minimum mesh size of 15 inches unless only the bottom one-half (underside) of the codend is covered by chafing gear.

(c) It is unlawful to use or operate a roller or bobbin trawl with meshes less than 3.0 inches. ((~~It is unlawful to use a double wall codend in any roller or bobbin trawl.~~)) Chafing gear covering the upper one-half (top side) of the codend must have a minimum mesh size of 6.0 inches. Rollers, bobbins, or discs used in roller or bobbin trawls must be a minimum of 14 inches in diameter.

(d) Double wall codends may not be used in any trawl with mesh size less than 4.5 inches. If a double wall codend is used, the double walled layers must be the same mesh size and coincide, knot-to-knot, and may not be longer than 25 trawl meshes or 12 feet, whichever is greater.

(e) It is unlawful to use or operate a pelagic trawl with meshes less than 3.0 inches. It is unlawful to use a double wall codend in any pelagic trawl. Chafing gear covering the upper one-half (top side) of the codend must have a minimum mesh size of 6 inches. Footropes of pelagic trawls must be less than 1.75 inches in diameter, including twine necessary for seizing material. Sweeplines, including the bottom leg of the bridle, must be bare.

(2) Set lines. It is unlawful for the operator of set lines to leave such gear unattended unless marked as provided in WAC 220-20-010(5). Set lines must be attended at least once every seven days. Set lines must be marked at the surface at each terminal end with a pole, flag, light, radar reflector, and a buoy displaying clear identification of the owner or operator.

(3) Bottomfish pots. It is unlawful for the operator of bottomfish pots to leave such gear unattended unless marked as provided in WAC 220-20-010(5). Bottomfish pots must be attended at least once every seven days. Bottomfish pots set individually must be marked at the surface with a pole and a flag, light, or radar reflector, and a buoy displaying clear identification of the owner. Bottomfish pots laid on a groundline must be marked at the surface at each terminal end of the groundline with a pole and a flag, light, and radar reflector, and a buoy displaying clear identification of the owner or operator.

(4) Commercial jig gear.

(5) Troll lines. It is unlawful to take, fish for or possess salmon while fishing for bottomfish with troll line gear under authority of a bottomfish troll license, except that in any coastal waters it is lawful to retain for commercial purposes any species of bottomfish taken with commercial salmon gear incidental to a lawful salmon fishery.

(6) Shrimp trawls. It is unlawful in any coastal waters, to retain for commercial purposes more than 1,500 pounds per day of any bottomfish species other than Pacific whiting, shortbelly rockfish or arrowtooth flounder taken with shrimp trawl gear incidental to a lawful shrimp fishery.

(7) It is unlawful to take, fish for or possess any species of shellfish taken with lawful bottomfish gear except as provided in WAC 220-52-053, 220-52-063, 220-52-066, 220-52-069, and 220-52-071.

(8) It is unlawful to take or possess lingcod taken for commercial purposes with any gear from December 1 through April 14 in Coastal Marine Fish-Shellfish Management and Catch Reporting Area 59B.

WSR 88-19-064
ADOPTED RULES
ATTORNEY GENERAL'S OFFICE
[Order 88-8—Filed September 16, 1988]

I, Kenneth O. Eikenberry, Attorney General of Washington, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Arbitration requests—Forty day written request to replace or repurchase vehicle, new section WAC 44-10-035.

This action is taken pursuant to Notice No. WSR 88-13-088 filed with the code reviser on June 20, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 19.118-.061 and 19.118.080 which directs that the Washington State Attorney General's Office has authority to implement the provisions of chapter 19.118 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 16, 1988.

By Kenneth O. Eikenberry
Attorney General of Washington

NEW SECTION

WAC 44-10-035 ARBITRATION REQUESTS—FORTY DAY WRITTEN REQUEST TO REPLACE OR REPURCHASE VEHICLE. A consumer may file a request for arbitration any time after having sent the manufacturer a written request to replace or repurchase the new motor vehicle pursuant to RCW 19.118.041(1). However, no arbitration hearing shall be conducted before the manufacturer has had forty (40) calendar days to comply with the consumer's written request.

WSR 88-19-065
PROPOSED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Institutions)

[Filed September 16, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning transfer of a patient between state operated hospitals, new WAC 275-55-115 and 275-59-071;

that the agency will at 10:00 a.m., Thursday, October 27, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 28, 1988.

The authority under which these rules are proposed is RCW 71.05.560.

The specific statute these rules are intended to implement is chapter 71.05 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 27, 1988.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Troyce Warner
Office of Issuances
Department of Social and Health Services
Mailstop OB-33H
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by October 13, 1988. The meeting site is in a location which is barrier free.

Dated: September 13, 1988
By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: WAC 275-55-115 and 275-59-071.

Purpose of the Rule: To add to chapters 275-55 and 275-59 WAC, a new section which sets forth the rules for transferring patients from one state operated hospital to another.

Statutory Authority: RCW 71.05.560.

Summary: In accordance with RCW 72.23.290 a transfer of a patient from one hospital to another must be justified on the grounds of being in the best interest of the patient and must be accomplished in accordance with rules established by the Department of Social and Health Services. This amendment will assure that patient transfers are in the best interest of the patient.

Name of Initiator: Jack Bartleson, Director, Mental Health Division, mailstop OB-42F, phone (206) 753-4420.

These rules are not necessary as a result of federal law, federal court decision, or state court decision.

NEW SECTION

WAC 275-55-115 TRANSFER OF A PATIENT BETWEEN STATE-OPERATED HOSPITALS. In some instances, it is appropriate for a patient currently residing in a state hospital to be transferred to another state hospital for ongoing hospitalization. The department shall accomplish the transfer with the utmost care given to the therapeutic needs of the patient. This section describes the procedures for handling a transfer between state hospitals in a manner consistent with the best interest of the patient.

(1) The following criteria, if present, shall determine the appropriateness of a transfer:

(a) The patient's family lives within the receiving hospital's catchment area;

(b) The patient's primary home of residence is in the receiving hospital's catchment area;

(c) A particular service or need of the patient is better met at the receiving hospital; and

(d) Transfer to the receiving hospital may facilitate community discharge due to the availability of community service in the receiving hospital's catchment area.

(2) The state hospital shall comply with the following procedure when transferring a patient:

(a) The state hospital shall notify the patient, and the patient's guardian, five days prior to the patient's:

(i) Transfer to another state hospital; and

(ii) Hearing if the patient is a court-ordered commitment.

(b) The sending facility, at the direction of the superintendent, shall contact the designated liaison at the receiving facility who shall obtain

information necessary to make a decision relevant to the property of the transfer;

(c) The designated liaison at the receiving facility shall discuss his or her recommendation with the superintendent for approval or denial of the transfer proposal;

(d) The receiving superintendent shall make the final determination for the transfer within five days of receipt of the transfer proposal;

(e) The designated liaison at the receiving facility shall notify the liaison at the sending facility of the decision in writing;

(f) The sending facility is responsible for all transfer arrangements, e.g., transportation, staff escort, etc., and shall coordinate the day and time of arrival with the receiving facility liaison; and

(g) The sending facility shall arrange for the transfer of patient's medical record to the receiving facility and for the transfer of the official court file, if the patient is an involuntary civil or criminal commitment, to the receiving court.

(3) The state hospital shall document the following in the patient's record:

(a) Physician documentation of the medical suitability of the patient for transfer; and

(b) Social worker documentation regarding:

(i) Justification as to why the transfer is considered in the patient's best interests;

(ii) The patient's wishes regarding transfer;

(iii) The family and guardian's wishes regarding transfer and their involvement. Documentation that the family and guardian was notified of the pending transfer;

(iv) Consultation with the patient advocacy agency; and

(v) Notification of the patient's attorney.

(4) The state hospital shall comply with the following additional procedure if the patient is a civil or criminal court-ordered commitment:

(a) Prior to transfer, the department shall file and serve a motion for transfer upon the patient, the patient's attorney, and the patient's guardian, if any;

(b) If a transfer is proposed for a civilly committed patient, the attorney general's office is responsible for making the necessary legal action. If a transfer is proposed for a criminally committed patient, the local prosecuting attorney's office is responsible for making the necessary legal action;

(c) The patient shall have the same rights with respect to notice, hearing, and council as for an involuntary treatment proceeding, except that the patient shall have no right to a jury trial. The issue determined at the hearing is whether the proposed transfer is in the patient's best interest;

(d) The department shall set a hearing and shall notify the patient of the patient's right to refuse medication or medications for twenty-four hours prior to the hearing; and

(e) If the transfer is approved by the court, the court shall enter a change of venue order to the receiving county. Also, the court shall enter an amended order to indicate the change in facilities, unless the patient's current court order commits the patient to both the sending and receiving facility under RCW 72.23.290 and 72.68.032 through 72.68.037.

NEW SECTION

WAC 275-59-071 TRANSFER OF A PATIENT BETWEEN STATE-OPERATED HOSPITALS. In some instances, it is appropriate for a patient currently residing in a state hospital to be transferred to another state hospital for ongoing hospitalization. The department shall accomplish the transfer with the utmost care given to the therapeutic needs of the patient. This section describes the procedures for handling a transfer between state hospitals in a manner consistent with the best interest of the patient.

(1) The following criteria, if present, shall determine the appropriateness of a transfer:

(a) The patient's family lives within the receiving hospital's catchment area;

(b) The patient's primary home of residence is in the receiving hospital's catchment area;

(c) A particular service or need of the patient is better met at the receiving hospital; and

(d) Transfer to the receiving hospital may facilitate community discharge due to the availability of community service in the receiving hospital's catchment area.

(2) The state hospital shall comply with the following procedure when transferring a patient:

(a) The state hospital shall notify the patient, and the patient's guardian, five days prior to the patient's:

(i) Transfer to another state hospital; and

(ii) Hearing if the patient is a court-ordered commitment.

(b) The sending facility, at the direction of the superintendent, shall contact the designated liaison at the receiving facility who shall obtain information necessary to make a decision relevant to the property of the transfer;

(c) The designated liaison at the receiving facility shall discuss his or her recommendation with the superintendent for approval or denial of the transfer proposal;

(d) The receiving superintendent shall make the final determination for the transfer within five days of receipt of the transfer proposal;

(e) The designated liaison at the receiving facility shall notify the liaison at the sending facility of the decision in writing;

(f) The sending facility is responsible for all transfer arrangements, e.g., transportation, staff escort, etc., and shall coordinate the day and time of arrival with the receiving facility liaison; and

(g) The sending facility shall arrange for the transfer of patient's medical record to the receiving facility and for the transfer of the official court file, if the patient is an involuntary civil or criminal commitment, to the receiving court.

(3) The state hospital shall document the following in the patient's record:

(a) Physician documentation of the medical suitability of the patient for transfer; and

(b) Social worker documentation regarding:

(i) Justification as to why the transfer is considered in the patient's best interests;

(ii) The patient's wishes regarding transfer;

(iii) The family and guardian's wishes regarding transfer and their involvement. Documentation that the family and guardian was notified of the pending transfer;

(iv) Consultation with the patient advocacy agency; and

(v) Notification of the patient's attorney.

(4) The state hospital shall comply with the following additional procedure if the patient is a civil or criminal court-ordered commitment:

(a) Prior to transfer, the department shall file and serve a motion for transfer upon the patient, the patient's attorney, and the patient's guardian, if any;

(b) If a transfer is proposed for a civilly committed patient, the attorney general's office is responsible for making the necessary legal action. If a transfer is proposed for a criminally committed patient, the local prosecuting attorney's office is responsible for making the necessary legal action;

(c) The patient shall have the same rights with respect to notice, hearing, and council as for an involuntary treatment proceeding, except that the patient shall have no right to a jury trial. The issue determined at the hearing is whether the proposed transfer is in the patient's best interest;

(d) The department shall set a hearing and shall notify the patient of the patient's right to refuse medication or medications for twenty-four hours prior to the hearing; and

(e) If the transfer is approved by the court, the court shall enter a change of venue order to the receiving county. Also, the court shall enter an amended order to indicate the change in facilities, unless the patient's current court order commits the patient to both the sending and receiving facility under RCW 72.23.290 and 72.68.032 through 72.68.037.

WSR 88-19-066
PROPOSED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed September 16, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal

rules concerning Allocation of income—Institutionalized recipient, amending WAC 388-95-360;

that the agency will at 10:00 a.m., Thursday, October 27, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 28, 1988.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 27, 1988.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Troyce Warner
Office of Issuances
Department of Social and Health Services
Mailstop OB-33H
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by October 13, 1988. The meeting site is in a location which is barrier free.

Dated: September 16, 1988
By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: WAC 388-95-360.

Purpose: To incorporate that temporarily institutionalized SSI clients shall retain full SSI payments for the 1st three months of institutionalization; and to add that when a FIP enrollee is institutionalized in a medical facility the department shall pay the enrollee a personal needs allowance.

Reason: To implement OBRA 1987 mandatory changes.

Statutory Authority: RCW 74.08.090.

Summary: Temporarily institutionalized SSI clients shall retain total SSI payment for the first 3 months of institutionalization. The department shall pay a FIP enrollee a personal needs allowance while institutionalized in a medical facility.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Bobbe Andersen, Program Manager, Division of Medical Assistance, mailstop HB-41, phone 753-7462.

Rules are proposed by DSHS.

These rules are necessary as a result of a new state or federal law, Omnibus Budget Reconciliation Act of 1987.

No economic impact statement is required under the Regulatory Fairness Act.

AMENDATORY SECTION (Amending Order 2005, filed 8/23/83)

WAC 388-95-360 ALLOCATION OF INCOME—INSTITUTIONALIZED RECIPIENT. (1) All institutionalized ((~~recipients will~~)) clients shall retain a specified personal needs allowance.

(2) The AFDC or FIP-related ((~~individual~~)) client in a medical facility ((~~is~~)) shall be eligible to receive ((~~an amount as~~)) a cash assistance payment sufficient to bring the client's income up to the personal needs allowance.

(3) The department shall allow SSI-related ((~~recipients may~~)) clients to retain the current personal needs allowance plus wages received for work approved by the department as part of a training or rehabilitative program designed to prepare the individual for a less restrictive placement((~~:~~)) when:

(a) The total ((~~amount of~~)) wages received plus the personal needs allowance ((~~may~~)) do not exceed the one-person medically needy income level((~~. There are~~)); and

(b) No deductions are allowed for expenses of employment((~~:~~)); and

(c) The excess wages shall apply to the cost of care, when the total ((~~amount of~~)) wages received plus the initial personal needs allowance exceeds the one-person medically needy income level((~~, the excess wages are applied to the cost of care~~)).

(4) In addition to the allocations in subsections (1) and (3) of this section, the department shall allow SSI-related ((~~individuals~~)) clients residing in a medical facility throughout a calendar month ((~~are entitled to~~)) the following allocations of income as applicable for:

(a) Maintenance needs of spouse not to exceed the one-person medically needy income level;

(b) Maintenance needs of family adjusted for number of family members living at home, but not to exceed the highest AFDC or FIP payment standard for a family of the same size ((~~under AFDC~~));

(c) Amounts for incurred medical expenses not subject to third-party payment including, but not limited to:

(i) Health insurance premiums, co-insurance, or deductible charges;

(ii) Necessary medical care recognized under state law, but not covered under Medicaid;

(d) ((~~For a single person,~~)) Maintenance of the home ((~~where the individual has been certified by a physician to need institutional care for no more than six consecutive months. See WAC 388-95-380 (1)(a)(iv);~~)) of a single person:

(i) ((~~Income thus exempted must be used to retain the independent living situation of an individual with no dependents through payment of such requirements as rent or mortgages, real estate taxes, insurance, gas, electricity, oil, water or sewer necessary to maintain the home. Also see chapter 388-28 WAC;~~

~~(ii)~~)) Up to one hundred eighty dollars per month ((~~may be exempted from the individual's actual income based on the verified actual cost to retain the home during six consecutive months~~)); and

((~~(iii)~~)) (ii) ((~~The~~)) Limited to not more than a six-month period ((~~begins on the first of the month following date of admission for Medicaid eligible recipients or the date of eligibility for individuals changing from private to Medicaid, and ceases when the patient is discharged to an independent living arrangement or at the end of six months if the recipient has not been discharged~~)); and

(iii) A physician has certified the individual is likely to return to the home within that period; and

(iv) ((~~CSO~~)) Social service staff shall document initial need for the income exemption and review the individual's circumstances after ninety days. Also see chapter 388-28 WAC.

(5) The department shall use the remaining income ((~~remaining~~)), after allocations specified in subsections (1), (2), (3), or (4) of this section, ((~~will be used~~)) to compute payment of the participation amount (((~~that income remaining after allocation of income~~))) at the department rate.

(6)(a) Effective July 1, 1988, SSI-related clients shall continue to receive total payment under 1611(b)(1) of the Social Security Act (SSA) for the first three full calendar months of institutionalization if:

(i) The stay in the institution or facility is not expected to exceed three months; and

(ii) The SSI-related clients plan to return to their former living arrangements.

(b) The department shall not consider this SSI payment when computing the participation amount.

WSR 88-19-067
PROPOSED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed September 16, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

Amd	WAC 388-99-010	Persons eligible for medically needy assistance.
Amd	WAC 388-99-011	Continuation of eligibility for pregnant women;

that the agency will at 10:00 a.m., Thursday, October 27, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 28, 1988.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 27, 1988.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Troyce Warner
Office of Issuances
Department of Social and Health Services
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Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by October 13, 1988. The meeting site is in a location which is barrier free.

Dated: September 16, 1988
By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-99-010 and 388-99-011.

Purpose: To change the age of children eligible for medically needy from 5 to 7; to correct the time period of the medical extension for pregnant women; to replace the word "income" with the correct term "resources" in WAC 388-99-010 (4)(b); and to simplify language for easier readability.

Reason: To include the requirement of the law.

Statutory Authority: RCW 74.08.090.

Summary: Amendment of WAC 388-99-010(3) shows the age of children eligible for medically needy assistance is 7; subsection (4)(a) removed as it duplicates WAC 388-99-011; and subsection (4)(b) changed to show the word "resources" rather than "income"; and amendment of WAC 388-99-011 shows the correct time period for medical extensions for pregnant women.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Bobbe Andersen, Program Manager, Division of Medical Assistance, mailstop HB-41, phone 753-7462.

Rules are proposed by DSHS.

These rules are necessary as a result of a new state or federal law, Omnibus Budget Reconciliation Act of 1987.

No economic impact statement is required under the Regulatory Fairness Act.

AMENDATORY SECTION (Amending Order 2620, filed 4/15/88)

WAC 388-99-010 PERSONS ELIGIBLE FOR MEDICALLY NEEDY ASSISTANCE. The department shall determine as medically needy a resident of the state of Washington who meets the income and resource standards in WAC 388-99-020 and 388-99-035 and is:

(1) ((~~An individual who, but for income and/or resources, would be~~)) Categorically needy as defined under WAC 388-82-010((;)) but for income and/or resources; or

(2) The ineligible spouse of an SSI beneficiary ((~~receiving a state supplement payment for the ineligible spouse~~)) if:

(a) The ineligible spouse is ((~~related to the SSI program due to being~~)) aged, blind, or disabled; and

(b) The ((~~couple meets the income and resource requirements of this chapter when the~~)) total income of the SSI beneficiary is excluded, or

(3) A child under ((~~five~~)) seven years of age, born after September 30, 1983.

(4) A pregnant woman who ((~~does not meet~~)) the ((~~aid to families with dependent children and/or FIP~~)) department considers categorically needy but for income, resource, and/or deprivation requirements. For the purposes of this subsection, the department shall increase the number in the household by one before comparing:

(a) ((~~The period of eligibility includes the sixty-day period beginning with the last day of pregnancy to cover the post partum care; and~~

~~(b) The department shall increase the number in the household by one before comparing~~)) The pregnant woman's income to the medically needy income level in WAC 388-99-020; and

(((~~c~~))) (b) ((~~The department shall increase the number in the household by one before comparing~~)) The pregnant woman's ((~~income~~)) resources to the resource level in WAC 388-99-035.

AMENDATORY SECTION (Amending Order 2430, filed 10/2/86)

WAC 388-99-011 CONTINUATION OF ELIGIBILITY FOR PREGNANT WOMEN. ((~~A~~)) The department shall continue Medicaid eligibility for a pregnant woman ((~~who was eligible for and received Medicaid~~)) through the end of the month in which the sixty-day period (beginning on the last day of pregnancy ((~~shall continue to be eligible for Medicaid-covered postpartum and pregnancy-related services for sixty days following that date~~))) ends.

WSR 88-19-068
ADOPTED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 2697—Filed September 16, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to effect of newly acquired income and property on continuing need, amending WAC 388-28-482.

This action is taken pursuant to Notice No. WSR 88-16-052 filed with the code reviser on August 1, 1988.

These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 16, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2613, filed 3/23/88)

WAC 388-28-482 EFFECT OF NEWLY ACQUIRED INCOME AND PROPERTY ON CONTINUING NEED. (1) "Newly acquired income" means any previously unreported or undiscovered income ((~~which has come into the possession or control;~~)) a public assistance recipient possesses or controls in whole or in part((~~, of a recipient of public assistance, or of a recipient in suspended grant status~~)).

(((~~1~~))) (2) ((~~Whenever a recipient shall come into the possession or control of any income, except as modified in subsections (3), (4), and (5) of this section, such income shall be deducted~~)) Unless otherwise specified in this section, the department shall deduct newly acquired income from the payment level plus authorized additional requirements to determine grant amount ((~~beginning with the effective date specified in WAC 388-28-483~~)). The amount deducted shall equal the following:

(a) The net amount of the income if in cash or its equivalent((~~,~~)); and

(b) At least ((~~his or her~~)) the recipient's equity in the quick sale value of property other than cash.

(((~~2~~))) (3) The department shall apply WAC 388-28-400(7) when the property is only potentially available ((~~for use in meeting~~)) to meet the recipient's requirements((~~, WAC 388-28-400(7) applies~~)).

(((~~3~~))) (4) ((~~Exceptions:~~)) The department shall allow recipients who ((~~comes into the possession and control of~~)) own property listed below ((~~may~~)) to retain ((~~such~~)) the property without having ((~~the fact of possession or its sale value~~)) it affect ((~~his or her~~)) their eligibility or need:

(a) A home used as a residence - see WAC 388-28-420;

(b) Useful and needed clothing, household equipment, food, fuel, and other items included in the requirement standards;

(c) An automobile within the ceiling values in WAC 388-28-430(2); ((~~and~~))

(d) An income tax refund within the resource ceiling values in WAC 388-28-430. ((~~That~~)) The earned income tax credit portion of the refund ((~~which is an earned income tax credit~~)) shall be ((~~considered~~)) newly acquired income; and

(e) Income from the department to correct a previous underpayment of assistance under WAC 388-33-195.

(((~~4~~))) (5) ((~~Recipient with income.~~)) The department shall modify the rule in subsection (((~~1~~))) (2) of this section ((~~is modified~~)) for a recipient of AFDC or continuing general assistance ((~~with income~~)) as follows:

(a) Earned income retained by a child ((~~according to~~)), under WAC 388-28-535(3) ((~~shall be considered as~~)), is the personal property of the family and ((~~shall be~~)) subject to the ceilings in WAC 388-28-430(2);

(b) ((~~Income from the Economic Opportunity Act, Title I of the Elementary and Secondary Education Act, and from WIN and JTPA is treated according to WAC 388-28-515 and 388-28-570 through 388-28-578;~~

(~~c~~))) The possession of any amount of funds from sources listed in subsection (((~~4~~)(a) ~~and (b)~~))) (5)(a) of this section in a cash reserve or savings account does not affect the eligibility of a general assistance recipient. However, if such exempted income is converted into other types of property, WAC 388-28-410 through 388-28-455 apply;

(((~~d~~))) (c) Income from interest on exempt savings, dividends from exempt stocks, increase in life insurance cash surrender value, livestock births, etc., affect eligibility only to the extent the amount causes the total value of the resource possessed to exceed the ceiling values of the resource. The excess is considered available((~~;~~

(~~e) Payment for funeral expenses for recipient. When a public assistance recipient dies, his or her surviving spouse or children or parent of a minor child receiving public assistance may use any of their exempt or nonexempt resources or income, except the home property, to add to available funeral and burial resources in order to pay for the funeral expenses of the deceased person without affecting their eligibility for public assistance: PROVIDED HOWEVER, That if the total funeral expenses for the deceased recipient exceeds the department's maximum cost or the amount provided by the recipient toward the total cost of the funeral expense, whichever is the lesser, shall be considered available to meet the public assistance need of the surviving recipient in accordance with this section~~)); and

(((~~f~~))) (d) Exempt funds ((~~received by an applicant or recipient~~)) representing another person's ((~~or family's~~)) share of household costs are exempt ((~~as income~~)) provided((~~:~~

(~~i~~))) such payments ((~~do not represent~~)) are not legally obligated child support except as provided in WAC 388-28-484 (7)(b)((~~, and~~

(~~ii) The provisions of subsection (5) of this section are met.~~

(~~5) Use of grant and cash reserve in relation to income.~~

(~~a) No question about eligibility is raised if public assistance grants and other income considered in computing financial need are used to add to the cash reserve up to the legal personal property limitations - see WAC 388-28-430. The cash reserve may exceed the maximum only to the extent these unexpended moneys are on hand within thirty days after their receipt, and by exempted amounts as specified in this section.~~

(~~b) A recipient always has the right to make a current expenditure out of a cash reserve and replace it from a succeeding grant, just as he or she might place his or her~~

~~whole grant in a bank account, along with his or her cash reserve, at the beginning of the month and then spend out of the account during the month~~)).

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 88-19-069
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 2698—Filed September 16, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to underpayments, amending WAC 388-33-195.

This action is taken pursuant to Notice No. WSR 88-16-057 filed with the code reviser on August 1, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 16, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2258, filed 7/17/85)

WAC 388-33-195 ((~~EFFECTIVE DATE OF GRANT~~—))UNDERPAYMENTS. (1) The department shall repay upon discovery a current or former recipient ((~~receiving less than the correct amount of an assistance grant or service payment due to departmental error or client error in estimating income for prospective budgeting, shall be paid the amount due~~)) any underpayment, not negated by budgeting against an overpayment.

(2) The effective date of the corrective payment ((~~is~~)) shall be the date of the payment ((~~is authorized~~)) authorization.

(((~~3) For purposes of determining continued eligibility and amount of assistance, corrective payments shall not be considered as income or as a resource in the month paid nor in the next following month.~~)))

WSR 88-19-070
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 2699—Filed September 16, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Overpayment—Amount, amending WAC 388-44-035.

This action is taken pursuant to Notice No. WSR 88-16-053 filed with the code reviser on August 1, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 16, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2335, filed 1/24/86)

WAC 388-44-035 OVERPAYMENT—AMOUNT. (1) The amount of overpayment shall be ((~~determined as~~)) the amount of assistance received, including medical care, ((~~to~~)) for which the assistance unit was not entitled.

(2) ((~~To determine~~)) The amount ((~~to which~~)) of the ((~~assistance unit was not entitled~~)) overpayment in subsection (1) of this section((~~, the overpayment~~)) shall be reduced by:

(a) ((~~By~~)) The amount of assistance the ((~~assistance~~)) unit would ((~~have been~~)) be eligible to receive from any other category of assistance during the period of ineligibility ((~~from any other category of assistance.~~)); and

(b) ((~~By~~)) The amount of child support((~~, paid by the absent parent~~)) the department received for the month of overpayment((~~,~~)) in excess of the amount of assistance the assistance unit was ((~~actually~~)) entitled((~~, in cases where the client was eligible for some part of the monthly AFDC grant.~~)); or

(c) ((~~By~~)) The amount of excess support in subsection (2)(b) of this section minus the amount of support already distributed to the ((~~recipient~~)) assistance unit according to WAC 388-14-270 (2)(a), ((~~in cases where the client was totally ineligible for an AFDC grant~~)) if ineligibility exists.

(3) When establishing an overpayment ((~~for a period of time containing both overpayments and underpayments~~)), reduce any overpayment ((~~shall be reduced~~)) by the amount of any underpayment.

(((~~4) Underpayments, not negated by being budgeted against an overpayment established at the same time,~~

~~will be paid to recipients upon discovery. Underpayments to former recipients will not be paid unless specifically ordered by a decision of the courts or a fair hearing. For purposes of determining continued eligibility and amount of assistance, underpayments paid to recipients shall not be considered as income or as a resource in the month paid nor in the next following month.~~))

WSR 88-19-071
EMERGENCY RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 2700—Filed September 16, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-99-010 Persons eligible for medically needy assistance.
Amd WAC 388-99-011 Continuation of eligibility for pregnant women.

I, Leslie F. James, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are necessary to change the age of children eligible for medically needy from up to age 5 to up to age 7 and to correct the time period of the medical extension for pregnant women per the Omnibus Budget Reconciliation Act of 1987.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 16, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2620, filed 4/15/88)

WAC 388-99-010 PERSONS ELIGIBLE FOR MEDICALLY NEEDY ASSISTANCE. The department shall determine as medically needy a resident of the state of Washington who meets the income and resource standards in WAC 388-99-020 and 388-99-035 and is:

(1) ((~~An individual who, but for income and/or resources, would be~~)) Categorically needy as defined under WAC 388-82-010((;)) but for income and/or resources; or

(2) The ineligible spouse of an SSI beneficiary ((~~receiving a state supplement payment for the ineligible spouse~~)) if:

(a) The ineligible spouse is ((~~related to the SSI program due to being~~)) aged, blind, or disabled; and

(b) The ((~~couple meets the income and resource requirements of this chapter when the~~)) total income of the SSI beneficiary is excluded, or

(3) A child under ((~~five~~)) seven years of age, born after September 30, 1983.

(4) A pregnant woman who ((~~does not meet~~)) the ((~~aid to families with dependent children and/or FIP~~)) department considers categorically needy but for income, resource, and/or deprivation requirements. For the purposes of this subsection, the department shall increase the number in the household by one before comparing:

(a) ((~~The period of eligibility includes the sixty-day period beginning with the last day of pregnancy to cover the post partum care; and~~

~~(b) The department shall increase the number in the household by one before comparing~~)) The pregnant woman's income to the medically needy income level in WAC 388-99-020; and

((~~(c)~~)) (b) ((~~The department shall increase the number in the household by one before comparing~~)) The pregnant woman's ((~~income~~)) resources to the resource level in WAC 388-99-035.

AMENDATORY SECTION (Amending Order 2430, filed 10/2/86)

WAC 388-99-011 CONTINUATION OF ELIGIBILITY FOR PREGNANT WOMEN. ((~~A~~)) The department shall continue Medicaid eligibility for a pregnant woman ((~~who was eligible for and received Medicaid~~)) through the end of the month in which the sixty-day period (beginning on the last day of pregnancy ((~~shall continue to be eligible for Medicaid-covered postpartum and pregnancy-related services for sixty days following that date~~))) ends.

WSR 88-19-072
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Order 363—Filed September 16, 1988]

Be it resolved by the director, Department of Wildlife, acting at Olympia, Washington, that it does adopt the annexed rules relating to closure of lands east of the Cascade Crest in Washington under department of Natural Resources fire protection to the hunting of wild animals and wild birds and to the fishing of game fish, repealing WAC 232-28-21704.

I, the director, Department of Wildlife, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the

facts constituting the emergency is the ban on hunting and fishing in this area is being removed because DNR has removed its ban on protected lands, cooler moist weather is moving in, and major fires in this area are under control and fire fighting crews are available.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 77.04.020 and WAC 232-12-085 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 16, 1988.
By Curt Smitch
Director

REPEALER

The following section of the Washington Administrative Code is hereby repealed effective 12:01 a.m. on Saturday, September 17:

WAC 232-28-21704 CLOSURE OF LANDS EAST OF THE CASCADE CREST IN WASHINGTON UNDER DEPARTMENT OF NATURAL RESOURCES FIRE PROTECTION TO THE HUNTING OF WILD ANIMALS AND WILD BIRDS AND TO THE FISHING OF GAME FISH

WSR 88-19-073
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Order 362—Filed September 16, 1988]

Be it resolved by the State Wildlife Commission, acting at the Department of Wildlife, Director's Conference Room, 600 North Capitol Way, Olympia, WA, that it does adopt the annexed rules relating to amendment to 1988-89 Upland game bird and migratory waterfowl seasons, amending WAC 232-28-412.

We, the State Wildlife Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is under authority of the Migratory Bird Treaty Act, the United States Fish and Wildlife Service establishes federal framework regulations for migratory waterfowl hunting seasons. Due to severe drought conditions in major duck production areas of Canada several changes have been made to these federal frameworks. Changes are needed in the 1988-89 Upland game bird and migratory waterfowl seasons to comply with federal law and to protect the waterfowl resource. These changes must be adopted sooner than would be allowed if the agency filed a 20-day notice with the code reviser and failure to do so would violate federal regulations. A 20-day notice will be filed with the code reviser for follow-up permanent adoption of this amendment at the October 28, 1988, Wildlife Commission meeting.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 16, 1988.
By Dr. James M. Walton
Chairman, Wildlife Commission

AMENDATORY SECTION (Amending Order 318, filed 8/22/88)

WAC 232-28-412 1988-89 UPLAND GAME BIRD AND MIGRATORY WATERFOWL HUNTING SEASONS.

Reviser's note: The text and accompanying pamphlet comprising the 1988-89 Upland game bird and migratory waterfowl hunting seasons adopted by the Department of Wildlife have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Wildlife, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

WSR 88-19-074
PROPOSED RULES
CHIROPRACTIC DISCIPLINARY BOARD
[Filed September 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Chiropractic Disciplinary Board intends to adopt, amend, or repeal rules concerning the practice of chiropractic:

New	WAC 113-12-101	Billing.
New	WAC 113-12-103	Radiographic standards.
New	WAC 113-12-104	Delegation of services to unlicensed personnel.
New	WAC 113-12-220	"Records and x-rays and withdrawal from practice"—Maintenance and retention of patient records.
New	WAC 113-12-230	Duties of a chiropractor who retires or withdraws from practice;

that the agency will at 10:30 a.m., Thursday, November 3, 1988, in Nendel's Southcenter, Southcenter Room, 15901 West Valley Highway, Tukwila, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.26.110.

The specific statute these rules are intended to implement is chapter 18.26 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 3, 1988.

Dated: September 16, 1988
By: John H. Keith
Assistant Attorney General
Board Counsel

STATEMENT OF PURPOSE

Name of Agency: Washington State Chiropractic Disciplinary Board.

Rule Title, Summary, and Purpose: WAC 113-12-101 would amend the current billing rule to authorize the billing for varied levels of appropriate time dependent chiropractic services and would define appropriate levels of chiropractic care; WAC 113-12-103 would establish guidelines for chiropractic x-ray utilization; WAC 113-12-104 would establish guidelines for the use of chiropractor assistants; WAC 113-12-220 would establish standards for maintenance of patient records and provision of the release of records at the patient's request; and WAC 113-12-230 would establish procedures for such chiropractors to notify their patients and make treatment records available.

Statutory Authority: RCW 18.26.110.

Reason Proposed: To protect the public health, safety and welfare.

Responsible Departmental Personnel: In addition to the Chiropractic Disciplinary Board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Connie Glasgow, Chiropractic Disciplinary Board, 1300 Quince Street S.E., Olympia, WA 98504, phone (206) 753-0776 comm, 234-0776 scan.

Small Business Economic Impact Statement: Not required and has not been filed since these rules do not impact small business as that term is defined by RCW 43.31.920.

NEW SECTION

WAC 113-12-101 BILLING. (1) A chiropractor shall bill for examination, adjustment, or other therapeutic services utilizing the levels of service described below. When necessity is substantiated by documented subjective complaints, if any, objective findings, and when not a routine part of the chiropractor's examination or treatment procedures, board approved chiropractic procedures which are preparatory to and/or complementary to the adjustment may be used in combination with the adjustment, or when adjustment is precluded by adequate clinical justification.

A chiropractor whose billing does not conform to these specified levels of service, or whose case records do not contain adequate documentation of subjective complaints, if any, objective findings to justify the level and type of service billed for, shall be considered engaging in unprofessional conduct.

(a) Complementary procedures defined: Those chiropractic services, performed by or at the direction of the chiropractor, which initiate or complete the process intended to normalize joint function, decrease muscle spasm, reduce edema or inflammation, increase joint mobility, increase soft tissue flexibility, reduce pain, and maximize the integrity of the fibrosis of repair.

Complementary procedures shall include the application of manual spinal traction, massage, neuromuscular rehabilitation, muscle stretch techniques, fitting of necessary spinal orthoses, heel lifts, and/or manual muscle goading techniques including trigger point therapy and transverse friction massage.

(b) Preparatory procedures defined: Those chiropractic services, which may not require the attendance of the chiropractic or his assistant, which induce local or general relaxation, decrease muscle spasm, increase circulation, reduce edema or inflammation, and in other ways prepare the patient.

Preparatory procedures shall include the application of spinal traction, intersegmental mobilization, heat, light, and/or cold.

(c) Complementary teaching procedures defined: Those complementary chiropractic teaching services, preformed by or at the direction of the chiropractor, which train the patient in proper or improved methods of performing activities of work, posture, ambulation, or daily living.

Complementary teaching procedures shall include dietary advice, gait training, posture training, exercise training, body mechanics, ergonomic considerations, or instruction in the activities of daily living.

(2) The necessity and rationale for examination, x-rays, or other diagnostic procedures, must be supported by documentation in the patient record of subjective complaints, if any, objective findings and assessment.

(3) Levels of services for chiropractic care:

(a) Brief level of service. A level of service requiring an abbreviated history and/or examination supported by subjective complaint, if any, objective findings, the assessment, and plan for care. This level of service may consist of inter or intraprofessional consultation regarding the assessment and care of the patient. When adjustment is precluded by adequate clinical justification, preparatory procedures may be applied in the absence of an adjustment and billed at this level of service. Complementary teaching procedures may be applied and billed at this level of service.

(b) Limited level of service - (i.e., routine). A level of service pertaining to the evaluation of a circumscribed acute condition or the periodic reevaluation of an existing condition, with an interval history, examination, review of past care effectiveness, appropriate tests, and modification of plan for care, as indicated and supported by documentation of subjective complaints, if any, objective findings, and assessment. This level of service shall include a chiropractic spinal adjustment, unless the adjustment is precluded by adequate clinical justification. Complementary procedures (which may be accompanied by preparatory procedures) may be applied in the absence of an adjustment and billed at this level of service.

(c) Intermediate level of service. A level of service pertaining to the evaluation of a new or existing condition, complicated with a new diagnostic or management problem not necessarily relating to the primary diagnosis, that necessitates obtaining and/or evaluation of pertinent history, physical findings, diagnostic tests and procedures, and/or the application of the appropriate therapeutic management as indicated and supported by documentation of subjective complaints, if any, objective findings, and assessment; or a formal patient or family conference regarding patient chiropractic management, progress, and plan. This level of service may include the application of preparatory chiropractic procedures performed in addition to a chiropractic spinal adjustment.

(d) Extended level of service. A level of service requiring an unusual amount of effort or judgment which may include detailed history, review of recorded records, examination, and/or a formal conference with patient or family, to determine the need for care, and is supported by documentation of subjective complaints, if any, objective findings, assessment, and plan for care. This level of service may include the application of complementary and/or complementary teaching chiropractic procedures, performed in addition to a chiropractic spinal adjustment.

(e) Comprehensive level of service. A level of service providing an in-depth evaluation of a patient with a new or existing problem requiring the complete evaluation of chiropractic and other health data. This procedure may include the documentation of chief complaints, present conditions, family history, past health history, a complete chiropractic examination, to include neurologic and orthopedic findings, appropriate tests and procedures, and documentation of assessment and plan for care.

REPEALER

The following section of the Washington Administratrive Code is repealed:

WAC 113-12-100 BILLING.

Reviser's note: The spelling error in the above repealer occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 113-12-103 RADIOGRAPHIC STANDARDS. The following requirements for chiropractic x-ray have been established because of concerns about over-radiation and unnecessary x-ray exposure. (1) The following should appear on the films:

(a) Patients's name and age;

(b) Doctor's name, facility name, and address;

(c) Date of study;

(d) Left or right marker;

(e) Other markers as indicated;

(f) Adequate collimation;

(g) Gonad shielding, where applicable.

(2) Minimum of A/P and lateral views are necessary for any regional study unless clinically justified.

(3) As clinical evidence indicates, it may be advisable to produce multiple projections where there is an indication of possible fracture, significant pathology, congenital defects or when an individual study is insufficient to make a comprehensive diagnosis/analysis.

(4) Each film should be of adequate density, contrast, and definition, and no artifacts should be present.

(5) The subjective complaints, if any, and the objective findings substantiating the repeat radiographic study must be documented in the patient record.

(6) These rules are intended to complement and not supersede those rules adopted by the Radiation Control Agency set forth in Chapter 402-28 WAC Use of X-Rays In The Healing Arts.

NEW SECTION

WAC 113-12-104 DELEGATION OF SERVICES TO UNLICENSED PERSONNEL. (1) It will not be considered aiding and abetting the unlicensed practice of chiropractic for a chiropractor to delegate auxiliary services to persons carrying out the duties necessary for the support of chiropractic care provided the auxiliary services are performed under the chiropractor's supervision.

(2) Nonlicensed persons may not perform the following services:

(a) Detection of subluxations;

(b) Adjustment or manipulation of the articulations of the spinal column;

(c) Interpretation of radiographs;

(d) Determination of the necessity for chiropractic care;

(e) Performance of any health care service for which a license is required;

(3) The supervising chiropractor is responsible for determining that the auxiliary staff person is competent to perform the delegated service and must render adequate supervision so that the patient's health or safety is not at a risk.

NEW SECTION

WAC 113-12-220 "RECORDS AND X-RAYS AND WITHDRAWAL FROM PRACTICE"—MAINTENANCE AND RETENTION OF PATIENT RECORDS. (1) Any chiropractor who treats patients in the state of Washington shall maintain all treatment records regarding patients treated. These records may include, but shall not be limited to treatment plans, patient charts, patient histories, correspondence, financial data, and billing. These records shall be retained by the chiropractor for five years in an orderly, accessible file and shall be readily available for inspection by the chiropractic disciplinary board or its authorized representative: PROVIDED, That x-rays or copies of records may be forwarded pursuant to a licensed agent's written request. Also, office records shall state the date on which the records were released, method forwarded and to whom, and the reason for the release. A reasonable fee may be charged the patient to cover mailing and clerical costs.

(2) A chiropractor shall honor within fifteen days a written request from an adult patient or their legal representative or that of a minor child to release original x-rays on a loan basis to other licensed health care providers or the chiropractor may provide duplicate films and may charge the patient reasonable duplication costs. Once the original films have been loaned at patient request, the chiropractor is no longer responsible for them, nor for their retrieval of subsequent production.

A chiropractor who has received original x-rays on a loan basis shall return them to the loaning chiropractor within sixty days unless other arrangements are made.

NEW SECTION

WAC 113-12-230 DUTIES OF A CHIROPRACTOR WHO RETIRES OR WITHDRAWS FROM PRACTICE. Any chiropractor who ceases practice in his or her community for any reason, including retirement, illness, disability, or relocation shall comply with the following duties:

(1) The chiropractor shall notify all current patients that he or she will not be able to provide chiropractic services and shall notify the patient to seek another chiropractor to continue their care.

(2) The chiropractor shall offer to deliver to the patient, or to another chiropractor or licensed health care professional chosen by the patient, the originals or copies of all patient examination and treatment records and x-rays or notify the patient of a community area location where the records and x-rays will be maintained and accessible for at least one year after the notice is sent to the patient.

(3) The chiropractor shall refund any part of fees paid in advance that have not been earned.

(4) The board requests that the executor or executrix of a deceased chiropractor comply with the duties set forth herein to the fullest extent possible. The board staff will provide advice and assistance to such executor or executrix upon request.

(5) For the purpose of this section, any relocation or restriction of practice which substantially interferes with a patient's reasonable access to his or her chiropractor should be cause for the chiropractor to comply with the duties set forth.

(6) Willful failure to comply with this section shall be cause to suspend a chiropractor's license until the required duties are fulfilled.

WSR 88-19-075
PROPOSED RULES
BOARD OF PHARMACY
[Filed September 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning the practice of pharmacy and the distribution of drugs including:

New	WAC 360-12-160	AIDS prevention and information education requirements.
New	WAC 360-16-094	Prescription transfers.
Amd	WAC 360-16-096	Prescription record requirements.
Amd	WAC 360-16-250	Patient information required.
New	WAC 360-16-251	Patient information required.
New	WAC 360-36-500	Controlled substance distribution reporting;

that the agency will at 10:00 a.m., Friday, October 28, 1988, in the Sheraton Tacoma Hotel, 1320 Broadway Plaza, Tacoma, WA 98402, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.64.005.

The specific statute these rules are intended to implement is RCW 18.64.005.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 28, 1988.

Dated: September 14, 1988
By: John H. Keith
Assistant Attorney General
Board Counsel

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Pharmacy.

Statutory Authority: RCW 18.64.005.

Summary, Purpose of Rule and Reason Proposed: WAC 360-12-160 would establish guidelines for the education and training of pharmacists regarding the prevention, transmission and treatment of AIDS as required by RCW 70.24.280; WAC 360-16-094 would establish procedures for the transfer of prescription information between pharmacies; WAC 360-16-096 would be revised to conform to the new procedures in WAC 360-16-094; WAC 360-16-250 would increase the information pharmacists must provide to patients about the use and certain side effects of medication, including specific information about neuroleptic medication and the possibility of tardive dyskinesia; WAC 360-16-251 establishes an alternative to WAC 360-16-250 that expands on the therapeutic classes for which additional patient medication information is required; and WAC 360-36-500 would require controlled substance distributors to file quarterly reports of all distributions of controlled substances.

Responsible Agency Personnel: The board and the executive secretary of the board have responsibility for drafting, implementing and enforcing these rules. The executive secretary is Donald H. Williams, 319 East Seventh Avenue, W.E.A. Building, FF-21, Olympia, WA 98504, phone (206) 753-6834.

Proponents of the Proposed Rules: Washington State Board of Pharmacy.

Federal Law or State or Federal Court Requirements: Not necessitated as a result of federal law or state or federal court action.

Small Business Economic Impact Statement: Not necessary since these rules to not impact small businesses as that term was defined by RCW 43.31.920.

NEW SECTION

WAC 360-12-160 AIDS PREVENTION AND INFORMATION EDUCATION REQUIREMENTS. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of human immunodeficiency virus-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the Department of Social and Health Services or any successor department with jurisdiction over public health matters as defined in 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989 persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) Renewal of licenses. Effective with the renewal period beginning February 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Pharmacists may submit compliance documentation with their renewal or at any time prior to December 31, 1989. Approved AIDS education may be counted towards a pharmacist's continuing education requirement.

(4) AIDS education and training.

(a) Acceptable education and training. The board will accept education and training that is consistent with the model curriculum available from the Office on AIDS. Such education and training shall be a minimum of seven clock hours (.7 CE units) and shall include, but is not limited to, the following: etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective February 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The licensee shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

NEW SECTION

WAC 360-16-094 PRESCRIPTION TRANSFERS. The transfer of original prescription information for a noncontrolled substance legend drug for the purpose of refill dispensing is permissible between pharmacies subject to the following requirements:

(1) The transfer is communicated directly between two licensed pharmacists and the transferring pharmacist records the following information:

(a) Record in the patient medication system that a copy has been issued.

(b) Record on the reverse of the invalidated prescription the name and address of the pharmacy to which it was transferred and the name of the pharmacist receiving the prescription information.

(2) The pharmacist receiving the transferred prescription information shall reduce to writing the following:

(a) Write the word "TRANSFER" on the face of the transferred prescription.

(b) Provide all information required to be on the prescription - patient's name and address; doctor's name and address, and also include:

(i) Date of issuance of original prescription.

(ii) Number of valid refills remaining and date of last refill.

(iii) The pharmacy's name, address, and original prescription number from which the prescription information was transferred.

(iv) Name of transferor pharmacist.

(c) Both the original and transferred prescription must be maintained as if they were original prescriptions.

(d) A transferred prescription may not be refilled after one year from the date the original was issued.

(e) The above subsections apply to the transfer of prescription information for noncontrolled substances. The transfer of controlled substance prescription information must conform to the requirements of 21 CFR 1306.26.

(3) If two or more pharmacies utilize a common electronic database for prescription recordkeeping, prescriptions may be refilled at any of these pharmacies as long as there is provided an audit trail which documents the location of each filling and provisions are made to assure that the number of authorized refills are not exceeded.

(4) When a prescription is transferred, no further refills shall be issued by the transferring pharmacy.

AMENDATORY SECTION (Amending Order 131, filed 2/4/77)

WAC 360-16-096 PRESCRIPTION RECORD REQUIREMENTS. (1) Records for the original prescription and refill records shall be maintained on the filled prescription or in a separate record book or patient medication record. Such records must be maintained for a period of at least five years and shall be made available for inspection to representatives of the board of pharmacy: PROVIDED, That after two years a complete and accurate copy of the original and refill records may be maintained on microfilm, electromagnetic tape, or other board-approved record storage and retrieval system.

(2) The pharmacist shall be required to insure that the following information be recorded:

(a) Original prescription—At the time of dispensing, a serial number, date of dispensing, and the initials of the responsible pharmacist shall be placed on the face of the prescription. The patient's address must be readily available to the pharmacist, either from the face of the prescription, a record book, patient medication record, or hospital or clinic record.

(b) Refill prescription authorization—Refills for prescription for legend drugs must be authorized by the prescriber prior to the dispensing of the refill prescription.

(c) Refill prescription—At the time of dispensing, the date of refilling, quantity of the drug (if other than original), the name of authorizing person (if other than original), and the initials of the responsible pharmacist shall be recorded on the back side of the prescription, or in a separate record book or patient medication record.

(d) Prescription refill limitations—No prescription may be refilled for a period longer than one year from the date of the original prescription. "PRN" prescriptions shall expire at the end of one year. Expired prescriptions require authorization before filling. If granted a new prescription shall be written and placed in the files.

(e) Prescription copies—Prescription copies and prescription labels presented for filling must be considered as informational only, and may not be used as the sole document. The prescriber shall be contacted for complete information and authorization. If granted, a new prescription shall be written and placed on file. Copies of prescriptions must be clearly identified as such on the face of the prescription. The transfer of an original prescription is permitted if the provisions of WAC 360-16-094 are met.

(f) Emergency refills—If the prescriber is not available and in the professional judgment of the pharmacist an emergency need for the medication has been demonstrated, the pharmacist may dispense enough medication to last until a prescriber can be contacted – but not to exceed 72 hours' supply. The prescriber shall be promptly notified of the emergency refill.

AMENDATORY SECTION (Amending Order 118, filed 1/2/74)

WAC 360-16-250 PATIENT INFORMATION REQUIRED. (1) With each new prescription dispensed ((~~after January 1, 1974,~~)) the pharmacist, in addition to labeling the prescription in accordance with the requirements of RCW 18.64.246 and WAC 360-16-255, must;

(a) ((~~o~~)) Orally explain to the patient or the patient's agent the directions for use and any additional information, in writing if necessary, ((~~to assure the proper utilization of the medication or device prescribed. F~~)) for those prescriptions delivered outside the confines of the pharmacy((;));

(b) ((~~t~~)) The explanation shall be by telephone or in writing((:)), for those prescriptions delivered outside the confines of the pharmacy, to assure the proper utilization of the medication or device prescribed.

(2) In those instances that it is appropriate when dispensing refill prescriptions, the pharmacist shall communicate with the patient or the patient's agent, by the procedure outlined in (1)(a) or (b) above, regarding over-or-under-utilization of the prescription as well as any appropriate concerns (e.g. side effects) regarding chronic use of the medication.

(3) ((~~PROVIDED, That this~~)) Subsection (1) and (2) of this rule shall not apply to those prescriptions for in-patients in hospitals or institutions where the medication is to be administered by a nurse or other individual licensed to administer medications((~~, or to those prescriptions for patients who are to be discharged from a hospital or institution~~.

(4) The pharmacist may use board approved medication information fact sheets in the place of written statements regarding drugs.

(5) Except when the prescriber has specifically advised that the patient is not to receive additional information regarding the medication, a pharmacist dispensing neuroleptic medication shall distribute to the patient a board approved medication information fact sheet describing significant adverse effects including tardive dyskinesia.

(6) For the purpose of this rule "neuroleptic medication" means the following antipsychotics: acetophenazine, chlorpromazine, chlorprothexine, fluphenazine, haloperidol, loxapine, mesoridazine, molindone, perphenazine, pimozide, promazine, thioridazine, thiothixene, trifluoperazine, and trifupromazine.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 360-16-251 PATIENT INFORMATION REQUIRED. Except in those cases when the prescriber has advised that the patient is not to receive specified information regarding the medication (1) In order to assure the proper utilization of the medication or device prescribed, with each new prescription dispensed by the pharmacist, in addition to labeling the prescription in accordance with the requirements of RCW 18.64.246 and WAC 360-16-255, must;

(a) Orally explain to the patient or the patient's agent the directions for use and any additional information, in writing if necessary, for those prescriptions delivered inside the confines of the pharmacy;

(b) The explanation shall be by telephone or in writing for those prescriptions delivered outside the confines of the pharmacy.

(2) When dispensing refill prescriptions, the pharmacist shall communicate with the patient or the patient's agent, by the procedure outlined in (1)(a) or (b) above or the patient's physician regarding any appropriate concerns (e.g., adverse effects, over or under utilization) with respect to the use of medications.

(3) Subsection (1) and (2) of this rule shall not apply to those prescriptions for inpatients in hospitals or institutions where the medication is to be administered by a nurse or other individual authorized to administer medications.

(4) The pharmacist may use a medication information fact sheet in the place of written statements regarding medications. If the pharmacist uses a medication fact sheet as the source of written information, they must use medication information fact sheets at least comparable to the abstracts of the Patient USP DI 1988 edition.

(5) Pharmacists who dispense medications from therapeutic classes which may pose a high risk to the patient's well-being (e.g., neuroleptics, antineoplastics) and/or are associated with significant adverse reactions (e.g., tardive dyskinesia, myelosuppression) shall deliver medication information fact sheets to the patient or the patient's agent.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 360-16-250 PATIENT INFORMATION REQUIRED

NEW SECTION

WAC 360-36-500 CONTROLLED SUBSTANCE DISTRIBUTION REPORTING. (1) Every distributor of controlled substances in the state of Washington shall report to the board all controlled substances distributed on a quarterly basis. The first report shall be due on February 1, 1989 for the quarter ending December 31, 1988 and subsequent reports shall be due within thirty days from the end of each quarter. The report shall be submitted on a form approved by the board and shall contain information regarding the drug, strength and quantity distributed and the name and address of the person or firm receiving the controlled substance.

(2) Controlled substance distributor may, at their option, report controlled substance distribution on a computer-generated basis. The distributor must use a record format approved by the board and comply with board standards for the transmission of controlled substance distribution data. If electronically submitted data cannot be processed by the board, the data will be returned to the reporting registrant with instructions for resubmission of data.

WSR 88-19-076
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed September 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the state of Washington Department of Licensing intends to adopt, amend, or repeal rules concerning sale or distribution at wholesale, amending WAC 308-72-502;

that the agency will at 10:00 a.m., Wednesday, October 26, 1988, in the 2nd Floor Conference Room, Department of Licensing, 12th and Franklin, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 82.36.435.

The specific statute these rules are intended to implement is chapter 82.36 RCW including RCW 82.36.010 (3) and (12), 82.36.020, 82.36.060, 82.36.070 and 82.36.190.

Dated: September 13, 1988
By: H. George Ides
Administrator

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: To enhance the ability of the Department of Licensing to administer and enforce chapter 82.36 RCW as it relates to motor vehicle fuel distributor licenses to enable the department to better serve the public health, safety and welfare.

Statutory Authority: RCW 82.36.435.

Summary of the Rules: WAC 308-72-502 sets forth a standard included within the term "sale or distribution at wholesale."

Purpose and Reason Proposed: To clarify circumstances under which a common carrier fuel delivery vehicle is "controlled by" a licensed motor vehicle fuel distributor for a "sale or distribution at wholesale" for purposes of licensure as a distributor under chapter 82.36 RCW.

Responsible Department Personnel: In addition to the director of the Department of Licensing, the following individuals have knowledge of and responsibility for drafting, implementing, enforcing and repealing these rules: David T. Kirk, Assistant Director, Vehicle Services, Second Floor, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, phone (206) 753-6914 comm or 234-6914 scan; and H. George Ides, Administrator, Prorate and Fuel Tax Control, Second Floor, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, phone (206) 753-4565 comm or 234-4565 scan.

Proponents: The state of Washington Department of Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court requirements.

Small Business Economic Impact Statement: Not required for this statement.

AMENDATORY SECTION (Amending Order PFT 88-003, filed 3/22/88)

WAC 308-72-502 SALE OR DISTRIBUTION AT WHOLESALE. "Sale or distribution at wholesale" includes all sales or distributions of motor vehicle fuel owned or controlled by a distributor, from bulk storage or from a fuel delivery vehicle owned or controlled by him/her, to two or more of his/her own retail service stations, where no change of title or ownership occurs. This is the same standard used in RCW 82.04.270 for imposition of business and occupation tax levied on wholesalers and distributors. A common carrier fuel delivery vehicle is "controlled by" the distributor if the common carrier's entire load is motor vehicle fuel owned or controlled by one distributor and the distributor, through the bill of lading, controls the time and place of pick-up and delivery of the entire load of motor vehicle fuel.

WSR 88-19-077
PROPOSED RULES
SUPERINTENDENT OF PUBLIC INSTRUCTION
[Filed September 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Finance—General apportionment, chapter 392-121 WAC;

that the agency will at 9:00 a.m., Friday, October 28, 1988, in the Wanamaker Conference Room, Old Capitol Building, Olympia, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28A.41.170 and 28A.41.055.

Dated: September 19, 1988
By: Frank B. Brouillet
Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-121 WAC.

Rule Section(s): WAC 392-121-260.

Statutory Authority: RCW 28A.41.055 and 28A.41.170.

Purpose of the Rule(s): To revise policies concerning academic and inservice credits recognized for salary allocations for certificated instructional staff.

Summary of the New Rule(s) and/or Amendments: For employees with masters degrees: No academic credits earned before the masters degree are recognized, and only limited inservice credits earned before the masters degree are recognized.

Reasons Which Support the Proposed Action(s): Changes are in response to 1988 amendments to the Biennial Appropriations Act, chapter 289, Laws of 1988.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph Julnes, SPI, 3-2298; Implementation: Perry Keithley, SPI, 3-6742; and Enforcement: Charles Marshall, SPI, 3-1880.

Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-260 DEFINITION—TOTAL ELIGIBLE CREDITS. As used in this chapter, "total eligible credits" means the ((~~total~~)) number of credits determined ((~~pursuant to this section.~~)) as follows:

(1) ((~~Eligible academic credits by degree level are determined as follows:~~

~~(a)~~)) For an employee whose highest degree is a bachelor's degree, ((~~eligible academic credits equals the total of all~~)) sum academic and in-service credits as defined in WAC 392-121-255 and 392-121-257.

((~~(b)~~)) (2) For an employee whose highest degree is a master's degree which was awarded or conferred on or before August 31, 1987, ((~~eligible academic credits equals~~)) sum academic and in-service credits as defined in WAC 392-121-255 and 392-121-257 earned after the awarding or conferring of the master's degree.

((~~(c)~~)) (3) For an employee whose highest degree is a master's degree earned after August 31, 1987, ((~~eligible academic credits equals the~~)) sum ((~~of~~)) the following:

((~~(i)~~)) (a) Academic credits as defined in WAC 392-121-255 earned after the awarding or conferring of the master's degree; ((~~plus~~

~~(ii) Academic~~)) (b) In-service credits as defined in WAC 392-121-257 earned after the awarding or conferring of the master's degree; and

(c) In-service credits as defined in WAC ((~~392-121-255 in excess of forty-five credits~~)) 392-121-257 earned after August 31, 1987, and before August 31, 1988, or the awarding or conferring of the master's degree whichever is earlier.

((~~(2) In-service credits as defined in WAC 392-121-257.~~

~~(3) The result obtained by adding the credits calculated under subsections (1) and (2) of this section is the total eligible credits for the purposes of this chapter.~~))

WSR 88-19-078
ADOPTED RULES
STATE EMPLOYEES INSURANCE BOARD
[Resolution No. 88-4—Filed September 19, 1988]

Be it resolved by the State Employees Insurance Board, acting at the Department of Personnel Board Room, 521 South Capitol Way, Olympia, WA, that it does adopt the annexed rules relating to the amending of WAC 182-12-115, 182-12-127 and 182-12-210.

This action is taken pursuant to Notice No. WSR 88-17-021 filed with the code reviser on August 9, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the State Employees Insurance Board as authorized in RCW 41.05.010.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 16, 1988.

By C. H. Shay
Assistant Benefits Manager

AMENDATORY SECTION (Amending Resolution No. 88-1, filed 5/26/88, effective 7/1/88)

WAC 182-12-115 ELIGIBLE EMPLOYEES, RETIREES, AND DEPENDENTS. The following definitions of eligible employees, retirees, and dependents of an eligible entity, as defined in WAC 182-12-111, shall apply for all SEIB approved plans except as otherwise stated in this chapter:

(1) "Permanent employees." Those who are scheduled to work at least half-time per month and are expected to be employed for more than six months. Such employees shall be eligible effective with their first day of employment.

(2) "Nonpermanent employees." Those who are scheduled to work at least half-time and are expected to be employed for no more than six months. Such employees shall be eligible effective the first day of the seventh calendar month of employment.

(3) "Seasonal employees." Those who work at least half-time per month during a designated season for a minimum of three months but less than nine months per year and who have an understanding of continued employment with their agency season after season. These employees become eligible ((~~to enroll when they return to state employment for their second "season" of employment. Employees who work on a seasonal basis and do not elect to self pay during the break between seasons shall be treated as "new" employees on return to work in a following season~~)) on the first day of such employment, however, they are not eligible for the employer contribution during the break between seasons of employment.

(4) "Part-time faculty." Faculty who are employed on a quarter/semester to quarter/semester basis become eligible beginning with the second consecutive quarter/semester of half-time or more employment at one or more state institutions of higher education, provided that:

(a) For determining eligibility, spring and fall may be considered consecutive quarters/semesters; and

(b) "Half-time or more employment" will be determined based on each institution's definition of "full-time"; and

(c) At the beginning of each quarter/semester, the employers of part-time faculty shall notify, in writing, all current and newly hired part-time faculty of their potential right to benefits under this section. The employee shall have the responsibility, each quarter, to notify the employers, in writing, of the employee's multiple employment. In no case will there be a requirement for retroactive coverage or employer contribution if a part-time faculty member fails to inform all of his/her employing institutions about employment at all institutions within the current quarter; and

(d) Where concurrent employment at more than one state higher education institution is used to determine total part-time faculty employment of half-time or more, the employing institutions will arrange to prorate the cost of the employer insurance contribution based on the employment at each institution. However, if the part-time faculty member would be eligible by virtue of employment at one institution, that institution will pay the entire cost of the employer contribution regardless of other higher education employment. In cases where the cost of the contribution is prorated between institutions, one institution will forward the entire contribution monthly to SEIB; and

(e) Once enrolled, if a part-time faculty member does not work at least a total of half-time in one or more state institutions of higher education, eligibility for the employer contribution ceases.

(5) "Appointed and elected officials." Legislators are eligible on the date their term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible on the date their term begins or they take the oath of office, whichever occurs first.

(6) "Judges." Justices of the supreme court and judges of the court of appeals and the superior courts become eligible on the date they take the oath of office.

(7) "Retirees and disabled employees." Eligible employees who terminate state service after becoming vested in a Washington state sponsored retirement system are eligible for retiree medical, dental and life coverages provided the person:

(a) Immediately begins receiving a monthly retirement income benefit from such retirement system; or

(b) If not retiring under the public employees retirement system (PERS), would have been eligible for a monthly retirement income benefit because of age and years of service had the person been employed under the provisions of PERS I or PERS II for the same period of employment; or

(c) Must take a lump sum benefit because their monthly benefit would have been under fifty dollars.

Employees who are permanently and totally disabled and eligible for a deferred monthly retirement income benefit are likewise eligible, provided they apply for retiree coverage before their SEIB active employee coverage ends. Persons retiring who do not have waiver of premium coverage from any SEIB life insurance plan are eligible for retiree life insurance, subject to the same qualifications as for retiree medical coverage. Retirees and disabled employees are not eligible for an employer premium contribution. The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University cooperative extension service employees who hold a federal civil service appointment and who are covered under the SEIB program at the time of retirement or disability.

(8) "Eligible dependents." The following are eligible as dependents under the medical and dental plans:

(a) Lawful spouse.

(b) Dependent children through age twenty.

(c) Dependent children age twenty-one through age twenty-three who are dependent upon the employee/retiree for maintenance and support, and who are registered students in full-time attendance at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters and for the quarter following graduation provided the employee/retiree is covered at the same time.

(d) Dependent children of any age who are incapable of self-support due to developmental disability or physical handicap are also eligible, provided such condition occurs prior to age twenty-one or during the time the dependent was covered under an SEIB plan as a full-time student. Proof of such disability and dependency must be furnished prior to the dependent's attainment of age twenty-one or loss of eligibility for student coverage, and as periodically requested thereafter.

(e) "Children" includes natural children, stepchildren, adopted children, and approved foster children. A foster child must be under age twenty-one at the time of approval. "Children" also includes married children if dependent upon the employee/retiree within the meaning of the Internal Revenue Code.

(f) "Dependent parents." Parents of the employee/retiree or their spouse are eligible subject to Internal Revenue Code dependency status and qualification. Eligibility is subject to making application and verification.

(9) Notwithstanding any of the foregoing, employees who are not mandatorily, by election, or otherwise covered by industrial insurance under Title 51 RCW shall not be considered "eligible employees" within the meaning of this section.

AMENDATORY SECTION (Amending Resolution No. 87-6, filed 10/19/87)

WAC 182-12-127 EXTENSION OF RETIREE DEPENDENTS' ELIGIBILITY. In accordance with federal law, the Consolidated Omnibus Budget Reconciliation Act (COBRA), covered dependents of retirees not otherwise enrolled in SEIB employer-funded coverage may continue their SEIB retiree medical and dental coverage by self-payment of premium according to the following guidelines:

(1) In addition to coverage extended to surviving dependents under WAC 182-12-122, enrolled dependents of retirees may continue their coverage for up to thirty-six months following the month in which one of the following qualifying events occur: (a) The retiree becomes divorced, or (b) a child ceases to be a dependent child under the requirements of the plan.

(2) Continuation of coverage may be for medical only or for medical and dental, but not dental only, and each enrolled family member is entitled to make a separate election of these options.

(3) Coverage continued under this section shall be secondary to any other employer group coverage the person may have.

(4) Continued coverage will be terminated when (a) the plan terminates, (b) premium is not paid within the grace period stated in subsection (7) of this section, or (c) the person becomes covered in SEIB employer-funded coverage.

(5) NOTICE REQUIREMENTS:

(a) At the time their coverage commences under the retiree plan, the employer shall provide to each new retiree written notice of the option to continue coverage as stated in this section.

(b) It is the retiree's or dependent's responsibility to notify the employer of the retiree's death, divorce or of a child ceasing to be an eligible dependent within sixty days of the qualifying event.

(c) When the employer learns of any qualifying event the employer must notify the retiree (or surviving dependent) of the rights of this section within fourteen days of the receipt of this information.

(6) ELECTION TO CONTINUE COVERAGE: Enrolled persons must make their election to continue coverage within a period of sixty days following a qualifying event or following the date notice is received from the employer, whichever is later.

(7) PREMIUM REQUIREMENTS: Payment of premium for continued coverage must be made within forty-five days of the date of election. Premium must be paid retroactive to the first of the month following the qualifying event. Thereafter, premiums are due on the first of each month, subject to a thirty-day grace period.

((~~(8) CONVERSION OPTION: Within a period of thirty-one days following the expiration of a person's continued coverage, the person may purchase an individual conversion policy.~~))

AMENDATORY SECTION (Amending Resolution No. 87-2, filed 3/13/87)

WAC 182-12-210 EXTENDED SELF-PAY MEDICAL AND DENTAL COVERAGE. In accordance with federal law, the Consolidated Omnibus Budget Reconciliation Act (COBRA), employees and dependents not otherwise enrolled in SEIB employer-funded coverage may continue their SEIB medical and dental coverage by self-payment of premium according to the following guidelines:

(1) Employees and/or their enrolled dependents may continue coverage for up to eighteen months following the month in which either of the following qualifying events occur: (a) The employee is terminated (other than by reason of gross misconduct - see WAC 182-12-220 for appeal of dismissal) or (b) the employee would otherwise lose coverage due to reduction in hours of employment.

(2) Enrolled dependents of employees may continue their coverage for up to thirty-six months following the month in which the first of any of the following qualifying events occur: (a) The employee dies (except as provided under WAC 182-12-122), (b) the employee becomes divorced, or (c) a child ceases to be a dependent child under the requirements of the plan. Should more than one qualifying event occur, the maximum period a dependent may continue coverage under this section shall be thirty-six months.

(3) Continuation of coverage may be for medical only or for medical and dental, but not dental only, and each enrolled family member is entitled to make a separate selection of these options.

(4) Coverage continued under this section shall be secondary to any other employer group coverage the person may have.

(5) Continued coverage will be terminated when (a) the plan terminates, (b) premium is not paid within the grace period stated in subsection (8) of this section, or (c) the person becomes covered in SEIB employer-funded coverage.

(6) NOTICE REQUIREMENTS:

(a) At the time their coverage commences under the plan, the employer shall provide to each new employee written notice of the option to continue coverage as stated in this section.

(b) It is the employee's or dependent's responsibility to notify the employer of the employee's divorce or of a child ceasing to be an eligible dependent within sixty days of the qualifying event.

(c) When the employer learns of any qualifying event the employer must notify the employee (or surviving dependent) of the rights of this section within fourteen days of the receipt of this information.

(7) ELECTION TO CONTINUE COVERAGE: Enrolled persons must make their election to continue coverage within a period of sixty days following a qualifying event or following the date notice is received from the employer, whichever is later.

(8) PREMIUM REQUIREMENTS: Payment of premium for continued coverage must be made within forty-five days of the date of election. Premium must be paid retroactive to the first of the month following the qualifying event. Thereafter, premiums are due on the first of each month, subject to a thirty-day grace period.

((~~(9) CONVERSION OPTION: Within a period of thirty-one days following the expiration of a person's continued coverage, the person may purchase an individual conversion policy.~~))

WSR 88-19-079
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed September 19, 1988]

The proposed chapter 173-433 WAC published in the State Register on May 18, 1988, as WSR 88-10-052, filed on May 4, 1988, with a hearing in Lacey on June 14, 1988, has been withdrawn.

The amendments to chapter 173-433 WAC have been modified as a result of the public hearing process and are being resubmitted.

Alan T. Butler
Air Quality Engineer

WSR 88-19-080
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed September 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning solid fuel burning device standards, chapter 173-433 WAC. Amendments to this regulation adopt by reference EPA emission performance standards, test procedures, and labeling requirements, and regulate nuisance and odor emissions from solid fuel burning devices;

that the agency will at 2:00, Monday, November 7, 1988, in the Lakeridge Plaza Building, Room 228, 921 Lakeridge Drive, Olympia, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 6, 1988.

The authority under which these rules are proposed is chapters 70.94 and 43.21A RCW.

The specific statute these rules are intended to implement is RCW 70.94.450 through [70.94].477 and 70.94.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 15, 1988.

Dated: September 19, 1988
By: Fred Olson
Deputy Director

STATEMENT OF PURPOSE

Title: Solid fuel burning device standards, chapter 173-433 WAC.

Description of Purpose: To amend emission standards, certification standards and procedures in accordance with new federal standards, and establish nuisance regulations for solid fuel burning devices.

Agency Personnel Responsible for Drafting: Alan T. Butler, Air Quality Engineer, (206) 867-7103; Implementation and Enforcement: Stu Clark, Air Program Manager, (206) 459-6256.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: The proposed change will impose some new requirements, approximately two years in advance of federal regulation that will require essentially the same changes.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20% of all industries or more than 10% of all the businesses in any one industry be reviewed and altered wherever possible to minimize their impact upon small businesses.

The regulatory amendment proposal cited above has been reviewed in light of this requirement. The proposed regulation amendment will impact the solid fuel burning device (woodstove, fireplace insert, built-in fireplace) industry in the following ways:

The emission standards section requires that all new solid fuel burning devices sold in the state after July 1, 1988, be either certified woodstoves, or exempted under the regulation. EPA is proposing very similar rules to be fully phased in by July 1, 1990, (40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters). The proposed amendments will allow sales of any solid fuel burning device which is either certified or exempted by either the EPA or Oregon DEQ until July 1, 1990, whereupon only the EPA rules will apply. The proposed amendments will also allow sales of woodstoves which have passed an alternative, testing procedure. The manufacturer of the woodstove must apply to and obtain Department of Ecology approval for testing under this provision.

Solid fuel burning device manufactures, dealers, and retailers may be impacted negatively in the short term. This is especially true if, contrary to the advice of their trade organizations, they have been manufacturing or ordering noncomplying woodstoves since the house bill requiring the proposed regulation was passed. Small manufacturers will be able to obtain a limited EPA exemption which was not available to them under the original regulation. This will enable them to manufacture woodstoves, but they will not be able to sell them in Washington state.

The long-term impacts upon the industry will be positive, as citizens replace their old technology stoves with the newer, advanced technology, complying woodstoves. Stove dealers on the regulation advisory committee have estimated that approximately 10,000 stoves per year will be sold, some of them, as a direct result of this regulation.

Certain services industries which work in residential areas will be impacted positively, with less time lost due to illness, as the residential area air quality is improved due to a gradual reduction in solid fuel burning device emissions.

The conclusion to be drawn from these observations is that this regulatory proposal will impose no net negative impacts which would not have been incurred due to the adoption of the federal regulation cited above.

AMENDATORY SECTION (Amending Order 87-44, filed 12/16/87)

WAC 173-433-030 DEFINITIONS. Unless a different meaning is clearly required by context, words and phrases used in this chapter shall have the following meanings, general terms common with other chapters as defined in chapter 173-403 WAC, and terms specific to solid fuel burning devices as defined below:

(1) ((~~"Accredited" means a woodstove testing laboratory holds a valid certificate of accreditation issued by the Oregon department of environmental quality.~~

~~(2)~~)) "Adequate source of heat" means the ability to maintain seventy degrees Fahrenheit at a point three feet above the floor in all normally inhabited areas of a dwelling.

((~~(3) "Catalyst-equipped" means a woodstove with a catalytic combustor that is an integral component of the design and manufacture of the woodstove.~~

~~(4)~~)) (2) "Certified" means that a woodstove meets emission performance standards when tested by an accredited independent laboratory according to ((~~WAC 173-433-100(7)~~)) EPA or DEQ procedures.

((~~(5) "Coalstove"~~)) (3) "Coal-only heater" means an enclosed, coal burning appliance capable of and intended for space heating, domestic water heating, or indoor cooking, which has all of the following characteristics:

(a) ((~~An opening for loading coal which is located near the top or side of the appliance;~~

~~(b)~~)) An opening for emptying ash which is located near the bottom or the side of the appliance;

((~~(c)~~)) (b) A system which admits air primarily up and through the fuel bed;

((~~(d)~~)) (c) A grate or other similar device for shaking or disturbing the fuel bed or power driven mechanical stoker; and

((~~(e) Installation instructions which state that the use of wood in the stove except for coal ignition is prohibited by law; and~~

~~(f)~~)) (d) The model is listed by a nationally recognized safety testing laboratory for use of coal only, except for coal ignition purposes.

(((~~(6) "Cookstove" means an appliance designed with the primary function of cooking food and containing an integrally built-in oven, with an internal temperature indicator and oven rack, around which the fire is vented, as well as a shaker grate ashpan and an ash cleanout below the firebox. Any device with a fan or heat channels used to dissipate heat into the room shall not be considered a cookstove.~~

~~(7) "Consumer" means a person who buys a solid fuel burning device for personal use.~~

~~(8)~~)) (4) "Dealer" means a person other than a manufacturer or a retailer who is engaged in selling solid fuel burning devices to retailers or others for resale.

(((~~(9)~~)) (5) "DEQ" means Oregon department of environmental quality.

(((~~(10)~~)) (6) "EPA" means United States Environmental Protection Agency.

(((~~(11) "Fireplace" means a permanently installed masonry fireplace, or a factory-built solid fuel burning device designed to be used with an air-to-fuel ratio greater than or equal to thirty and without features to control the inlet air-to-fuel ratio other than doors or windows such as may be incorporated into the fireplace design for reasons of safety, building code requirements, or aesthetics.~~

~~(12) "Heat output" means the heat output in British thermal units per hour (Btu/hr) during one run, measured under test conditions prescribed by WAC 173-433-100(7).~~

~~(13)~~)) (7) "Impaired air quality" means a condition declared by the department or an air authority whenever:

(a) Meteorological conditions are conducive to an accumulation of air contamination concurrent with:

(i) Total suspended particulate at an ambient level of one hundred twenty-five micrograms per cubic meter measured on a twenty-four hour average; or

(ii) Particulate that is ten micron and smaller in diameter (PM10) at an ambient level of ninety micrograms per cubic meter measured on a twenty-four hour average; or

(iii) Carbon monoxide at an ambient level of eight parts of contaminant per million parts of air by volume (ppm) measured on an eight-hour average; or

(b) Air quality reaches other limits established by the department or an air authority.

(((~~(14)~~)) (8) "Manufacturer" means any person who constructs or imports a solid fuel burning device or parts for a solid fuel burning device.

(((~~(15)~~)) (9) "New woodstove" means a woodstove that has not been sold at retail, bargained, exchanged, or given away for the first time by the manufacturer, the manufacturer's dealer or agency, or a retailer, and has not been so used as to become what is commonly known as "second hand" within the ordinary meaning of that term.

(((~~(16) "Overall efficiency (%) over the range of heat outputs tested" means the weighted average combustion efficiency (%) measured under test conditions (range of heat outputs) and calculated according to specific procedures prescribed by WAC 173-433-100(7). This definition is applicable to the DEQ stack loss emission measurement methodology. For the calorimeter room emission measurement method, the weighted average overall efficiency is the useful heat output released to the room, divided by the total heat potential of the fuel consumed.~~

~~(17)~~)) (10) "Retailer" means any person engaged in the sale of solid fuel burning devices directly to ((~~consumers~~)) the public. A contractor who sells dwellings with solid fuel burning devices installed or a mail order outlet which sells solid fuel burning devices directly to ((~~consumers~~)) the public is considered to be a solid fuel burning device retailer.

(((~~(18)~~)) (11) "Seasoned wood" means wood of any species that has been sufficiently dried so as to contain twenty percent or less moisture by weight.

(((~~(19) "Smoke emission rate (grams/hour) over the range of heat outputs tested" means the weighted average particulate emissions (grams per hour) produced by a woodstove tested according to WAC 173-433-100(7).~~

~~(20)~~)) (12) "Solid fuel burning device" (same as solid fuel heating device) means a device that burns wood, coal, or any other nongaseous or nonliquid fuels, and includes ((~~woodstoves, coalstoves, cookstoves, and fireplaces, or~~)) any ((~~similar~~)) device burning any solid fuel used for aesthetic or space-heating purposes in a private residence or commercial establishment, which has a heat input less than one million British thermal units per hour.

(((~~(21)~~)) (13) "Treated wood" means wood of any species that has been chemically impregnated, painted, or similarly modified((~~to improve resistance to insects or weathering~~)).

(((~~(22) "Weighted average" means the final result of the several woodstove emission tests at different burning rates is calculated from a statistically derived distribution of home heating needs, rather than a simple average of the test runs. (Refer to WAC 173-433-100(7).)~~

~~(23)~~)) (14) "Woodstove" (same as "wood heater") means ((~~a wood fueled appliance other than a cookstove with a closed fire chamber which maintains an air-to-fuel ratio of less than thirty during the burning of ninety percent or more of the fuel mass consumed at the minimum burn rate achievable.~~)) an enclosed solid fuel burning device capable of and intended for space heating and domestic water heating that meets all of the following criteria:

(a) For the purposes of determining qualification under "Oregon Administrative Rules, Chapter 340, Division 21 - Woodstove Certification" dated November 1984: An air-to-fuel ratio in the combustion chamber less than 30.0 during the burning of ninety percent or more of the fuel mass consumed in the low firing cycle. The low firing cycle means less than or equal to twenty-five percent of the maximum burn rate achieved with the doors closed or the minimum burn rate achievable, whichever is greater; or

(b) For the purposes of determining qualification under "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" dated February 26, 1988:

(i) An air-to-fuel ratio in the combustion chamber averaging less than 35.0, as determined by EPA Reference Method 28A;

(ii) A useable firebox volume of less than twenty cubic feet;

(iii) A minimum burn rate less than 5 kg/hr as determined by EPA Reference Method 28;

(iv) A maximum weight of 800 kg, excluding fixtures and devices that are normally sold separately, such as flue pipe, chimney, and masonry components not integral to the appliance.

Any combination of parts, typically consisting of but not limited to, doors, legs, flue pipe collars, brackets, bolts and other hardware, when manufactured for the purpose of being assembled, with or without additional owner supplied parts, into a woodstove, is considered a woodstove.

AMENDATORY SECTION (Amending Order 87-44, filed 12/16/87)

WAC 173-433-100 EMISSION PERFORMANCE STANDARDS. (1) Requirements for sale of new woodstoves in Washington((~~,~~)) after July 1, 1988((~~,~~)). A person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away a new woodstove in Washington unless it has been tested to determine its emission performance and heating efficiency and certified and labeled in accordance with procedures and criteria specified:

(a) ((~~Tested to determine its emission performance and heating efficiency in accordance with criteria and procedures specified in subsection (7) of this section, certified by the DEQ in accordance with subsection (7) of this section, and labeled for emission performance and heating efficiency as specified in subsection (10) of this section~~)) By the DEQ in "Oregon Administrative Rules, Chapter 340, Division 21 - Woodstove Certification" dated November 1984, and herein incorporated by reference and on file at the department; or

(b) ((~~Tested to determine its emission performance and heating efficiency in accordance with criteria and procedures specified by the EPA in 40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters, certified by the EPA under test conditions no less stringent than those imposed under subsection (7) of this section, and labeled for emission performance and heating efficiency as specified in 40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters~~)) By the EPA in "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" dated February 26, 1988, and herein incorporated by reference and on file at the department.

(2) Requirements for sale of new solid fuel burning devices in Washington after July 1, 1990. A person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away a new woodstove in Washington unless it has been tested to determine its emission performance and heating efficiency, certified and labeled in accordance with criteria and procedures specified by the EPA in "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" dated February 26, 1988, and herein incorporated by reference and on file at the department.

(3) Exemptions. The following solid fuel burning devices are exempt from the requirements of this section:

(a) ((~~Any~~)) Solid fuel burning devices ((~~not defined herein as a woodstove~~)) sold at retail on or before July 1, 1988.

(b) Any solid fuel burning device((~~s that are not suitable for use as heating equipment in or in connection with residences or commercial installations, such as portable camping stoves, are excluded from this section~~)) exempted under "Oregon Administrative Rules, Chapter 340, Division 21 - Woodstove Certification" dated November 1984, bearing the appropriate labeling or written proof of exempt status furnished by the DEQ.

(c) ((~~Wood-fired forced air furnaces that primarily heat living space or water through indirect heat transfer using forced air or pressurized water systems are excluded from this section~~)) Any solid fuel burning device exempted under "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" dated February 26, 1988, section 60.530, paragraphs (a), (b), (c), (e), (f), (g), (h), or (i), bearing the appropriate labeling or exempt status furnished by the EPA.

(((~~3~~))) (4) General certification procedures. A solid fuel burning device that is exempt and therefore not eligible for certification under DEQ or EPA regulations may be tested to demonstrate its emission performance in accordance with criteria and procedures no less stringent than those imposed under ((~~WAC 173-433-100(7)~~)) "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" dated February 26, 1988, subject to the following conditions:

(a) All criteria and procedures shall be submitted by the applicant for review and approval by the department prior to certification testing;

(b) Certification of the solid fuel burning device shall be granted by the department upon approval of test results that demonstrate that the solid fuel burning device meets emission performance standards equivalent to those under ((~~WAC 173-433-100(6)~~)) "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" dated February 26, 1988.

(((~~4~~))) (c) The certification of a woodstove shall be valid for only the specific model, design, plans and specifications that were originally submitted, tested and approved for certification.

(5) State-wide emission performance standards. An air authority shall not adopt or enforce emission performance standards for solid fuel burning devices that are more stringent than the state-wide standard.

(((~~5) Label alteration. A manufacturer, dealer, or retailer shall not alter either the permanent or removable label in any way from the label approved by the DEQ.~~)))

(6) Emission performance standards ((~~and~~)) for certification.

(a) A new woodstove ((~~with minimum heat output of less than forty thousand Btu/hr~~)) advertised for sale, offered for sale, or sold in Washington after July 1, 1988, bearing a DEQ certification label shall not exceed ((~~nine grams per hour for a noncatalytic woodstove or four grams per hour for a catalytic woodstove as weighted average particulate emission standard when tested and measured according to subsection (7) of this section~~)) the standards for particulate matter under Section 340-21-115, "Oregon Administrative Rules, Chapter 340, Division 21 - Woodstove Certification" dated November 1984.

(b) A new woodstove((~~s with minimum heat output equal to or greater than forty thousand Btu/hr~~)) advertised for sale, offered for sale, or sold in Washington after July 1, 1988, bearing an EPA certification label shall not exceed ((~~an average particulate emission standard equal to the sum of 8.0 grams per hour plus 0.2 grams per hour for each thousand Btu/hr heat output when tested and measured according to subsection (7) of this section.~~

~~(7) Testing criteria and procedures.~~

~~(a) To be considered eligible for certification a woodstove must be tested in strict compliance with criteria and procedures contained in the document Oregon Department of Environmental Quality Standard Method for Measuring the Emissions and Efficiencies of Residential Woodstoves dated June 8, 1984, and herein incorporated by reference and on file at the department.~~

~~(b) All testing for certification purposes shall be conducted by a stove testing laboratory accredited by the DEQ.~~

~~(8) Changes in woodstove design. The certification of a woodstove shall be valid for only the specific model, design, plans and specifications that were originally submitted, tested and approved for certification~~)) the standards for particulate matter under "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" dated February 26, 1988.

(7) Labeling requirements.

(a) Woodstoves required to be labeled pursuant to subsection (1)(a) of this section shall have labeling required by the DEQ in "Oregon Administrative Rules, Chapter 340, Division 21 - Woodstove Certification" dated November 1984.

(b) Woodstoves or other solid fuel burning devices required to be labeled pursuant to subsection (1)(b) or (2) of this section shall have labeling required by the EPA under "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" dated February 26, 1988.

(((~~9~~))) (8) Label alteration. A manufacturer, dealer, or retailer shall not alter either the permanent or removable label in any way from the label approved by the EPA or the DEQ.

(9) Woodstove alteration. A manufacturer, dealer, or retailer shall not remove or render inoperable any devices or components of any systems installed by the manufacturer of a woodstove for the purpose of controlling air contaminant emissions, other than for replacement or routine maintenance.

(10) ((~~Labeling requirements. Woodstoves required to be labeled pursuant to subsection (1) of this section shall have affixed to them:~~

~~(a) A permanent label previously approved by the DEQ as to form, content, and location, that shows the test emissions and heating efficiency for the range of heat outputs tested; and~~

~~(b) A point-of-sale removable label that verifies certification and shows how that model woodstove emission test results compare with the emission performance standard; and shows the heating efficiency and heat output range of the appliance. The label shall be affixed to the woodstove at the point-of-sale near the front and top of the stove and remain affixed until sold and delivered to the consumer; or~~

~~(c) Labeling required by the EPA under 40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters.~~

~~(11) Permanent label.~~

~~(a) The permanent label shall contain the following information:~~

~~(i) Testing laboratory;~~

~~(ii) Date tested;~~

~~(iii) Test procedure used;~~

~~(iv) Manufacturer of woodstove;~~

~~(v) Model;~~

~~(vi) Design number;~~

~~(vii) The statement: "Performance may vary from test values depending upon actual home operating conditions";~~

~~(viii) A graph showing particulate emission rates, in grams per hour and overall efficiency over the range of heat outputs tested;~~

~~(ix) The axes of the graph shall be identified as follows: Vertical axis, left side: "Smoke - grams/hour," with a scale of zero to a maximum of twenty, bottom to top; vertical axis, right side: "Efficiency - %," with a scale of a minimum of fifty to a maximum of ninety, bottom to top; horizontal axis, bottom: "Heat Output - Btu/hour," with a scale from zero to a maximum of five thousand Btu/hour higher than the highest tested heat output;~~

~~(x) Curves describing emissions and efficiency at various heat outputs shall be printed on the graph as developed by the DEQ.~~

~~(b) The label shall be made of metal, and of a thickness sufficient to insure permanence of the label. The label shall be permanently attached to the woodstove such that it is readily visible after installation, and of such a design that it cannot be removed from the woodstove without damage to the label. The label shall be located on any visible exterior surface except that the label shall not be located on the bottom of the woodstove or any interior surface, compartment, or under overlapping covers or doors, or at another interior location. The label shall remain legible for the maximum expected useful life of the woodstove in normal operation.~~

~~(c) The permanent label may be combined with another label, such as a safety label, if the design and integrity of the permanent label is not compromised, and when the combination label has been approved by the DEQ.~~

~~(12) Removable label.~~

~~(a) The point-of-sale removable label, or "Emissions and Efficiency Performance" label, shall contain the following information:~~

~~(i) "Smoke (Ave.) ..... grams/hour," weighted average of tested values;~~

~~(ii) "Efficiency (Ave.) .....%," weighted average of tested values;~~

~~(iii) Summary of the applicable emissions standard;~~

~~(iv) Heat output range, tested values;~~

~~(v) Manufacturer of woodstove;~~

~~(vi) Model of woodstove;~~

~~(vii) Design number of model;~~

~~(viii) A statement verifying certification.~~
~~(ix) The statement "Performance may vary from test values depending upon actual home operating conditions."~~
~~(b) The label shall be visibly located on the woodstove when the woodstove is available for inspection by consumers.~~
~~(c) This label may not be combined with any other label or with other information.~~
~~(d) The label shall be attached to the woodstove in such a way that it can be easily removed by the consumer upon purchase.~~)) Alternative testing procedure. A Washington state manufacturer who believes his solid fuel burning device, for technical reasons, should be subject to an alternative testing procedure to that established by the U.S. Environmental Protection Agency (USEPA) may apply to the department for an alternative or modified procedure. The department will evaluate such applications. If disapproved, the solid fuel burning device shall remain subject to the USEPA testing protocol. If the application is approved, the manufacturer shall propose an alternative or modified testing procedure. If the procedure is approved by the department, it shall be the responsibility of the manufacturer to submit the device to an accredited testing laboratory and furnish the department with final test reports. If test results are equivalent to those required by USEPA testing, Washington certification may be issued. Interim certification, for a period not to exceed sixty days, may be issued by the department to cover the testing period. Interim certification may be renewed.

AMENDATORY SECTION (Amending Order 87-44, filed 12/16/87)

WAC 173-433-120 PROHIBITED FUEL TYPES. A person shall not cause or allow any of the following materials to be burned in a solid fuel burning device:
(1) Garbage;
(2) Treated wood;
(3) Plastic ((~~products~~));
(4) Rubber products;
(5) Animals;
(6) Asphaltic products;
(7) Waste petroleum products;
(8) Paints; or
(9) Any substance, other than properly seasoned fuel wood, or coal with sulfur content less than 1.0% by weight burned in a coal stove, which normally emits dense smoke or obnoxious odors.

NEW SECTION

WAC 173-433-130 GENERAL EMISSION STANDARDS. (1) Emission of air contaminants detrimental to persons or property. No person shall cause or permit the emission of any air contaminant from any solid fuel burning device, including any air contaminant whose emission is not otherwise prohibited by this chapter, if the air contaminant causes detriment to the health, safety, or welfare of a person, or causes damage to property or business.
(2) Odors. Any person who shall cause or allow the generation of any odor from any solid fuel burning device which may interfere with any other property owner's use or enjoyment of his property must use recognized good practice and procedures to reduce these odors to a minimum.

NEW SECTION

WAC 173-433-170 RETAIL SALES FEE. (1) A person selling a solid fuel burning device at retail shall impose upon the buyer a fee, pursuant to RCW 70.94.483.
(2) The fee shall be:
(a) Set at a minimum of five dollars, until January 1, 1989, and annually thereafter it may be adjusted upward according to increases in the consumer price index;
(b) Applicable to all new and used solid fuel burning devices, with the exception of built-in masonry fireplaces;
(c) Collected by the department of revenue in conjunction with the retail sales tax under chapter 82.08 RCW.
(3) If the seller should fail to collect the fee herein imposed or remit the fee to the department of revenue as prescribed in chapter 82.08 RCW, the seller shall be personally liable to the state for the amount of the fee, with subsequent actions taken in accordance with the collection provisions of chapter 82.32 RCW.

WSR 88-19-081
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
[Memorandum—September 19, 1988]

The Department of Ecology will hold a public hearing on a plan committing ecology to collect and analyze data and take other actions as needed regarding particulate matter air pollution in Bellevue and Kennewick.

According to the United States Environmental Protection Agency, Bellevue and Kennewick do not have sufficient air quality data to determine if they are attaining the national air quality standard for small, inhalable particulates. The plan commits ecology: To collect, analyze and report data on particulate matter less than 10 micrometers in diameter, to notify EPA of any exceedances of the standard, to determine whether the existing plan will assure attainment and maintenance of the standard, and if necessary, to adopt a control strategy for particulate matter pollution in these areas.

The hearing will be held Monday, November 7, at 2:00 p.m. in Room 228 of the Lakeridge Plaza Building, 921 Lakeridge Drive, Olympia.

Copies of the plan are available for public review at the Air Program, Department of Ecology, Rowesix, Building 4, 4224 6th Avenue S.E., Lacey; at Puget Sound Air Pollution Control Agency, 200 West Mercer, Seattle; and Benton-Franklin-Walla Walla Counties Air Pollution Control Authority, 650 George Washington Way, Richland.

For more information, call Sue Comis at 867-7100 in Redmond.

WSR 88-19-082
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed September 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning:

Amd	ch. 173-400 WAC	General regulations for air pollution sources.
Amd	ch. 173-403 WAC	Implementation of regulations for air contaminant sources.
Amd	ch. 173-405 WAC	Kraft pulping mills.
Amd	ch. 173-410 WAC	Sulfite pulping mills.
Amd	ch. 173-415 WAC	Primary aluminum plants.
Amd	ch. 173-425 WAC	Open burning.
Amd	ch. 173-434 WAC	Solid waste incinerator facilities.
Amd	ch. 173-435 WAC	Emergency episode plan.
Amd	ch. 173-470 WAC	Ambient air quality standards for particulate matter.

New federal requirements for particulate matter (PM-10) replace total suspended particulate (TSP) standards. Updated are requirements for new source performance standards (NSPS), new source review (NSR) and prevention of significant deterioration (PSD). Reporting requirements are added for PM-10

emissions from kraft and sulfite pulping mills, aluminum plants, solid waste incinerator facilities and registered sources. The emergency episode plan will use PM-10 concentrations in episode declarations. A fee for reimbursement of costs for PSD review are added. In addition, ambient air quality standards for PM-10 will be included in the regulation;

that the agency will at 2:00, Monday, November 7, 1988, in the Lakeridge Plaza Building, Room 228, 921 Lakeridge Drive, Olympia, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 6, 1988.

The authority under which these rules are proposed is chapters 70.94 and 43.21A RCW.

The specific statute these rules are intended to implement is RCW 70.94.331 and 70.94.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 15, 1988.

This notice is connected to and continues the matter in Notice No. WSR 88-10-053 filed with the code reviser's office on May 4, 1988.

Dated: September 19, 1988
By: Fred O. Olson
Deputy Director

STATEMENT OF PURPOSE

Title: Chapters 173-400, 173-403, 173-405, 173-410, 173-415, 173-425, 173-434, 173-435 and 173-470 WAC.

Description of Purpose: The regulation changes are being proposed by ecology to meet new federal requirements resulting from changes in the National Ambient Air Quality Standards for Particulate Matter. In addition ecology is proposing changes to several regulations based on other federal requirements.

Statutory Authority: Chapters 70.94 and 43.21A RCW.

Summary of Rule: Changes to nine existing ecology regulations to incorporate federal requirements. Federal requirements for particulate matter (PM-10) replace total suspended particulate (TSP) standards. Updated are requirements for new source performance standards (NSPS), new source review (NSR) and prevention of significant deterioration (PSD). Reporting requirements are added for PM-10 emissions from kraft and sulfite mills, aluminum plants, solid waste incinerator facilities and registered sources. The emergency episode plan will use PM-10 concentration in episode declarations. A fee for reimbursement of some costs for PSD review are added. A fee for reimbursement of some costs for PSD review are added. In addition ambient air quality standards for PM-10 will be included in the regulations.

Reasons Supporting Proposed Action: Changes will allow ecology and local air authorities to reduce concentrations of particulate matter thus protecting public health.

Agency Personnel Responsible for Drafting: George Lauderdale, (206) 867-7081; Implementation and Enforcement: Stuart Clark, Program Manager, (206) 459-6256.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: The proposed changes will impose no new requirements or not already required by federal action.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20% of all industries or more than 10% of the business in any one industry be reviewed and altered to minimize their impact upon small businesses.

The regulatory proposals cited above have been reviewed in light of this requirement. The proposed amendments to these regulations fall into two categories: General editing to clean up or clarify the language of the original version, or material added to bring this state's general air quality regulatory structure into compliance with recently adopted changes in federal (Environmental Protection Agency) regulations.

The conclusions to be drawn from these observations are that these regulatory proposals will impose no requirements upon small (as opposed to large) businesses which did not exist already or would not have been incurred in any event (in the absence of state action) due to the recent adoption of the federal regulations cited above.

AMENDATORY SECTION (Amending Order 84-48, filed 3/6/85)

WAC 173-400-075 EMISSION STANDARDS FOR SOURCES EMITTING HAZARDOUS AIR POLLUTANTS. (1) The emission standards for asbestos, benzene from fugitive emission sources, beryllium, beryllium rocket motor firing, mercury and vinyl chloride promulgated by the United States Environmental Protection Agency prior to October 1, 1984, as contained in Title 40, Code of Federal Regulations, Part 61, are by this reference adopted and incorporated herein. For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the department or ((~~cognizant local~~)) air authority.

(2) The department or ((~~cognizant local~~)) air authority, at any time after the effective date of this section, may conduct source tests and require access to records, books, files and other information specific to the control, recovery or release of asbestos, benzene from fugitive emission sources, beryllium, mercury, or vinyl chloride in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.

(3) Source testing, monitoring and analytical methods for sources of asbestos, benzene from fugitive emission sources, beryllium, mercury, or vinyl chloride shall conform with the requirements of Title 40, Code of Federal Regulations, Part 61, as promulgated prior to October 1, 1984.

(4) This section shall not apply to any source operating pursuant to a waiver granted by the United States Environmental Protection Agency or an exemption granted by the president of the United States during the effective life of such waiver or exemption.

(5) Arsenic standards.

(a) The owner or operator of any source which emits five tons or more of arsenic per year shall:

(i) Use best available technology (BAT) to control fugitive emissions of arsenic, so that community exposure standards are not exceeded outside of the property controlled by the owner or operator of the source.

As used herein BAT means the best controls and work practices available considering economic, energy and environmental impacts. The level of control that represents BAT may be different for new and existing sources within a source category because of higher costs associated with retrofitting controls on existing sources, or differences in control technology for new ((vs.)) versus existing sources.

(ii) Establish and operate monitoring facilities for arsenic at sites approved by the department or ((cognizant local)) air authority. Such sites shall be representative of areas of potential maximum concentrations to which the public may be exposed.

(iii) Report as soon as possible but within thirty days, or in accordance with an approved work plan, to the department or ((cognizant local)) air authority any ((exceedance)) infraction of the following interim community exposure standards at any arsenic monitoring site:

Maximum 24-hour concentration - 2.0 micrograms arsenic (expressed as As) per cubic meter.

Maximum annual arithmetic mean - 0.3 micrograms arsenic (expressed as As) per cubic meter.

(iv) Maintain daily logs and records of the time and nature of activities that may release fugitive emissions of arsenic.

(v) Complete an evaluation of the cause of such ((exceedance)) infraction within thirty days of the report of such ((exceedance)) infraction.

(vi) Submit a work plan to the department for the identification and evaluation of fugitive arsenic emissions that is satisfactory to the department or ((cognizant local)) air authority. The plan is required within thirty days after the effective date of this regulation. The work plan shall include but not be limited to an identification and evaluation of fugitive emission sources, including operating and maintenance procedures, siting of arsenic monitoring stations, a description of sampling equipment, analytical techniques, quality assurance, schedules of sampling, a program to record meteorological conditions at time of sampling, techniques used to evaluate and determine causes of ((exceedances)) infractions, and quarterly reports of progress toward implementing the plan. For the arsenic manufacturing process as a whole, this shall include an evaluation of the feasibility of producing As_2O_3 through a chemical leaching process rather than roasting. The work plan shall be implemented within one year. Subparagraphs (ii), (iii), (iv), and (v) shall not impose additional requirements on the source to the extent that such requirements are included in the work plan.

(b) The standards set forth in (a)(iii) of this subsection are intended as interim community exposure standards. As more information becomes available it is anticipated that these standards will be reviewed.

(c) During this interim period the department shall periodically review all monitoring records and plant logs to determine the need for and practicability of additional emission controls, monitoring stations or adjustment to the above standards. Whenever the cause of any ((exceedance)) infraction can be attributed to a specific source, process, operation or work practice, the owner or operator thereof shall install or adopt corrective measures which constitute best available technology as soon as possible, to prevent a recurrence. The department or ((cognizant local)) air authority shall determine if additional measures can be taken to control fugitive emissions of arsenic, and if so shall establish additional BAT requirements and a compliance program. Thereafter the department shall establish such final standards as appropriate to require, monitor and regulate the application of BAT for fugitive emissions of arsenic.

(d) Failure of a source to comply with any provision of subsection (5) of this section or any order issued by the department or ((cognizant local)) air authority pursuant to WAC 173-400-075, shall constitute cause for enforcement action ((per)) under WAC 173-403-170 or 173-403-180.

(e) ((Nothing in)) These regulations shall not relieve the owner or operator of ((any)) a source ((to which any part of these regulations may apply)) from complying with ((any)) all other rules, regulations, orders, statute, or ordinances ((to which said source may be subject)).

AMENDATORY SECTION (Amending Order 84-48, filed 3/6/85)

WAC 173-400-100 REGISTRATION. The owner or operator of ((each)) a source ((within)) in any of the following source categories shall register the source with the department ((unless such registration is required by the cognizant local)) or when appropriate with an air authority:

(1) Agricultural drying and dehydrating operations;
(2) Asphalt plants;
(3) Beverage can surface coating operations;
(4) Bulk gasoline terminals;
(5) Cattle feedlots with facilities for one thousand or more cattle;
(6) Chemical plants;
(7) Ferrous foundries;
(8) Fertilizer plants;
(9) Flexible vinyl and urethane coating and printing operations;
(10) Grain handling, seed processing, pea and lentil processing facilities;
(11) Metallic mineral processing plants;
(12) Mineralogical processing plants;
(13) Nonferrous foundries;
(14) Other metallurgical processing plants;
(15) Petroleum refineries;
(16) Power boilers using coal, hog fuel, oil, or other solid or liquid fuel;
(17) Pressure sensitive tape and label surface coating operations;
(18) Rendering plants;
(19) Scrap metal operations;
(20) Synthetic organic chemical manufacturing industries;
(21) Sulfuric acid plants;
(22) Synthetic fiber production facilities;
(23) Veneer dryers;
(24) Wood waste incinerators including wigwam burners;
(25) Other incinerators designed for a capacity of one hundred pounds per hour or more;
(26) Stationary internal combustion engines rated at five hundred horse power or more;
(27) Sawmills, including processing for lumber, plywood, shake, shingle, pulpwood insulating board, or any combination thereof;
(28) Any category of stationary sources to which a federal standard of performance (NSPS) applies;
(29) Any source which emits a contaminant subject to a National Emission Standard for Hazardous Air Pollutants (NESHAPS);
(30) Any major source or major emissions unit.

Registration shall be ((on forms to be supplied by the)) by means of department or ((local)) air authority ((within the time specified thereon)) forms and instructions. A registration certificate will be issued. For an existing source, registration consists of an initial entry in a registry system. Registration for a new source is concurrent with the issuance of an order of approval for the notice of construction and such order serves as the initial registration certificate. The registration certificate will specify operating and maintenance conditions determined by the department or air authority, to be necessary for the continuing compliance of the source. Registration shall be renewed periodically as established by the department or air authority.

A report of closure shall be filed with the department ((whenever)) when operations producing emissions are permanently ceased at ((any)) a source ((within)) with any of the above categories.

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-400-110 ((NEW SOURCE)) NOTICE AND REVIEW. ((Construction shall not commence, on any)) A new source ((that is)) required to register ((per)) under WAC 173-400-100, ((until)) shall obtain a notice of construction ((has been approved per WAC 173-403-050)) prior to commencing construction unless the requirement is waived. The owner or operator of ((any)) a source ((that is)) required to register ((per)) under WAC 173-400-100 shall notify the department or ((cognizant local)) air authority ((prior)) of the intent to ((replacement of)) replace air pollution control equipment or process equipment other than ((replacement)) for routine maintenance and repair. The department or air authority may determine ((that)) when a notice of construction is required in compliance with WAC 173-403-050.

AMENDATORY SECTION (Amending Order 84-48, filed 3/6/85)

WAC 173-400-115 STANDARDS OF PERFORMANCE FOR NEW SOURCES. Title 40, Code of Federal Regulations, Part 60 (standards of performance for new sources), as ((promulgated prior to

~~October 1, 1984~~)) in effect on July 1, 1988, is by this reference adopted and incorporated herein with the exception of sections 60.5 (determination of construction or modification) and 60.6 (review of plans). For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the department or cognizant local authority.

(1) Sections 60.5 and 60.6 of Title 40, Code of Federal Regulations, are not incorporated herein because they provide for preconstruction review of new sources only on request. By virtue of WAC 173-403-050, such review under the state program is mandatory and an order of approval is required before the construction, installation or establishment of a new source may commence.

(2) As of ((~~October 1, 1984~~)) July 1, 1988, the federal regulations adopted by reference hereby set standards of performance affecting facilities for the following described subparts of 40 CFR Part 60:

Subpart D	Fossil fuel fired steam generators for which construction commenced after August 17, 1971, and prior to September 19, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts
Subpart Da	Electric utility steam generating units for which construction commenced after September 18, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts
Subpart Db	Standards of performance for industrial-commercial-institutional steam generating units
Subpart E	Incinerators
Subpart F	Portland cement plants
Subpart G	Nitric acid plants
Subpart H	Sulfuric acid plants
Subpart I	Asphalt concrete plants
Subpart J	Petroleum refineries which produce less than 25,000 barrels per day of refined products
Subpart K	Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity greater than 40,000 gallons
Subpart Ka	Storage vessels for petroleum liquids constructed after May 18, 1978, which have a capacity greater than 40,000 gallons
Subpart Kb	Standards of performance for volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984
Subpart L	Secondary lead smelters
Subpart M	Brass and bronze ingot production plants
Subpart N	Iron and steel plants - primary emission
Subpart Na	Iron and steel plants - secondary emission
Subpart O	Sewage treatment plants
Subpart P	Primary copper smelters
Subpart Q	Primary zinc smelters
Subpart R	Primary lead smelters
Subpart T	Phosphate fertilizer industry: Wet process phosphoric acid plants
Subpart U	Phosphate fertilizer industry: Superphosphoric acid plants
Subpart V	Phosphate fertilizer industry: Diammonium phosphate plants
Subpart W	Phosphate fertilizer industry: Triple superphosphate plants
Subpart X	Phosphate fertilizer industry: Granular triple superphosphate storage facilities
Subpart Y	Coal preparation plants
Subpart Z	Ferroalloy production facilities
Subpart AA	Steel plants: Electric arc furnaces constructed after October 21, 1974, and before August 17, 1983
Subpart AAa	Steel plants: Electric arc furnaces and Argon-oxygen decarburization vessels constructed after August 17, 1983
Subpart CC	Glass manufacturing plants
Subpart DD	Grain elevators
Subpart EE	Industrial surface coating: Metal furniture
Subpart GG	Stationary gas turbines
Subpart HH	Lime manufacturing plants
Subpart KK	Lead acid batteries
Subpart LL	Metallic mineral processing plants
Subpart MM	Automobile and light duty truck surface coating operations
Subpart NN	Phosphate rock plants
Subpart PP	Ammonium sulfate manufacture
Subpart QQ	Publication rotogravure printing
Subpart RR	Pressure sensitive tape and label surface coating operations
Subpart SS	Industrial surface coating: Large appliances
Subpart TT	Industrial surface coating: Metal coils
Subpart UU	Asphalt processing and asphalt roofing manufacture
Subpart VV	SOCMI equipment leaks (VOC)
Subpart WW	Beverage can surface coating operations
Subpart XX	Bulk gasoline terminals
Subpart FFF	Flexible vinyl and urethane coating and printing
Subpart GGG	Petroleum refineries - compressors and fugitive emission sources
Subpart HHH	Synthetic fiber production facilities
Subpart KKK	Standards of performance for equipment leaks of VOC onshore natural gas processing plants
Subpart LLL	Standards of performance for onshore natural gas processing; SO_2 emissions
Subpart PPP	Standard of performance of wool fiberglass insulation manufacturing plants

Compliance with the standards for affected facilities within these source categories shall be determined by performance tests and visual observations of opacity as set forth in the regulations adopted by reference hereby.

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-400-120 MONITORING AND SPECIAL REPORT. (1) Monitoring. The department shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants.

As a part of this program, the director or his authorized representative may require any source under the jurisdiction of the department to conduct stack and/or ambient air monitoring and to report the results to the department.

(2) Investigation of conditions. Upon presentation of appropriate credentials, for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, the director or authorized personnel from a cognizant local authority shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing one or two families.

(3) Source testing. In order to demonstrate compliance with this chapter, the department, may require that a test be made of the source using procedures contained in "Source Test Manual - Procedures for Compliance Testing," state of Washington, department of ecology, on file at the department. The operator of a source may be required to provide the necessary platform and sampling ports for the department personnel to perform a test of an emissions unit. The department shall be allowed to obtain a sample from any emissions unit. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

(4) Report of startup, shutdown, breakdown or upset condition. If a startup, shutdown, breakdown or upset condition occurs which could result in an emissions violation or a violation of an ambient air quality standard, the owner or operator of the source shall take the following actions as applicable:

(a) For a planned condition, such as a startup or shutdown, the condition shall be reported to the department or cognizant local authority in advance of its occurrence.

(b) For an unplanned condition, such as a breakdown or upset, the condition shall be reported to the department or cognizant local authority as soon as possible.

Upon request of the department or cognizant local authority, the owner or operator of the source shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

Compliance with the requirements of WAC 173-400-120(4) does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all the requirements of this chapter nor from the resulting liabilities for failure to comply.

(5) Continuous monitoring and recording. Owners and operators of the following categories of sources shall install, calibrate, maintain and

operate equipment for continuously monitoring and recording those emissions specified.

(a) Fossil fuel-fired steam generators.

(i) Opacity, except where:

(A) Steam generator capacity is less than two hundred fifty million BTU per hour heat input; or

(B) Only gaseous fuel is burned; or

(C) Only oil or a mixture of oil and gas is burned and opacity and particulate regulations can be met without using particulate collection equipment; and, the source has never, through any administrative or judicial procedure, been found in violation of any visible emission standard.

(ii) Sulfur dioxide, except where:

(A) Steam generator capacity is less than two hundred fifty million BTU per hour heat input, or

(B) Sulfur dioxide control equipment has not been installed.

(iii) Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.

(iv) General exception. These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than thirty percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to the department or cognizant local authority by the owner or operator.

(b) Sulfuric acid plants.

Sulfur dioxide where production capacity is more than three hundred tons per day, expressed as one hundred percent acid, except for those facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(c) Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries.

Opacity where fresh feed capacity is more than twenty thousand barrels per day.

(d) Wood residue fuel-fired steam generators.

(i) Opacity, except where:

Steam generator capacity is less than one hundred million BTU per hour heat input.

(ii) Continuous monitoring equipment. The requirements of WAC 173-400-120 (5)(e) do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by WAC 173-400-120 (5)(d) shall be subject to approval by the department.

(e) Owners and operators of those sources required to install continuous monitoring equipment under this chapter shall demonstrate to the department or cognizant local authority compliance with the equipment and performance specifications and observe the reporting requirements contained in Title 40, Code of Federal Regulations, Part 51, Appendix P, Sections 3, 4 and 5, promulgated on October 6, 1975, which is by this reference adopted and incorporated herein.

(f) All sources subject to this chapter shall procure and install equipment and commence monitoring and recording activities no later than eighteen months after adoption of this chapter by the department. Any extension to this time requirement shall be negotiated through the variance procedure of WAC 173-400-150.

(g) Special considerations. If for reason of physical plant limitations or extreme economic situations, the department determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures will be established on an individual basis. These will generally take the form of stack tests conducted at a frequency sufficient to establish the emission levels over time and to monitor deviations in these levels.

(h) Exemptions. This subsection (5) does not apply to any source which is:

(i) Subject to a new source performance standard. These sources will be governed by WAC 173-400-115.

(ii) Not subject to an applicable emission standard.

(iii) Scheduled for retirement within five years after inclusion of monitoring equipment requirements in this chapter, provided that adequate evidence and guarantees are provided that clearly show that the source will cease operations prior to that date.

(i) Monitoring system malfunctions. A source may be temporarily exempted from the monitoring and reporting requirements of this chapter during periods of monitoring system malfunctions provided that the source owner or operator shows to the satisfaction of the department or cognizant local authority that the malfunction was unavoidable and is being repaired as expeditiously as practicable.

(6) Emission inventory. The owner or operator of any air contaminant source shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the department of ecology or cognizant local authority. The inventory may include stack and fugitive emissions of particulate((s)) matter, PM-10, sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, volatile organic compounds, and other contaminants, and shall be submitted when required no later than one hundred five days after the end of the calendar year. The inventory shall include total emissions for the year in tons per year and an estimate of the percentage of the total emitted each quarter. An estimate shall be made of the one hour and twenty-four hour emissions while operating at maximum capacity. The report shall include the average sulfur content of any fuel or raw material used which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

(7) Change in raw materials or fuels. Any change or series of changes in raw material or fuel which will result in a cumulative increase in emissions of sulfur dioxide of forty tons per year or more over that stated in the initial inventory required by WAC 173-400-120(6) shall require the submittal of sufficient information to the department or authority to determine the effect of the increase upon ambient concentrations of sulfur dioxide. The department or cognizant local authority may issue regulatory orders requiring controls to reduce the effect of such increases. Cumulative changes in raw material or fuel of less than 0.5 percent increase in average annual sulfur content over the initial inventory shall not require such notice.

AMENDATORY SECTION (Amending Order 87-13, filed 9/16/87)

WAC 173-403-030 DEFINITIONS. Unless a different meaning is clearly required by context, words and phrases used in this chapter and other chapters of Title 173 WAC shall have the following meanings:

(1) "Actual emissions" as of a particular date means the average rate, in weight per unit time, with air pollution controls applied, at which the affected emission unit emitted the pollutant during the two-year period which precedes the particular date, and which is representative of normal operation. An adjustment may be made to the average annual emission rate to account for unusual circumstances during the two-year period. The department or cognizant local authority may allow or require the use of an alternative time period upon a determination that the alternative time period is more representative of normal operation than is the immediately-preceding two years. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

The department or cognizant local authority may presume that source-specific allowable emissions, which incorporate limits on hours of operation or production rate, are equivalent to the actual emissions of the unit.

(2) "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairments, and how these factors correlate with (a) times of visitor use of the Federal Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

(3) "Air authority" or "cognizant local authority" means an air pollution control authority activated pursuant to chapter 70.94 RCW that has jurisdiction over the subject source.

(4) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

(5) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

(6) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is limited in production rate or hours of operation, or both, by an applicable regulatory order) and the most stringent of (a), (b), or (c) of this subsection. Physical and process limitations must be considered in determining maximum rated capacity.

(a) Standards as set forth in 40 CFR Part 60 and Part 61, if applicable to the source; or

(b) The applicable state implementation plan emission limitation; or

(c) The emission rate specified by an applicable regulatory order.

(7) "Ambient air" means the surrounding outside air.

(8) "Ambient air quality standard" means an established concentration, exposure time, and frequency of occurrence of air contaminant or multiple air contaminants in the ambient air which shall not be exceeded.

(9) "Best available control technology (BACT)" means technology which will result in an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each air pollutant subject to this regulation which would be emitted from any proposed new or modified source which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such sources or modification through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air pollutant. In no event shall application of the best available technology result in emissions of any air pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61. If the reviewing agency determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to meet the requirement of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. The requirement of RCW 70.94.152 that a new source will provide "all known available and reasonable methods of emission control" is interpreted to mean the same as best available control technology.

(10) "Best available retrofit technology (BART)" means any emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by source. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required. Such standards shall, to the degree possible, set forth the emission reductions achieved and provide for compliance by prescribing appropriate conditions in a regulatory order.

(11) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit or units in exchange for a decrease in emissions from another emissions unit or units, pursuant to RCW 70.94.155.

(12) "Class I area" means any federal, state, or Indian land which is classified or reclassified Class I.

(13) "Commenced construction" means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(14) "Department" means the Washington state department of ecology.

(15) "Director" means director of the Washington state department of ecology or duly authorized representative.

(16) "Dispersion technique" means a method which attempts to affect the concentration of a pollutant in the ambient air, other than by the use of pollution abatement equipment or integral process pollution controls.

(17) "Emission" means a release of air contaminants into the ambient air.

(18) "Emission reduction credit (ERC)" means a credit granted to a source for a voluntary reduction in actual emissions.

(19) "Emission standard" means a regulation or regulatory order (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or operating conditions that result in control of air pollution emission.

(20) "Emissions unit" means any equipment, device, process, or activity that emits to the ambient air, or that may emit to the ambient air, any air contaminant.

(21) "Excess stack height" means that portion of a stack which exceeds the greater of sixty-five meters or the calculated stack height described in WAC 173-403-140(2).

(22) "Fugitive emissions" means emissions which do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(23) "Good engineering practice (GEP)" refers to a calculated stack height based on the equation specified in WAC 173-403-140 (2)(a)(ii).

(24) "In operation" means engaged in activity related to the primary design function of the source.

(25) "Integral vista" means a view perceived from within the Class I area of a specific landmark or panorama located outside the boundary of the Class I area.

(26) "Land manager" means the secretary of the federal or head of the state department or Indian governing body with authority over the Class I area.

(27) "Lowest achievable emission rate (LAER)" means for any source that rate of emissions which reflects:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

(28) "Major emissions unit" means any emissions unit which has actual or allowable emissions of one hundred tons per year or more of any pollutant regulated by state or federal law.

(29) "Major modification" means (a), (b), or (c) of this subsection, whichever is the most stringent:

(a) Any physical change or change in the method of operation of a major source, a source that would become a major source as a result of the proposed change, or a major emissions unit or an emissions unit that would become a major emissions unit as a result of the proposed change that is located in an area that is not in attainment for the pollutant under consideration or is located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, which change would cause a net significant emissions increase for any pollutant regulated by state or federal law, except that a net significant emissions increase for any one of the following reasons shall not, in itself, cause the change to be a major modification:

(i) Use of an alternative fuel or raw material by reason of an order under Sections 2 (a) and (b) of the Federal Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act; or

(ii) Use of an alternative fuel by reason of an order or rule under Section 125 of the Federal Clean Air Act; or

(iii) Use of an alternative fuel or raw material that the source is capable of accommodating and was capable of accommodating prior to December 21, 1976, unless such change in fuel or raw material use is prohibited by a regulatory order; or

(iv) Use of an alternative fuel at a steam-generating unit to the extent that the fuel is generated from municipal solid waste; or

(v) An increase in the hours of operation or the production rate unless such increases are prohibited by a regulatory order.

(b) Any physical change or change in the method of operation of a major source, a source that would become a major source as a result of the proposed change, or a major emissions unit or an emissions unit that would become a major emissions unit as a result of the proposed change that is located in an area that is not in attainment for the pollutant under consideration or is located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, which change would cause the allowable emissions to be exceeded.

(c) Any reconstruction of a major source, or any reconstruction of a major emissions unit that is located in an area that is not in attainment for the pollutant under consideration or located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, for which reconstruction the fixed capital cost of the new components exceeds fifty percent of the fixed capital cost of a comparable entirely new source or emissions unit.

(30) "Major source" means any source which has actual or allowable emissions of one hundred tons per year or more of any pollutant regulated by state or federal law.

(31) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Part 61, as ((~~promulgated prior to January 1, 1983~~)) in effect on July 1, 1988.

(32) "Natural conditions" include naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

(33) "Net emissions increase" means the amount by which the sum of the following exceeds zero:

(a) Any increase in actual emissions of a pollutant resulting from a physical change or change in method of operation of a specific emission unit in a source; and

(b) Any other increases or decreases in actual emissions of the same pollutant from the source that are contemporaneous with the change: PROVIDED, That

(i) Said other increases or decreases are contemporaneous with the change only if they occur at the same time or within one year prior to the change, or if said decrease(s) has been documented by an emission reduction credit; and

(ii) Said other decreases in emissions are creditable only to the extent that the old level of actual emissions or the old level of allowable emissions, whichever is the lesser, exceeds the new level of allowable emissions; and

(iii) Said other decreases in emissions are not creditable if the specific emissions unit is a major emissions unit and is located (A) in an area that is not in attainment for the pollutant or (B) in an area that is not in attainment for ozone and the pollutant is volatile organic compounds; and

(iv) The determination of net emissions increase shall be valid only after a regulatory order has been issued which establishes that the new emissions from every emissions unit involved in the determination are equal to the new allowable emissions expressed as weight of the pollutant per unit time.

(34) "New source" means a source which commences construction after the effective date of this chapter. Addition to, enlargement, modification, replacement, restart after a period of five years of nonoperation, or any alteration of any process or source which may increase emissions or ambient air concentrations of any contaminant for which federal or state ambient or emission standards have been established shall be construed as construction or installation or establishment of a new source. In addition every major modification shall be construed as construction or installation or establishment of a new source.

(35) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60, as ((~~promulgated prior to September 1, 1986~~)) in effect on July 1, 1988.

(36) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

(37) "Notice of construction" means a written application to permit construction of a new source or modification of an existing source.

(38) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(39) "Particulate matter" or "particulates" means ((~~small discrete masses of liquid or solid, exclusive of uncombined water~~)) any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

(40) "Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in 40 CFR Part 60 or by a test method specified in the Washington state implementation plan.

(41) "Parts per million (ppm)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

((~~41~~)) (42) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

((~~42~~)) (43) "PM-10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

(44) "PM-10 emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 CFR Part 60 or by a test method specified in the Washington state implementation plan.

(45) "Prevention of significant deterioration (PSD)" means the federal regulations set forth in 40 CFR Subpart 52.21 as ((~~promulgated prior to July 1, 1982~~)) in effect on July 1, 1988, and as modified by WAC 173-403-080.

((~~43~~)) (46) "Projected width" means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.

((~~44~~)) (47) "Reasonably attributable" means attributable by visual observation or any other technique the state deems appropriate.

((~~45~~)) (48) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category may be adopted as an order or regulation after public involvement per WAC 173-403-110.

((~~46~~)) (49) "Regulatory order" means an order issued by the department or cognizant local authority to an air contaminant source which approves a notice of construction and/or limits emissions and/or establishes other air pollution control requirements.

((~~47~~)) (50) "Significant emission" means a rate of emission equal to or greater than any one of the following rates:

Pollutant	Tons/Year	Pounds/Day	Pounds/Hour
Carbon monoxide	100		
Nitrogen oxides	40		
Sulfur dioxide	40	800	80
Volatile organic compounds	40		
Particulate((s)) matter	25	500	50
PM-10	15		
Lead	.6		
Total reduced sulfur (as H_2S)	10		
Total fluoride	3		

((~~48~~)) (51) "Significant visibility impairment" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the Class I area. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

((~~49~~)) (52) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, which are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control), whose activities are ancillary to the production of a single product or functionally related group of products.

((~~50~~)) (53) "Source category" means all sources of the same type or classification.

((~~51~~)) (54) "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

((~~52~~)) (55) "Stack height" means the height of an emission point measured from the ground-level elevation at the base of the stack.

((~~53~~)) (56) "Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760mm (29.92 inches) of mercury.

((~~54~~)) (57) "Total reduced sulfur, (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present, expressed as hydrogen sulfide.

((~~55~~)) (58) "Total suspended particulate" means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B as in effect on July 1, 1988.

(59) "Visibility impairment" means any humanly perceptible change in visibility (visual range, contrast, coloration) from that which would have existed under natural conditions.

((~~(56)~~)) (60) "Visibility impairment of a Class I areas" means visibility impairment within the area and visibility impairment of any formally designated integral vista associated with the area.

((~~(57)~~)) (61) "Volatile organic compound" means ((~~a hydrocarbon or derivative of hydrocarbon that has a vapor pressure greater than 0.1 millimeters of mercury at 20°C, except the following excluded compounds~~)) an organic compound that participates in atmospheric photochemical reactions and is measured by procedures specified under 40 CFR Part 60, a reference method, an equivalent method or an alternative method. Nonreactive organic compounds excluded from regulation and when measured by a reference method, equivalent method or alternative method are: Methane, ethane, trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (CFC-22), trifluoromethane (FC-23), trichlorotrifluoroethane (CFC-113), dichlorotetrafluoroethane (CFC-114), chloropentafluoroethane (CFC-115), methylene chloride, and 1,1,1-trichloroethane (methyl chloroform).

AMENDATORY SECTION (Amending Order 84-49, filed 3/6/85)

WAC 173-403-050 NEW SOURCE REVIEW (NSR). (1) Applicability.

(a) A notice of construction must be filed with the department or cognizant local authority prior to the construction, installation, or establishment of a new source, if the source is in a category that is required to submit to new source review per applicable regulation of the said authority.

(b) The department or cognizant local authority may require a notice of construction prior to the construction, installation, or establishment of any new source, other than a single family or duplex dwelling.

(c) The notice of construction and new source review shall apply only to the emission unit(s) affected and the contaminants involved.

(2) Additional information. Within thirty days of receipt of a notice of construction, the department or cognizant local authority may require the submission of additional plans, specifications, and such other information as deemed necessary for the review of the proposed new or modified source.

(3) Requirements for nonattainment areas. If the proposed new source is located in an area that is not in attainment for any air contaminant that would be emitted by the source, or if the source is located in an area that is not in attainment for ozone and the source would emit volatile organic compounds, the department or cognizant local authority shall review notice(s) of construction, plans, specifications, and other information associated therewith to determine that:

(a) The new source will be in accord with applicable federal and state rules and regulations, including new source performance standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAPS).

(b) The new source will use best available control technology (BACT) for emissions control.

(c) If the new source is a major source or the proposed change is a major modification, it will comply with lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated.

(d) If the source is a major source and is located in an area that is not in attainment for carbon monoxide or ozone and the source will emit carbon monoxide or volatile organic compounds, it is required that there be an analysis of alternative sites, sizes, and production processes and environmental control techniques for the proposed new source which demonstrates that benefits of the proposed new source significantly outweigh the environmental and social costs imposed as a result of its location, construction, and modification. This analysis is the responsibility of the applicant, who may use an environmental impact statement prepared under the State Environmental Policy Act or the National Environmental Policy Act as a source of information for this analysis.

(e) The proposed new source will not violate the requirements for reasonable further progress established by the state implementation plan. If the source is a major source or the project is a major modification, the total new actual emissions from all sources existing at the time of application for notice of construction plus proposed allowable emissions for the new source, of the contaminants for which nonattainment has been designated, shall be no greater than the total actual emissions from existing sources, except that (i) the department or cognizant local authority may require that new total actual emissions be reduced to less than existing total actual emissions, as necessary to achieve air quality attainment goals stated in an approved plan of attainment, and except that (ii) the emissions from the proposed new source may be approved without an offsetting reduction from existing sources if an adequate emissions growth allowance is included in an approved plan of attainment. The above requirements must be met by reducing actual emissions from existing source(s). Arrangements for such offsetting reduction(s) of actual emissions must be made by the owner or operator of the proposed new source. The proposed new source may be constructed only after the issuance of a regulatory order(s) to the proposed new source and to all the source(s) that provided the offset. The said orders shall include new allowable emissions limits for all the affected sources.

(f) If the source is a major source or the project is a major modification, the owner or operator shall demonstrate that all major sources owned or operated by such person (or persons under common control with such person) in the state which are subject to emission limitations are in compliance or on a schedule for compliance with applicable emission limitations and standards under the Federal Clean Air Act.

(g) In a locality that does not meet national ambient air quality standards and has not been designated a nonattainment area a proposed new major source or major modification must reduce the impact of its emissions upon air quality by obtaining sufficient emissions reductions to, at a minimum, compensate for its adverse ambient impact. A department approved air quality model shall be used to demonstrate a net air quality benefit where the source would otherwise cause or contribute to a violation of any national ambient air quality standard.

(4) Requirements for attainment areas. If the proposed new source is located in an area that is in attainment for all contaminants that would be emitted by the source and the source is located in an ozone attainment area if the source would emit volatile organic compounds, the department or cognizant local authority shall review notice(s) of construction, plans, specifications, and other information associated therewith to determine that:

(a) The new source will be in accord with applicable federal and state regulations, including new source performance standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAPS).

(b) The project will use best available control technology (BACT) for emissions control.

(c) The allowable emissions from the proposed new facility will not delay the attainment date for an area not in attainment nor cause or contribute to a violation of a national ambient air quality standard at any locality that does not or would not meet the applicable standard. This requirement will be considered to be met if the impact at any location within a nonattainment area or a locality exceeding the applicable standard does not exceed the following levels:

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO	–	–	0.5 mg/m^3	–	2 mg/m^3
TSP	1.0 ug/m^3	5 ug/m^3	–	–	–
SO_2	1.0 ug/m^3	5 ug/m^3	–	25 ug/m^3	30 ug/m^3
PM-10	1.0 ug/m^3	5 ug/m^3	–	–	–
NO_2	1.0 ug/m^3	–	–	–	–

(d) The proposed new source will not cause a violation of any ambient air quality standard.

(e) An offsetting emissions reduction, that satisfies the requirements of WAC 173-403-050 (3)(e), may be used to satisfy the requirements of WAC 173-403-050 (4)(c) and (d) and (9) if required.

(5) Preliminary determination. Within thirty days after receipt of all information required, the department or cognizant local authority shall:

(a) Make preliminary determinations on the matters set forth in subsection (3), (4), or (9) of this section whichever is applicable; and

(b) Initiate compliance with the provisions of WAC 173-403-110 relating to public notice and public comment, as applicable.

(6) Final determination. If, after review of all information received including public comment, the department or cognizant local authority finds that all the conditions in subsection (3), (4), or (9) of this section are satisfied, whichever is applicable, the authority will issue a regulatory order to approve the notice of construction for the proposed new source or modification.

(7) Portable sources. For portable sources which locate temporarily at particular sites, the owner or operator shall be allowed to operate at

the temporary location without filing a notice of construction, providing that the owner or operator notifies the department or cognizant local authority of intent to operate at the new location at least thirty days prior to starting the operation, and supplies sufficient information to enable the department or cognizant local authority to determine that the operation will comply with the emission standards for a new source, will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards. The permission to operate shall be for a limited period of time, but in no case longer than one year, and the department or cognizant local authority may set specific conditions for operation during said period. A temporary source shall be required to comply with all applicable emission standards.

(8) Commencement of construction. The owner or operator of the new source shall not commence construction until the applicable notice of construction has been approved.

(9) Visibility requirements. Any new major source or new major modification shall evaluate the visibility impairment per 40 CFR 52.21(e) for all Class I areas in Washington and neighboring states. The evaluation shall comply with the following:

(a) When the land manager has officially designated visibility to be an important attribute, the owner or operator of the new source shall demonstrate that the potential emissions in combination with emissions from all other sources permitted after January 1, 1982, shall not cause or contribute to a significant visibility impairment.

(b) The department shall upon receipt of an application for a notice of construction notify the land managers of potentially affected areas. Notification shall be in writing and include a copy of all information relevant to the application including the information developed for this section. This information shall be transmitted to the land manager within thirty days of receipt of the application and at least sixty days prior to public hearing on the application for permit to construct.

(c) All evaluations of visibility impairment required under this section shall use the models on file with the department or equivalent models approved by the department or EPA.

(d) The results of the evaluation shall be sent to the land manager of the affected areas for their review and recommendation. The review shall consider the degree of visibility impairment, duration, geographic extent, frequency, and time. The recommendation of the land managers concerning adverse impact on visibility shall be sent to the department within thirty days of receipt of the evaluation results.

(e) Should the department concur with the recommendation of the land manager then the notice of construction shall be approved or disapproved according to the recommendation. The department may find the review of a land manager inadequate and make its own determination. A finding of significant visibility impairment shall require a disapproval of the notice of construction, unless sufficient mitigating measures are developed.

(f) The department or land managers may demonstrate that the new source would cause impairment of an integral vista officially designated at least six months before the new source submitted a complete application. The protection of an integral vista by controls on the source shall consider the time necessary for compliance, the energy and nonair quality environmental effects of compliance and the productive life of the source.

(g) The department may require visibility monitoring at the site of the new source or potentially affected areas as a part of the applicable regulatory order. The monitoring period may be before or after construction or both.

AMENDATORY SECTION (Amending Order 84-49, filed 3/6/85)

WAC 173-403-080 PREVENTION OF SIGNIFICANT DETERIORATION (PSD). Section 40 CFR 52.21, Subparts (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (r), (t), (v), and (w), Prevention of Significant Deterioration of Air Quality, as in effect on July 1, ((~~1981~~)) 1988, are herein incorporated by reference with the following additions and modifications:

(1) Construction of "administrator." In 40 CFR 52.21 (b)(17), federally enforceable, (f)(l)(v), (f)(3), and (f)(4)(i), exclusions from increment consumption, (g), redesignation, (l)(2), air quality models (p)(2) federal land manager, and (t), disputed permits or redesignations, the word "administrator" shall be construed in its original meaning. In 40 CFR 52.21 (b)(3)(iii) administrator shall mean both the administrator of EPA and the director of the department. In all other cases, the word "administrator" shall be construed to mean the director of the department.

(2) Contemporaneous. Subpart 40 CFR 52.21 (b)(3)(ii) is changed to read: "An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs at the same time or within ((~~one~~)) ten years prior to the change((~~, or~~)). If a decrease occurred more than one year prior to the change it can only be credited if the decrease has been documented by an emission reduction credit."

(3) Public participation. Subpart 40 CFR ((~~51.24(q)~~)) 51.166(q) public participation, as in effect July 1, ((~~1981~~)) 1988, is hereby incorporated by reference, with the following modifications:

(a) In 40 CFR ((~~51.24~~)) 51.166 (q)(2)(iv), the word "administrator" shall be construed in its original meaning.

(b) In 40 CFR ((~~51.24 (q)(1)~~)) 51.166 (q)(2)(iv), the phrase "specified time period" shall mean thirty days.

(4) Section 40 CFR 51.166 Subpart (p)(1) Sources Impacting Federal Class I areas - additional requirements - Notice to EPA, as in effect on July 1, 1988, is herein incorporated by reference.

(5) Secondary emissions. Subpart 40 CFR 52.21 (b)(18) is changed to read:

Emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this section, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

(a) Emissions from ships or trains coming to or from the new or modified stationary source; and

(b) Emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

(6) List of Class I areas. The following areas are the Class I areas in Washington state as of January 1, ((~~1983~~)) 1988:

Mount Rainier National Park
North Cascade National Park
Olympic National Park
Alpine Lakes Wilderness Area
Glacier Peak Wilderness Area
Goat Rocks Wilderness Area
Mount Adams Wilderness Area
Pasayten Wilderness Area

(7) Fees. The owner or operator of any stationary source requiring review under this section shall pay an evaluation fee of one thousand dollars; and one thousand dollars for each pollutant emitted at a significant rate as defined in 40 CFR 52.21 (b)(23).

The owner or operator shall also reimburse the department for all travel costs incurred by the department in reviewing the source as provided for under WAC 82-28-040, 82-28-050, 82-28-060, 82-28-06001, 82-28-070, and 82-28-080.

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-405-078 EMISSION INVENTORY. The owner or operator of any kraft pulp mill shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the department of ecology. The inventory may include stack and fugitive emissions of particulate((s)) matter, PM-10, sulfur dioxide, carbon monoxide, volatile organic compounds, TRS, and other contaminants, and shall be submitted when required no later than one hundred five days after the end of the calendar year. The inventory shall include total emissions for the year in tons per year and an estimate of the percentage of the total emitted each quarter. An estimate shall be made of the one hour and twenty-four hour emissions while operating at capacity. The report shall include the average sulfur content of any fossil fuel used which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-410-071 EMISSION INVENTORY. The owner or operator of any sulfite pulping mill shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the department of ecology. The inventory may include stack and fugitive emissions of particulate((s)) matter, PM-10,

sulfur dioxide, carbon monoxide, volatile organic compounds, TRS, and other contaminants, and shall be submitted when required no later than one hundred five days after the end of the calendar year. The inventory shall include total emissions for the year in tons per year and an estimate of the percentage of the total emitted each quarter. An estimate shall be made of the one hour and twenty-four hour emissions while operating at capacity. The report shall include the average sulfur content of any fossil fuel which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-415-080 EMISSION INVENTORY. The owner or operator of any primary aluminum plant shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the department of ecology. The inventory may include stack and fugitive emissions of particulate((s)) matter, PM-10, sulfur dioxide, carbon monoxide, fluorides, volatile organic compounds, and other contaminants, and shall be submitted when required no later than one hundred five days after the end of the calendar year. The inventory shall include total emissions for the year in tons per year and an estimate of the percentage of the total emitted each quarter. An estimate shall be made of the one hour and twenty-four hour emissions while operating at capacity. The report shall include the average sulfur content of any fossil fuel or raw material used which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

AMENDATORY SECTION (Amending Order DE 77-19, filed 10/24/77)

WAC 173-425-030 DEFINITIONS. Unless a different meaning is clearly required by context, words and phrases used in this chapter shall have the following meanings, general terms common with other chapters as defined in chapter 173-403 WAC, and terms specific to open burning as defined below.

(1) "Agricultural open burning((:))" means open burning conducted as part of any agricultural operation; but not including yard and gardening activities connected with a residence.

(2) "Commercial open burning((:))" means open burning conducted as part of any commercial or business operation, including land clearing when the land is cleared to change the use of the cleared land. Commercial open burning does not include agricultural open burning.

(3) ((~~Department: The department of ecology.~~

~~(4) Director: The director of the department of ecology, or his authorized representative.~~

~~(5)~~)) "Episode((:))" means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as given in ((~~RCW 70.94.415~~)) chapter 173-435 WAC.

(((~~6~~))) (4) "Impaired air quality" means a condition declared by the department or an air authority whenever:

(a) Meteorological conditions are conducive to an accumulation of air contamination concurrent with:

(i) Total suspended particulate at an ambient level of one hundred twenty-five micrograms per cubic meter measured on a twenty-four-hour average; or

(ii) Particulate that is ten micron and smaller in diameter (PM10) at an ambient level of ninety micrograms per cubic meter measured on a twenty-four-hour average; or

(iii) Carbon monoxide at an ambient level of eight parts of contaminant per million parts of air by volume (ppm) measured on an eight-hour average; or

(b) Air quality reaches other limits established by the department or an air authority.

(5) "Land clearing((:))" means removing structures, trees, shrubbery, or other natural vegetation from a plot of land.

(((~~7~~))) (6) "No burn area((:))" means an area designated by the department as an area exceeding or threatening to exceed a state ambient air quality standard.

(((~~8~~))) (7) "Open burning((:))" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion.

((~~(9) Person: An individual, firm, public or private corporation, association, partnership, political subdivision, municipality, government agency.~~

~~(10)~~)) (8) "Small fire((:))" means a fire not more than four feet in diameter or more than three feet high.

(((~~11~~))) (9) "Silvicultural operation((:))" means the growing of trees for commercial or recreational use, including preparing the land, planting, growing, and harvesting of trees.

(((~~12~~))) (10) "Treated wood" means wood of any species that has been chemically impregnated, coated, painted, or similarly modified.

(11) "Wood waste residue((:))" means residue of a natural character such as trees, stumps, shrubbery, or other natural vegetation arising from land clearing projects (RCW 70.94.750(2)).

NEW SECTION

WAC 173-425-036 CURTAILMENT DURING EPISODES OR IMPAIRED AIR QUALITY. (1) No open fire shall be ignited:

(a) Whenever the department has declared an air pollution episode for the geographical area pursuant to chapter 173-435 WAC; or

(b) Whenever the department or an air authority has declared impaired air quality for the geographical area.

(2) A person responsible for an open fire at the time an episode or impaired air quality is declared shall extinguish that fire. Open fires conducted under the auspices of the department of natural resources for the purpose of burning forest slash pursuant to RCW 70.94.660 through 70.94.700 are to be extinguished by withholding new fuel and allowing the fire to burn down.

(3) Smoke visible from a small fire after a time period of three hours has elapsed from the time of declaration of the episode or impaired air quality shall constitute prima facie evidence of unlawful open burning.

(4) Smoke visible from a fire other than a small fire after a time period of ten hours has elapsed from the time of declaration of the episode or impaired air quality shall constitute prima facie evidence of unlawful open burning.

(5) The department, air authorities, health departments, fire departments, or local police forces having jurisdiction in the area may enforce compliance with the above open burning curtailment rules.

AMENDATORY SECTION (Amending Order DE 77-19, filed 10/24/77)

WAC 173-425-045 PROHIBITED MATERIALS. Except as provided in WAC 173-425-055, the following materials shall not be burned in any open fire:

(1) Garbage;
(2) Dead animals;
(3) Asphaltic products;
(4) Waste petroleum products;
(5) Paints;
(6) Rubber products;
(7) Plastics;
(8) Treated wood;
(9) Any substance, other than natural vegetation, which normally emits dense smoke or obnoxious odors.

AMENDATORY SECTION (Amending Order DE 77-19, filed 10/24/77)

WAC 173-425-065 RESIDENTIAL OPEN BURNING. (1) No open fire shall be allowed on the premises of any residence:

(a) Within a no burn area designated in WAC 173-425-095;

(b) During any stage of an episode (see WAC 173-425-035) or condition of impaired air quality;

(c) If the fire contains prohibited materials, as given in WAC 173-425-045;

(d) If the fire contains any material other than wood, paper, and natural vegetation; or

(e) If the fire is larger than a small fire.

The premises of a residence include the real property immediately adjacent to the residence which is owned by the same person who owns the residence, and which is not devoted to agricultural use, other than yard and gardening activities connected with the residence.

(2) Small fires on the premises of a residence may be allowed to dispose of wood, paper, and natural vegetation, if:

(a) None of the provisions of ((~~WAC 173-425-065~~)) subsection (1) of this section are violated;

(b) Such fires do not violate any regulations of a local order to prevent or abate nuisances or any local county or city ordinance or resolution pertaining to a nuisance; and

(c) Reasonable precautions are taken to prevent particulate emissions when paper is being burned.

AMENDATORY SECTION (Amending Order DE 77-19, filed 10/24/77)

WAC 173-425-075 COMMERCIAL OPEN BURNING. (1) No permit shall be issued for commercial open burning, and commercial open burning shall not be conducted:

(a) Within a no burn area designated in WAC 173-425-095;

(b) During any stage of an episode (see WAC 173-425-035) or condition of impaired air quality;

(c) If the burning contains prohibited materials, as provided in WAC 173-425-045; or

(d) Where a practical alternate method of disposal listed in WAC 173-425-115(2), is reasonably available.

(2) No commercial open burning shall be conducted without authorization from the department. Open burning shall be authorized only if:

(a) The applicant shows that no approved practical alternate method of disposal is reasonably available; and

(b) The applicant shows that burning, as requested, is reasonably necessary to successfully carry out the enterprise the applicant is engaged in; and

(c) The burning will not violate any regulations of a local fire protection agency authorized to issue burning permits, to prevent or abate nuisances, or any local county or city ordinance or resolution pertaining to a nuisance.

(3) Considering population concentration and local conditions affecting air quality, the department shall condition permits issued under this chapter. Permits shall be conditioned to minimize air pollution as much as practical but are not limited to restricting the permissible hours of burning, restricting the size of fires, imposing requirements for good combustion practice, restricting burning to specified wind conditions.

AMENDATORY SECTION (Amending Order DE 77-19, filed 10/24/77)

WAC 173-425-085 AGRICULTURAL OPEN BURNING. (1) No permit shall be issued for agricultural open burning, and agricultural open burning shall not be conducted:

(a) Within a no burn area designated in WAC 173-425-095;

(b) During any stage of an episode (see WAC 173-425-035) or condition of impaired air quality;

(c) If the burning contains prohibited materials, described in WAC 173-425-045; or

(d) If the burning contains any material other than natural vegetation and wood wastes generated on the property, which is the burning site, or transported to the burning site by wind or water.

(2) Except as provided in ((~~WAC 173-425-085~~)) subsection (3) of this section, agricultural open burning shall not be conducted without a permit from the department. Permits shall be issued only if:

(a) None of ((~~WAC 173-425-085~~)) subsection (1) of this section would be violated by the burning;

(b) The applicant shows that burning, as requested, is reasonably necessary to successfully carry out the enterprise the applicant is engaged in;

(c) The burning will not violate any regulations of a local fire protection agency authorized to issue burning permits to prevent or abate nuisances, or any local county or city ordinance or resolution pertaining to a nuisance; and,

(d) The burning is necessary to control disease or insect infestation, and other measures are not available; or

(e) The burning is necessary to develop physiological conditions conducive to increased crop yield, and other measures are not available.

In making a determination under ((~~WAC 173-425-085 (2)~~))(d) or (e) of this subsection, the department will consult the county extension agent.

(3) Agricultural open burning may be conducted without a permit if:

(a) None of ((~~WAC 173-425-085~~)) subsection (1) of this section would be violated by the burning;

(b) The burning will not violate any regulations of a local fire protection agency authorized to issue burning permits to prevent or abate nuisances, or any local or city ordinance or resolution pertaining to a nuisance; and

(c) The fire covers one acre or less and the burning is done to destroy obnoxious weeds or crop residue along fence rows, ditches, or in cultivated fields.

(4) Considering population concentration and local conditions affecting air quality, the department shall condition permits issued under this chapter. Permits shall be conditioned to minimize air pollution as much as practical. Conditions may include but are not limited to restricting the permissible hours of burning, restricting the size of fires, imposing requirements for good combustion practice, restricting burning to specified wind conditions.

AMENDATORY SECTION (Amending Order DE 77-19, filed 10/24/77)

WAC 173-425-095 NO BURN AREA DESIGNATION. (1) The department shall designate as no burn areas those geographic areas where ambient air quality standards for ((~~suspended~~)) particulate((s)) matter, set forth in WAC ((~~18-40-030~~)) 173-470-100, are being exceeded or are threatened to be exceeded. These designations shall be based on monitoring data gathered at primary air mass stations.

(2) The department shall not designate "no burn" areas within the boundaries of any activated air pollution control authority, unless data exist to support that designation and the authority, after being notified, refuses to make such a designation.

(3) The designation of any area as a "no burn" area by the department shall be made by rule-making procedure and only after public hearing.

(4) Open burning shall not be conducted in any designated "no burn" area.

AMENDATORY SECTION (Amending Order DE 77-19, filed 10/24/77)

WAC 173-425-130 NOTICE OF VIOLATION. The department may issue a notice of violation to the person responsible for the fire when:

(1) Conditions of a permit issued under this chapter are violated;

(2) Any open fire is ignited or, if ignited, is not extinguished, when ((~~the person responsible for the fire is aware that~~)) a condition of impaired air quality or any air pollution episode stage has been declared;

(3) An open fire is ignited where, under this chapter, such fires are prohibited or where a permit is required and no such permit has been obtained;

(4) Prohibited materials are burned in an open fire.

Procedures for notices of violation shall follow RCW 70.94.332.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-425-035 EPISODES.

AMENDATORY SECTION (Amending Order 86-38, filed 3/16/87)

WAC 173-434-050 NEW SOURCE REVIEW. (1) Notice of construction. Construction shall not commence on any new source until a notice of construction has been approved by the department or cognizant local authority pursuant to WAC 173-403-050. The owner or operator of any source shall notify the department or cognizant local authority prior to replacement of air pollution control equipment or process equipment other than replacement for routine maintenance and repair. The department or cognizant local authority may determine that a notice of construction is required.

(2) Prevention of significant deterioration (PSD). Construction shall not commence on any new source until applicability to prevention of significant deterioration rules is determined and, if required, a PSD permit is issued to the source per WAC 173-403-080.

(3) Operation and maintenance plan. As part of a condition of approval of the notice of construction; before initial start up the owner or operator of the incinerator shall develop a plan for the operation and maintenance of all equipment and procedures that can cause or control air pollution. Every twenty-four months thereafter, the owner or operator must obtain approval of a new or updated plan. The owner or operator must obtain the department's or cognizant local authority's approval of the plan prior to commencing operation and shall not incinerate solid waste without an approved plan. The plan may include operating parameters, maintenance procedures and operation personnel training requirements and procedures.

AMENDATORY SECTION (Amending Order 86-38, filed 3/16/87)

WAC 173-434-200 EMISSION INVENTORY. The owner or operator of any solid waste incinerator shall submit an inventory of emissions from the sources each year upon and according to instructions from the department of ecology. The inventory shall include but may not be limited to stack and fugitive emissions of particulate((s)) matter, PM-10, sulfur dioxide, nitrogen oxides, carbon monoxide, volatile organic compounds, hydrogen chloride, and other contaminants, and shall be submitted when required. The inventory shall include total emissions of each pollutant for the year in tons per year and an estimate of the total emitted each quarter. An estimate shall be made of the one hour and twenty-four hour emissions while operating at capacity. The report shall include the average sulfur content of any fossil fuel used which will result in emissions of more than twenty-four tons per year of sulfur dioxide.

AMENDATORY SECTION (Amending Order DE 77-21, filed 10/31/77)

WAC 173-435-010 PURPOSE. These rules implement chapter 70.94 RCW, the Washington State Clean Air Act((, as amended by chapter 194, Laws of 1971 ex. sess)).

Air pollution episodes occur under meteorological conditions that reduce the effective volume of air into which air contaminants are introduced. When these conditions occur, there is a possible danger that normal operations at air contaminant sources will be detrimental to public health and safety. The avoidance of high contaminant concentrations reaching significant harm levels during an episode requires a plan which will provide for rapid short-term emission reduction. This chapter sets up such an episode avoidance plan.

NEW SECTION

WAC 173-435-015 SIGNIFICANT HARM LEVELS. Significant harm levels are reached when any one of the following pollutant concentrations are measured:

(1) Sulfur dioxide - 2,620 $\mu g/m^3$ (1.0 ppm), 24-hour average.

(2) PM-10 - 600 micrograms/ cubic meter, 24-hour average.

(3) Carbon monoxide - 57.5 mg/m^3 (50 ppm), 8-hour average, 86.3 mg/m^3 (75 ppm) 4-hour average, 144 mg/m^3 (125 ppm) 1-hour average.

(4) Ozone - 1,200 $\mu g/m^3$ (0.6 ppm) - 2-hour average.

(5) Nitrogen dioxide - 3,750 $\mu g/m^3$ (2.0 ppm) 1-hour average, 938 $\mu g/m^3$ (0.5 ppm) 24-hour average.

AMENDATORY SECTION (Amending Order DE 77-21, filed 10/31/77)

WAC 173-435-020 DEFINITIONS. Unless a different meaning is clearly required by context, words and phrases used in this chapter shall have the following meanings, general terms common with other chapters as defined in chapter 173-403 WAC, and terms specific to the emergency episode plan as defined below.

(1) "Air quality control region((:))" means an area designated as an air quality control region by the federal environmental protection agency.

(2) ((~~Air contaminant: Dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combinations thereof.~~

~~(3) Department: The department of ecology.~~

~~(4) Director: The director of the department of ecology.~~

~~(5) Emission: A release of air contaminants into the outdoor atmosphere.~~

~~(6)~~)) "Episode stage((:))" means a prescribed level of air contaminants or meteorological conditions where certain control actions are required to prevent ambient pollutant concentrations from reaching levels which could cause significant harm to the health of persons.

(((~~7~~))) (3) "Emergency action center((:))" means the headquarters for all department actions during an episode stage.

(((~~8~~))) (4) "Hour((:))" means a 60 minute period, beginning and ending on a clock hour.

(((~~9~~))) (5) "8 hours((:))" means any consecutive 8 hours, starting at any clock hour.

(((~~10~~))) (6) "Major source((:))" means any source which is estimated to emit at an annual rate of ((~~25~~)) twenty-five tons per year or more of SO_2, particulates, or carbon monoxide.

((~~(11) ppm: Parts per million (parts of contaminant per million parts of gas or air by volume).~~

~~(12) Particulates: Small discrete masses of solid or liquid matter, but not including uncombined water. (For air pollution usage, sizes generally range from submicron to over 2000 microns.)~~

~~(13) Person: An individual, firm, public or private corporation, association, partnership, political subdivision, municipality, governmental agency, or other entity.~~

~~(14)~~)) (7) "Source emission reduction plan (SERP)((:))" means a plan developed for an individual air pollution source and approved by the director, which sets forth the actions to be taken at that source upon the declaration of various stages of an episode.

(((~~15~~))) (8) "24 hours((:))" means any consecutive 24 hours, starting at any clock hour.

AMENDATORY SECTION (Amending Order DE 77-21, filed 10/31/77)

WAC 173-435-030 EPISODE STAGE CRITERIA. The declaration of episode stages shall be in accordance with the following criteria:

(1) Stage: "First or forecast" - the forecast stage indicates the presence of meteorological conditions conducive to the accumulation of air contaminants. A forecast stage may be declared when an air stagnation advisory is issued by the national weather service or there is equivalent indication of stagnant atmospheric conditions and conditions are forecast to persist for 24 hours. Declaration of this stage will activate increased air quality surveillance.

(2) Stage: "Second or alert" - the alert stage is that concentration of pollutants at which control actions are to begin. An alert will be declared when any one of the following levels is reached:

(a) SO_2 - 800 $\mu g/m^3$ (0.3 ppm), 24-hour average.

(b) ((~~Particulate - 375~~)) PM-10 - 350 $\mu g/m^3$, 24-hour average.

(c) ((~~SO_2 and particulate combined - product of SO_2 - $\mu g/m^3$, 24-hour average, and particulate $\mu g/m^3$, 24-hour average equal to 65×10^3.~~

~~(d)~~)) CO - 17 mg/m^3 (15 ppm), 8-hour average.

(((~~e~~))) (d) Oxidant (O_3) - 400 $\mu g/m^3$ (0.2 ppm) - 1-hour average.

(((~~f~~))) (e) NO_2 - 1130 $\mu g/m^3$ (0.6 ppm) 1-hour average, 282 $\mu g/m^3$ (0.15 ppm) 24-hour average; and meteorological conditions are such that the pollutant concentrations can be expected to remain at or above the alert levels for 12 or more hours or can be expected to recur within 24 hours unless control actions are taken.

(3) Stage: "Third or warning" - the warning stage indicates that air quality is continuing to degrade and that additional control actions are necessary. A warning will be declared when any one of the following levels is reached:

(a) SO_2 - 1,600 $\mu g/m^3$ (0.6 ppm), 24-hour average.

(b) ((~~Particulate - 625~~)) PM-10 - 420 $\mu g/m^3$, 24-hour average.

(c) ((~~SO_2 and particulate combined - product of SO_2 $\mu g/m^3$, 24-hour average and particulate $\mu g/m^3$, 24-hour average equal to 261×10^3.~~

~~(d)~~)) CO - 34 mg/m^3 (30 ppm), 8-hour average.

(((~~e~~))) (d) Oxidant (O_3) - 800 $\mu g/m^3$ (0.4 ppm), 1-hour average.

(((~~f~~))) (e) NO_2 - 2,260 $\mu g/m^3$ (1.2 ppm), 1-hour average; 565 $\mu g/m^3$ (0.3 ppm), 24-hour average; and meteorological conditions are such that pollutant concentrations can be expected to remain at or above the warning levels for 12 or more hours or can be expected to recur within 24 hours unless control actions are taken.

(4) Stage: "Fourth or emergency" - the emergency stage indicates that air quality is continuing to degrade toward a level of significant harm to the health of persons and that the most stringent control actions are necessary. An emergency will be declared when any one of the following levels is reached at any monitoring site:

(a) SO_2 - 2,100 $\mu g/m^3$ (0.8 ppm), 24-hour average.

(b) ((~~Particulate - 875~~)) PM-10 - 500 $\mu g/m^3$, 24-hour average.

(c) ((~~SO_2 and particulate combined - product of SO_2 $\mu g/m^3$, 24-hour average and particulate $\mu g/m^3$, 24-hour average equal to 393×10^3.~~

~~(d)~~)) CO - 46 mg/m^3 (40 ppm), 8-hour average.

(((~~e~~))) (d) Oxidant (O_3) - 1,200 $\mu g/m^3$, (0.6 ppm), 1-hour average.

(((~~f~~))) (e) NO_2 - 3,000 $\mu g/m^3$ (1.6 ppm), 1-hour average; 750 $\mu g/m^3$ (0.4 ppm), 24-hour average; and meteorological conditions are such that this condition can be expected to remain at or above emergency levels for 12 or more hours, or can be expected to recur within 24 hours.

(5) Stage: "Termination" - once declared, any stage reached by applying these criteria will remain in effect until the criteria for that level are no longer met. At that time, the next lower stage will be declared.

When conditions improve to where the criteria are no longer met for any episode stage, the episode will be terminated.

AMENDATORY SECTION (Amending Order DE 77-21, filed 10/31/77)

WAC 173-435-040 SOURCE EMISSION REDUCTION PLANS. (1) Any person responsible for the operation of a major source, when requested in writing by the director ((~~or his authorized representative~~)), shall prepare, in consultation with the department, a source emission reduction plan (SERP). This SERP shall be consistent with good industrial practice and safe operating procedures for reducing the emissions of air contaminants into the ((~~outdoor atmosphere~~)) ambient air during periods of air pollution alert, warning, and emergency.

(2) SERPs shall be in writing and shall show the source of air contamination, describe the manner in which the reduction of air contaminant emissions will be achieved during periods of air pollution alert, warning, and emergency, and give the amount of reduction for each stage.

(3) During periods of air pollution alert, warning, or emergency, SERPs shall be made available, on the premises of sources required under this section to have them, to any person authorized to enforce the provisions of this episode avoidance plan.

(4) SERPs shall be submitted to the director within 30 days after receipt of a request thereof.

(5) SERPs shall be reviewed and approved by the director. If, in the opinion of the director, and SERP does not, in whole or in part, provide for satisfactory emission reduction during an episode, the director may disapprove such SERP, give the reason for disapproval, and require the resubmittal of same within a specified time period.

If within the time period specified, the person responsible fails to submit a SERP satisfactory to the director, the director may revise the SERP to cause it to meet episode avoidance objectives. This revised plan will then be the SERP for the source to which it applies.

(6) SERPs may be amended after submission to the director of a revised SERP. This revised SERP will be processed in the same manner as the originally submitted SERP.

(7) An emission reduction plan for the purpose of reducing motor vehicle emissions during episode stages, will be developed or approved by the department. These plans may include actions to be taken by other governmental units, citizens, and businesses.

AMENDATORY SECTION (Amending Order DE 77-21, filed 10/31/77)

WAC 173-435-050 ACTION PROCEDURES. (1) Whenever applicable criteria are met, the director((~~, or his duly authorized representative,~~)) may declare and terminate the forecast, alert, and warning stages of an episode. This declaration shall constitute an order for action in accordance with applicable SERPs.

(2) No open fires shall be ignited during any stage of an episode. Any person responsible for an open fire already ignited shall extinguish that fire when informed that an episode has been declared. Open fires conducted under the auspices of the department of natural resources for the purpose of burning forest slash pursuant to RCW 70.94.660 through 70.94.700 are to be extinguished by withholding new fuel and allowing the fire to burn down.

(3) Whenever applicable criteria are met, the governor may declare and terminate the emergency stage of an episode. This declaration shall constitute an order for action in accordance with applicable SERPs.

(4) Adverse air quality need not be region-wide for any episode stage to be declared. Action procedures may be taken for any area affected or likely to be affected by episode conditions. The declaration of any episode stage shall specify the area to which it applies.

(5) The broadest publicity practicable shall be given to the declaration of any episode stage. Such declaration shall, as soon as possible, be directly communicated to all persons responsible for the carrying out of SERPs within the affected area.

(6) Regardless of whether any episode stages have previously been declared, whenever the governor finds that emissions are causing imminent danger to public health or safety, the governor may declare an air pollution emergency and order the persons responsible for the operation of sources causing the danger, to reduce or discontinue emissions consistent with good operating practice, safe operating procedures, and SERPs, if any.

(7) Whenever an episode stage is declared on the basis of contaminant levels of carbon monoxide, oxidant, or nitrogen dioxide, the director((~~, or his duly authorized representative,~~)) shall take such action as may be required to reduce emissions from motor vehicles. These actions may include, but are not limited to, the rerouting or detouring of traffic. Actions to be taken by cities and businesses will be established and implemented according to plans developed by them and approved by the department. These plans must meet criteria for emission reduction established by the department.

AMENDATORY SECTION (Amending Order DE 77-21, filed 10/31/77)

WAC 173-435-060 ENFORCEMENT. (1) Whenever any episode stage has been declared, the department shall establish an emergency action center, which shall be the headquarters for all department actions during the episode.

(2) The department shall develop an operations manual, which shall set forth a plan for the receipt, processing, and dissemination of information and data during an episode.

(3) Enforcement with respect to any episode shall be directed from the emergency action center by the director ((~~and/or his authorized representatives~~)) in consultation with the governor's office.

(4) Authorized personnel of the department, the department of social and health services, and the state police shall have the authority to enforce orders of the director or the governor, issued under this chapter, as directed from the emergency action center. In addition, authorized personnel of any local air pollution control agency or local police force shall have the authority to enforce such orders against sources within the area over which that agency or police force has jurisdiction, as directed from the emergency action center.

(5) To determine compliance with any SERP, those persons authorized to enforce orders, hereunder, shall have the authority to enter upon any private or public property, excepting nonmultiple unit private dwellings, housing two families or less. No person shall refuse entry or access to enforcement personnel who request entry and present appropriate credentials.

(6) Whenever it appears that action being taken in compliance with SERPs will not avert imminent danger to public health and safety, the governor may order the following additional measures:

(a) Stopping and prohibiting motor vehicle travel and traffic;

(b) Closing down or restricting the use of any business, commercial, industrial or other establishment or activity which contributes to the emission of contaminants to the air.

(7) Any declaration or order issued in accordance with WAC 173-435-050 shall be effective immediately and shall not be stayed, pending completion of review.

(8) Whenever any order has been issued hereunder, the attorney general, upon the request of the governor or authorized representative, or the director((~~, or the authorized representative of either,~~)) shall petition the superior court of the county in which a source is located for a temporary restraining order for the immediate reduction or discontinuance of emissions from that source.

AMENDATORY SECTION (Amending Order DE 77-21, filed 10/31/77)

WAC 173-435-070 SAMPLING SITES, EQUIPMENT, AND METHODS. (1) Data from all stations shall be considered when determining episode conditions. The department shall specify ((~~particulate~~)) PM-10 monitoring stations to be operated continuously during any episode stage for episode management purposes. Stations from which episode declarations are based must be located in such a manner that the area represented by that station and the sources contributing to the episode condition can reasonably be determined and corrective actions taken.

(2) Sampling and analysis will be done by federal reference or federal equivalent methods; except the department may approve other sampling and analysis methods for ((~~particulate~~)) PM-10 if reasonable site specific equivalency with the federal reference method has been demonstrated. This equivalency must be reestablished biennially.

AMENDATORY SECTION (Amending Order 87-19, filed 9/16/87)

WAC 173-470-030 DEFINITIONS. Unless a different meaning is clearly required by context, words and phrases used in this chapter shall have the following meanings; general terms common with other

chapters of Title 173 WAC as defined in chapter 173-403 WAC((; and terms specific to standards for particulates as follows:

(1) "Particulate matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than a few hundred microns.

(2) "Total suspended particulates" means airborne particulate matter, collected on eight by ten inch sheets of flash-fired glass fiber filter web of specified collection efficiency, using a high-volume air sampler or an equivalent collection system)).

AMENDATORY SECTION (Amending Order 87-19, filed 9/16/87)

WAC 173-470-100 AMBIENT AIR QUALITY STANDARDS. ((Particulate matter in the ambient air as measured shall not exceed the values listed below:

(1) The total suspended particulate concentration measured at any primary air monitoring station shall not exceed:

(a) Sixty micrograms per cubic meter (60 $\mu g/m^3$) of air as an annual geometric mean.

(b) One hundred fifty micrograms per cubic meter (150 $\mu g/m^3$) of air as a maximum twenty-four-hour concentration more than once per year.

(2) In recognition of natural dust in areas of the state, east of the Cascade range crest the concentration of particulate matter measured by a primary air mass station (PAMS) is reduced by the concentration measured at approved background locations as follows:

(a) When background concentrations are greater than thirty micrograms per cubic meter (30 $\mu g/m^3$) of air on individual sampling days, the PAMS's concentration less background shall not be greater than one hundred twenty micrograms per cubic meter (120 $\mu g/m^3$) of air for any twenty-four-hour period more than once per year.

(b) When background concentrations are greater than twenty micrograms per cubic meter (20 $\mu g/m^3$) of air as an annual geometric mean, the PAMS's concentration less background shall not be greater than forty micrograms per cubic meter (40 $\mu g/m^3$) of air as an annual geometric mean.)) (1) The level of the 24-hour ambient air quality standard for total suspended particulate is 150 micrograms per cubic meter ($\mu g/m^3$), 24-hour average concentration. The standard is attained when the number of days per calendar year is less than or equal to one for measured 24-hour concentrations above 150 $\mu g/m^3$.

(2) The level of the annual standard for total suspended particulate is sixty micrograms per cubic meter ($\mu g/m^3$), annual geometric mean. The standard is attained when the annual geometric mean concentration is less than or equal to 60 $\mu g/m^3$.

(3) The level of the 24-hour ambient air quality standard for PM-10 is 150 micrograms per cubic meter ($\mu g/m^3$), 24-hour average concentration. The standard is attained when:

(a) The expected number of days per calendar year with a 24-hour average concentration above 150 $\mu g/m^3$, as determined in accordance with 40 CFR 50 Appendix K as in effect on July 1, 1988, is equal to or less than one; and

(b) The number of days per calendar year the measured 24-hour average concentration above 150 $\mu g/m^3$ is equal to or less than one.

(4) The level of the annual standard for PM-10 is 50 micrograms per cubic meter ($\mu g/m^3$), annual arithmetic mean. The standard is attained when the expected annual arithmetic mean concentration, as determined in accordance with 40 CFR 50 Appendix K as in effect on July 1, 1988, is less than or equal to 50 $\mu g/m^3$.

WSR 88-19-083
EMERGENCY RULES
DEPARTMENT OF NATURAL RESOURCES
[Order 550—Filed September 19, 1988]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the continuation of burning restrictions in parts of the state and the repeal of burning restrictions in other parts of the state.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is changes in weather conditions in various parts of the state have allowed the easing of burning restrictions to allow the use of burning barrels in some parts of the state.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.015 and 76.04.315 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 19, 1988.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-093a BURNING BARREL RESTRICTIONS. Effective immediately, Monday, September 19, 1988, through midnight, Saturday, October 15, 1988, privileges to burn in a burning barrel without a written burning permit, as allowed by WAC 332-24-201 and described in WAC 332-24-225, on lands protected by the department in King, Pierce, Kitsap, Mason, Chelan, Kittitas, Yakima, Klickitat, Walla Walla, Columbia, Garfield, and Asotin counties are suspended.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 332-26-093 BURNING BARREL RESTRICTIONS.

WSR 88-19-084
PROPOSED RULES
SKAGIT VALLEY COLLEGE
[Filed September 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the board of trustees of Skagit Valley College intends to adopt, amend, or repeal rules concerning:

New	ch. 132D-120	WAC	Student rights and responsibilities.
Rep	ch. 132D-14	WAC	Rules of conduct and enforcement procedures;

that the institution will at 4 o'clock p.m., Tuesday, November 8, 1988, in the Board Room, C-118, Skagit Valley College, Mt. Vernon, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 8, 1988, 7:15 p.m.

The authority under which these rules are proposed is RCW 28B.50.140.

The specific statute these rules are intended to implement is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before November 8, 1988.

Dated: September 16, 1988
By: Wendy K. Bohlke
Assistant Attorney General

STATEMENT OF PURPOSE

Title and Number of Rule Chapter: Chapter 132D-120 WAC, Student rights and responsibilities.

Statutory Authority: RCW 28B.50.140(13).

Specific Statute that Rule is Intended to Implement: RCW 28B.50.140(13).

Summary of Rules: These rules provide mechanisms for students to assert rights and be held accountable for their responsibilities. Procedures are also added to process sexual harassment and discrimination complaints.

Reasons Supporting the Proposed Rules: The previous student conduct rules were promulgated in 1970 and needed to be revised. These rules reflect appropriate due process protections for students and provide appropriate mechanisms to respond to inappropriate conduct.

Agency Personnel Responsible for Drafting: Wendy Bohlke, Assistant Attorney General, 320 BNB, 103 East Holly, Bellingham, WA 98225, (206) 676-2037, 738-2037 scan; and Implementation: Wally Sigmar, Dean of Administrative and Student Services, Skagit Valley College, 2405 College Way, Mt. Vernon, WA 98273, (206) 428-1180, 542-1180 scan.

Name of Person Proposing the Rules: Community College District No. 4, Skagit Valley College board of trustees.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

The rule is not necessary to comply with the federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Reviser's note: The material contained in this filing will appear in the 88-20 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 88-19-085
COLUMBIA RIVER GORGE COMMISSION
[Filed September 19, 1988]

NOTICE OF PROPOSED RULEMAKING HEARING

Agency: Columbia River Gorge Commission.

The above named agency gives notice of hearing.

Hearings to be held: November 15, 1988, 9:30 a.m., Port of Cascade Locks Community Center, West End of Marine Park, Cascade Locks, Oregon.

Hearings officer(s): Stafford Hansell.

Pursuant to the statutory authority of RCW 493.97.015 [43.97.015] to 493.97.035 [43.97.035] or chapter 499, Laws of 1987, the following action is proposed: Amending 350-20-003, 350-20-011 and 350-20-013.

No prior notice given.

Summary: The amendments to the commission's development review rule clarifies the term "file." The amendments provide a document is deemed filed with the commission at the time it is received.

Interested persons may comment on the proposed rules orally or in writing at the hearing. Written comments received by November 7, 1988, will also be considered. Written comments should be sent to and copies of the proposed rulemaking may be obtained from: Columbia River Gorge Commission, 288 East Jewett Boulevard, P.O. Box 730, White Salmon, WA 98672, Richard P. Benner, Executive Director, (509) 493-3323.

Richard Benner
September 15, 1988

Statement of need: The development review rule uses the term "file" to describe what must be done with development review documents. It implies documents must be received by the commission by the specified date in order to be considered "filed." The amendments make the implication explicit. The need is to remove any confusion about filing documents.

Statement of fiscal impact: The proposed amendments will have either no fiscal impact or a positive fiscal impact. The amendments clarify an existing rule about the proper way to file documents with the commission. The amendments will eliminate possible confusion and avoid unnecessary expenditure of time or funds by private appellants in the development review process.

WSR 88-19-086
COLUMBIA RIVER GORGE COMMISSION
[Filed September 19, 1988]

NOTICE OF PROPOSED RULEMAKING

Agency: Columbia River Gorge Commission.

The above named agency gives notice that pursuant to the statutory authority of: RCW 493.97.015 [43.97.015] to 493.97.035 [43.97.035] or chapter 499, Laws of 1987, the following action is proposed: Amending 350-20-003, 350-20-011 and 350-20-013.

Summary: The amendment to the commission's development review rule clarifies the term "file." The amendments provide a document is deemed filed with the commission at the time it is received.

Interested persons may obtain copies or submit data or views concerning the proposed rulemaking by writing to the address below. Written comments, in order to be considered, must be received by not later than November 7, 1988, Columbia River Gorge Commission, 288 East Jewett Boulevard, P.O. Box 730, White Salmon, WA 98672, Richard P. Benner, Executive Director, (509) 493-3323.

If any interested person wishes to express data, views and arguments orally or in writing at a public hearing, the person must make written request for a public hearing and submit this request along with any written comments to the above address. Request for public hearing must be received within 15 days after publication of notice in the Bulletin of the Secretary of State from 10 or more persons or an association having not less than 10 members. If sufficient requests are received to hold a public hearing, notice of the date and time of the hearing will be provided.

Richard Benner
September 15, 1988

Statement of need: The development review rule uses the term "file" to describe what must be done with development review documents. It implies documents must be received by the commission by the specified date in order to be considered "filed." The amendments make the implication explicit. The need is to remove any confusion about filing documents.

Statement of fiscal impact: The proposed amendments will have either no fiscal impact or a positive fiscal impact. The amendments clarify an existing rule about the proper way to file documents with the commission. The amendments will eliminate possible confusion and avoid unnecessary expenditure of time or funds by private appellants in the development review process.

WSR 88-19-087
ADOPTED RULES
PARKS AND RECREATION COMMISSION
[Order 106—Filed September 19, 1988]

Be it resolved by the Washington State Parks and Recreation Commission, acting at Bellingham, Washington, that it does adopt the annexed rules relating to:

New	WAC 352-32-095	Squak Mountain State Park—Natural area—Prohibited uses.
Amd	WAC 352-32-251	Limited income senior citizen disability and veteran disability pass.
Amd	WAC 352-32-252	Off-season senior citizen pass—Fee.

This action is taken pursuant to Notice No. WSR 88-16-089 filed with the code reviser on August 3, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Parks and Recreation Commission as authorized in RCW 43.51-.040, 43.51.055 and 43.51.060.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 16, 1988.
By Ed Luders
Chair

NEW SECTION

WAC 352-32-095 SQUAK MOUNTAIN STATE PARK—NATURAL AREA—PROHIBITED USES. Outside of designated parking areas, human foot traffic only shall be allowed within Squak Mountain State Park—Natural area. All other means of transportation, including, but not limited to, horses or any mechanized vehicles such as motor vehicles, bicycles, or similar vehicles are specifically excluded.

AMENDATORY SECTION (Amending Order 71, filed 11/22/83)

WAC 352-32-251 LIMITED INCOME SENIOR CITIZEN, DISABILITY, AND VETERAN DISABILITY PASSES. (1)(a) Persons who are senior citizens, meet the eligibility requirements of RCW 43.51-.055, and have been residents of Washington state for at least one year shall, upon application to the commission, receive an annual limited income senior citizen pass at no charge which entitles the holder and the holder's camping unit to free admission to any state park administered facility and to a fifty percent reduction in any campsite fees or moorage fees levied by the commission.

(b) Applications for limited income senior citizen passes shall be accepted only after November 30 for the following year.

(2) Persons who are permanently disabled, legally blind, or profoundly deaf, meet the eligibility requirements of RCW 43.51.055, and have been residents of Washington state for at least one year shall, upon application to the commission, receive a five year disability pass at no charge and other disabled persons who meet the eligibility requirements of RCW 43.51.055 and have been residents of Washington state for at least one year shall, upon application to the commission, receive a one year disability pass which entitles the holder and the holder's camping unit to free admission to any state park administered facility and to a fifty percent reduction in any campsite fees or moorage fees levied by the commission.

(3) Persons who are veterans, meet the eligibility requirements of RCW 43.51.055, and have been residents of Washington state for at least one year shall, upon application to the commission, receive a lifetime veteran disability pass at no charge which entitles the holder and the holder's camping unit to free admission to any state park administered facility and to free use of any state park campsite or moorage facility.

(4) Applications for limited income senior citizen, disability, and veteran disability passes shall be made on forms prescribed by the commission.

(5) For pass holders who travel by car or recreational vehicle a camping unit shall include the pass holder and up to seven guests of the holder who travel with the holder and use one campsite or portion of a designated group camping or emergency area. One additional vehicle without built-in sleeping accommodations may be part of the camping unit of a holder at one campsite or portion of a designated group camping or emergency area when in the judgment of a ranger the constructed

facilities so warrant and the total number of guests of the holder do not exceed seven.

(6) For pass holders who travel by a mode of transportation other than car or recreational vehicle a camping unit shall include the pass holder and up to five guests who travel with the holder and use one campsite or portion of a designated group camping or emergency area.

(7) If the conditions of a pass holder change during the time period when a pass is valid such that a pass holder no longer meets the eligibility requirements of RCW 43.51.055 and WAC 352-32-251, then a pass holder shall return a pass to the commission.

AMENDATORY SECTION (Amending Order 88, filed 3/22/85, effective 5/15/85)

WAC 352-32-252 OFF SEASON SENIOR CITIZEN PASS—FEE. (1) Persons who are senior citizens, are at least sixty-two years of age, and have been residents of Washington state for at least one year shall, upon application to the commission, receive an off-season senior citizen pass which entitles the holder and the holder's camping unit to thirty nights of camping at any camping areas made available by the commission, as well as use of agency mooring facilities, at no cost beyond the charges provided for in subsection (3) of this section, between the day following the Labor Day legal holiday and April 30. Each such pass shall be valid only during one off-season period and may be renewed after being used for thirty nights of camping.

(2) Applications for off-season senior citizen passes shall be made on forms prescribed by the commission and shall be accepted only after August 15 for the following off-season period.

(3) The fee for each off-season senior citizen pass and renewal shall be $15.00. A surcharge equal to the fee for an electrical hookup established in WAC 352-32-250 shall be assessed for each night an off-season senior citizen pass holder uses a campsite with an electrical hookup.

(4) For pass holders who travel by car or recreational vehicle a camping unit shall include the pass holder and up to seven guests of the holder who travel with the holder and use one campsite or portion of a designated group camping or emergency area. One additional vehicle without built-in sleeping accommodations may be part of the camping unit of a holder at one campsite or portion of a designated group camping or emergency area when in the judgment of a ranger the constructed facilities so warrant and the total number of guests of the holder do not exceed seven.

(5) For pass holders who travel by a mode of transportation other than car or recreational vehicle a camping unit shall include the pass holder and up to five guests who travel with the holder and use one campsite or portion of a designated group camping or emergency area.

(6) If a pass holder changes residency to a place outside Washington state during the time period when a pass is valid, the pass holder shall return the pass to the commission.

WSR 88-19-088
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-114—Filed September 19, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the threat of wildfire is now diminished to the point that reopening of the Klickitat River is possible. There is insufficient time to follow permanent rule adoption procedures.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 19, 1988.

By Joseph R. Blum
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-31500L KLICKITAT RIVER. (88-107)

WSR 88-19-089
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-115—Filed September 19, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the harvestable quota of widow rockfish is rapidly approaching, and reduction to 3,000 pounds per trip will allow an incidental catch. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council. There is inadequate time to follow permanent rule adoption procedures.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.070 and 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 14, 1988.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-44-05000R COASTAL BOTTOMFISH CATCH LIMITS. Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. September 21, 1988, until further notice it is unlawful transport through the waters of the state, or land in any Washington State port bottomfish taken for commercial purposes from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated:

(1) Widow Rockfish (Sebastes entomelas) - 3,000 pounds per vessel trip defined as Wednesday through the following Tuesday. There is no restriction on the number of vessel trips a vessel may make.

(2) Shortbelly rockfish (Sebastes jordani) and Idiot Rockfish (Sebastolobus spp.) - no maximum poundage per vessel trip, no minimum size.

(3) Pacific ocean perch (Sebastes alutus) - No restrictions on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if Pacific Ocean perch represent 20 per cent or less of total weight of fish on board. Under no circumstances may a vessel land more than 5,000 pounds of Pacific Ocean perch in any one vessel trip.

(4) All other species of rockfish (Sebastes spp.) - 25,000 pounds of all other species combined per vessel trip per calendar week, defined as Wednesday through the following Tuesday, of which no more than 10,000 pounds may be yellowtail rockfish (Sebastes flavidus) except that a fisherman having made a 1988 declaration of intent, may make either one landing of no more than 50,000 pounds of all other species combined per vessel trip biweekly, defined as Wednesday through the second Tuesday following of which no more than 20,000 pounds may be yellowtail rockfish or two landings of not more than 12,500 pounds of all other species in any one calendar week of which no more than 5,000 pounds in any one landing may be yellowtail rockfish. All previous declaration forms have expired and it is unlawful for any vessel to make other than one vessel trip per week unless a new declaration form has been completed as provided for in this subsection. The 1988 declaration of intent to make other than one vessel trip per week must be mailed or delivered to the Department of Fisheries, 115 General Administration Building Olympia, Wa., 98504, and must be received prior to the beginning of such fishing. The declaration of intent must contain the name and address of the fishermen, the name and registration number of the vessel, the date on which such fishing for other species of rockfish will commence and must be signed and dated by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing by filing a declaration of intent to stop fishing other than once weekly on other species of rockfish with the department in the above manner. The declaration to stop such fishing for other species of rockfish and begin one vessel trip per calendar week fishing must be received prior to the beginning of the week in which the one vessel trip per calendar week fishing will resume. It is unlawful for any vessel to make other than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, if no declaration to land other species of rockfish twice weekly has been made. The date of first landing will determine the beginning of biweekly periodicity. Biweekly periodicity will restart after any landing that occurs more than four calendar weeks after the immediate prior landing. A calendar week is defined as Wednesday through the following Tuesday.

(a) Trawl vessels - One landing per calendar week not to exceed 2,000 pounds round weight. (To convert to round weight from dressed weight, multiply dressed weight by 1.75). A calendar week is defined as Wednesday through the following Tuesday.

(b) Non-trawl vessels - Unlawful to land sablefish after August 25, 1988.

(6) It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.

(7) For purposes of this section, a vessel trip is defined as having occurred upon the initiation of transfer of catch from the fishing vessel, and all fish aboard the vessel are considered part of the vessel trip limit at the initiation of transfer of catch.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 20, 1988:

WAC 220-44-05000Q COASTAL BOTTOMFISH CATCH LIMITS. (88-80)

WSR 88-19-090
PROPOSED RULES
SKAGIT VALLEY COLLEGE
[Filed September 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the board of trustees of Skagit Valley College intends to adopt, amend, or repeal rules concerning:

New	ch. 132D-116 WAC	Parking and traffic regulations.
New	ch. 132D-140 WAC	Policy on the use of college facilities.
Rep	ch. 132D-16 WAC	Parking and traffic regulations;

that the institution will at 4 o'clock p.m., Tuesday, November 8, 1988, in the Board Room, C-118, Skagit

Valley College, 2405 College Way, Mt. Vernon, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 8, 1988, 7:15 p.m.

The authority under which these rules are proposed is RCW 28B.50.140.

The specific statute these rules are intended to implement is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before November 8, 1988.

Dated: September 19, 1988
By: Wendy K. Bohlke
Assistant Attorney General

STATEMENT OF PURPOSE

Title and Number of Rule Chapter: Chapter 132D-116 WAC, Parking and traffic regulations.

Statutory Authority: RCW 28B.50.140 (7) (9).

Specific Statute that Rule is Intended to Implement: RCW 28B.50.140.

Summary of Rules: The rules regulate parking on the campus, set forth fees for permits, and enforcement parameters.

Reasons Supporting the Proposed Rules: These rules provide regulations for parking and traffic more in line with the changes which have taken place at the college since the last regulations were promulgated in 1970.

Title and Number of Rule Chapter: Chapter 132D-140 WAC, Policy on the use of college facilities.

Statutory Authority: RCW 28B.50.140 (7) (9).

Specific Statute that Rule is Intended to Implement: RCW 28B.50.140 (7) (9).

Summary of Rules: These rules provide a mechanism for individuals and private entities to apply to use college facilities. The rules also describe prohibited conduct at college facilities.

Reasons Supporting the Proposed Rules: The college has many facilities which are appropriate for public meetings and other uses. The rules are necessary to inform interested users about the regulations attendant upon usage.

Agency Personnel Responsible for Drafting: Wendy Bohlke, Assistant Attorney General, 320 BNB, 103 East Holly, Bellingham, WA 98225, (206) 676-2037, 738-2037 scan; and Implementation: Wally Sigmar, Dean of Administrative and Student Services, Skagit Valley College, 2405 College Way, Mt. Vernon, WA 98273, (206) 428-1180, 542-1180 scan.

Name of Person Proposing the Rules: Community College District No. 4, Skagit Valley College board of trustees.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

The rule is not necessary to comply with the federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Reviser's note: The material contained in this filing will appear in the 88-20 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 88-19-091
PROPOSED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed September 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning refugee assistance, amending chapter 388-55 WAC;

that the agency will at 10:00 a.m., Thursday, October 27, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 28, 1988.

The authority under which these rules are proposed is RCW 43.20A.550.

The specific statute these rules are intended to implement is RCW 43.20A.550.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 27, 1988.

The meeting site is in a location which is barrier free.

Dated: September 20, 1988
By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

Re: Chapter 388-55 WAC.

Purpose of the Rule Changes: To reduce the duration of refugee cash and medical assistance from 18 months to 12 months effective October 1, 1988.

Reason These Rules are Necessary: Federal regulations reduce the duration of refugee cash and medical assistance from 18 months to 12 months effective October 1, 1988. Section 412 (a)(9) of the Immigration and Nationality Act (8 U.S.C. 1522 (a)(9)) authorizes the secretary of the Department of Health and Human Services (DHHS) to issue regulations needed to carry out the refugee resettlement program.

Statutory Authority: RCW 43.20A.550.

Summary of the Rule Change: Refugee cash and medical assistance is limited to twelve months.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Betty Brinkman, Program Manager, Division of Income Assistance, mailstop OB-31C, phone 753-4915.

These rules are necessary as a result of federal law, Immigration and Nationality Act, 8 U.S.C. 1522 (a)(9).

AMENDATORY SECTION (Amending Order 2111, filed 6/13/84)

WAC 388-55-010 COMMON ELIGIBILITY CONDITIONS. (1) ((~~Assistance~~)) The department shall ((~~be granted~~)) grant assistance to refugees within the provisions of P.L. 96-212, the Refugee Assistance Program.

(2) For the purpose of the refugee assistance program, a refugee is defined as a person who has fled from and cannot return to his or her country due to persecution or fear of persecution because of race, religion, or political opinion. Under this definition, the department shall designate the following individuals ((~~shall be~~)) as eligible to apply for assistance and/or services under the refugee assistance program:

(a) A person from Cambodia, Laos, or Vietnam receiving Indochinese refugee assistance because he or she was:

(i) A person having parole status as indicated by an INS (Immigration and Naturalization Service) Form I-94((:));

(ii) A person having voluntary departure status as indicated by Form I-94((:));

(iii) A person having conditional entry status as indicated by Form I-94((:));

(iv) A person admitted to the United States with permanent resident status on or after April 8, 1975 (the date the president designated Vietnamese and Cambodians to be refugees under the Migration and Refugee Assistance Act), as indicated by Form I-151 or I-551((:)); and

(v) A person having permanent resident status as a result of adjustment of status under P.L. 95-145 as indicated by Form I-151 or I-551.

(b) A person from Cuba receiving assistance or services under the Cuban phase-down program, who entered the United States on or after October 1, 1978. Such persons ((~~must~~)) shall have:

(i) A registration card issued by the United States Cuban Refugee Center in Miami on or after October 1, 1978((;)); and

(ii) INS documentation sufficient to establish the person entered the United States on or after October 1, 1978, or verification with the United States Cuban Refugee Center of the refugee's date of entry.

(c) A person from Cambodia, Laos, or Vietnam having parole status.

(i) Such persons ((~~must~~)) shall have a Form I-94 indicating the person has been paroled under Section 212 (d)(5) of the Immigration and Nationality Act (INA)((:)); or

(ii) If the Form I-94 was issued on or after June 1, 1980, the form ((~~must~~)) shall clearly indicate the person has been paroled as a refugee or asylee.

(d) A person from Cuba ((~~having been~~)) paroled as a refugee or asylee and entering the United States on or after October 1, 1978. Such persons shall have:

(i) ((~~Such persons must have~~)) A Form I-94 indicating the person has been paroled under Section 212 (d)(5) of the INA((:)); or

(ii) If the Form I-94 was issued on or after April 21, 1980, the form ((~~must~~)) shall clearly indicate the person has been paroled as a refugee or asylee.

(e) An individual from any country other than Cambodia, Laos, Vietnam, or Cuba having parole status as a refugee or asylee as evidenced by a Form I-94 indicating the person has been paroled under Section 212 (d)(5) of the INA as a refugee or asylee((:));

(f) An individual admitted from any country as a conditional entrant under Section 203 (a)(7) of the INA. This ((~~must~~)) information shall be indicated on the Form I-94((:));

(g) An individual from any country admitted as a refugee under Section 207 of the INA. This ((~~must~~)) information shall be indicated on Form I-94((:));

(h) An individual from any country having been granted asylum under Section 208 of the INA. This ((~~must~~)) information shall be indicated on Form I-94((:)); and

(i) A person from any country previously holding one of the statuses identified in this section whose status has ((~~been~~)) changed to permanent resident alien.

(3) The department shall transfer refugee assistance cases eligible for the AFDC and/or Medicaid programs ((~~shall be transferred~~)) to such programs retroactively effective October 1, 1977, or as of such date as the case qualified for refugee assistance, whichever is later.

(a) Refugees ((~~must~~)) shall meet AFDC or Medicaid eligibility criteria to be transferred.

(b) The department shall regard a refugee cash assistance case ((~~being~~)) transferred to AFDC ((~~shall be regarded~~)) as a recipient rather than a new applicant ((~~so~~)) and the department shall disregard the income ((~~shall be disregarded~~)) accordingly.

(4) ((~~Applications from refugees not currently receiving refugee cash and/or medical assistance~~)) The department shall ((~~be determined~~)) determine eligibility for AFDC or Medicaid ((~~eligibility~~)) before determining eligibility for the refugee assistance program for applications from refugees not currently receiving refugee cash and/or medical assistance.

(a) If the applicant is determined not eligible for AFDC, then the department shall determine eligibility ((~~shall then be determined~~)) under the refugee assistance program.

(b) If the applicant is determined not eligible for Medicaid, then the department shall determine eligibility ((~~shall be determined~~)) under the refugee assistance program.

(5) The department shall waive requirements of categorical relatedness of federal assistance programs ((~~are waived~~)) for refugees under the refugee assistance program.

(6) Refugees terminated from the AFDC program because of refusal to comply with requirements shall not be eligible for refugee assistance.

(7) Except as specified in subsection (8) of this section, the department shall provide assistance to all types of refugee cases, regardless of family composition, ((~~shall be provided~~)) at the AFDC monthly standards; the department shall treat income and resources ((~~will be treated~~)) according to AFDC standards. The department shall not consider resources ((~~not available~~)) which are unavailable, including property remaining in Vietnam, Laos, or Cambodia, ((~~shall not be considered~~)) in determining eligibility for financial assistance.

(8) Applicants for and recipients of refugee assistance ((~~shall~~)) are not ((~~be~~)) eligible for the thirty dollar plus one-third of the remainder exemption from earned income.

(9) The department shall treat the refugee family unit including United States citizen's children, by virtue of being born in this country, ((~~shall be treated~~)) as a single assistance unit under the refugee assistance program in accordance with the provisions of WAC 388-24-050.

(10) Beginning October 1, 1988, the department shall consider persons meeting the criteria in this section ((~~shall be~~)) as eligible for refugee assistance only during the ((~~eighteen~~)) twelve-month period beginning the first of the month the individual entered the United States.

(11) Full-time students in an institution of higher education are not eligible for refugee assistance, unless participating in a department-approved job or language training program not to exceed twelve months.

(12) The department shall notify the voluntary agency (VOLAG) sponsoring the applicant ((~~shall be notified~~)) whenever he or she ((~~makes application~~)) applies for assistance.

(13) Persons meeting the criteria in this section ((~~shall be~~)) are eligible for additional requirements for emergent situations as in chapter 388-29 WAC.

AMENDATORY SECTION (Amending Order 2111, filed 6/13/84)

WAC 388-55-020 WORK AND TRAINING ELIGIBILITY CONDITIONS. (1) The department requires all applicants for and recipients of a financial grant under the refugee assistance program and each member of the family group of which the applicants and recipients are a part ((~~are required~~)) to register for employment with the state employment service or other designated employment agency. Exemptions to employment registration are:

(a) An individual under sixteen, or ((~~under age nineteen~~)) eighteen years of age and under and attending secondary school or an equivalent level of vocational or technical training full time;

(b) A person ill, incapacitated, or over sixty-five years of age;

(c) A person whose presence in the home is required because of illness or incapacity of another member of the household;

(d) A mother or other caretaker caring for a child five years of age or under ((~~the age of six~~));

(e) A mother or other caretaker of a child, when the nonexempt father or other nonexempt adult relative in the home is registered and has not refused to accept employment without good cause;

(f) An individual employed at least thirty hours per week;

(g) A refugee of any age while enrolled and participating in a CSO approved employability training program intended to have a definite short-term (less than one year) employment objective.

(2) The department shall not exempt from registration or acceptance of employment an applicant solely because of inability to communicate in English ((~~does not justify exemption from registration or acceptance of employment~~)).

(3) For purposes of this section, training shall mean participation in any available and appropriate social service program providing job or language training as approved in the personal employment plan.

(4) Refusal of an employable adult refugee to register with the employment service without good cause shall result in the following actions. In addition, refusal to accept, continue, or participate in a training or employment opportunity or referral, from any source((~~, determined~~)) the CSO determines appropriate for the refugee ((~~by the CSO~~)) shall also result in the following actions:

(a) An employable adult refugee applicant refusing a work or training opportunity or referral without good cause, as stated in this section within thirty days prior to application, ((~~shall be~~)) is ineligible for refugee assistance for thirty days from the date of the refusal. The dependent family of such an ineligible applicant may apply for and receive assistance if otherwise eligible((:));

(b) If an employable refugee recipient continues to refuse an offer of employment or training, the department shall terminate assistance ((~~will be terminated~~)) the first of the following month after the date of his or her original refusal. The department shall allow the refugee ((~~shall be given~~)) at least ten days written notice of the termination of assistance and the reason therefore. This sanction ((~~shall be~~)) is applied in the following manner:

(i) If the assistance unit includes other individuals, the grant ((~~shall be~~)) is reduced by the amount included on behalf of the refugee((:));

(ii) If such individual is the only individual in the assistance unit, the ((~~grant~~)) department shall ((~~be terminated.~~)) terminate the grant;

(iii) The department shall notify the recipient's voluntary agency (VOLAG) ((~~shall be notified~~)) if action is taken according to subsection (4)(b)(i) or (ii) of this section, provided the provisions for safeguarding information in chapter 388-320 WAC are met((:));

(iv) A decision by the refugee to accept employment or training, made at any time before the effective date of termination, shall result in the continuation of assistance without interruption if the refugee continues to meet the eligibility requirements for continued assistance((:));

(v) The department shall consider an employable refugee ((~~shall be~~)) ineligible for assistance after the termination of assistance because ((~~of refusal~~)) the refugee refuses to accept or continue employment or training as follows: For three months after the first occurrence and six months for the second and each subsequent occurrence((s)).

AMENDATORY SECTION (Amending Order 1969, filed 6/16/83)

WAC 388-55-040 REFUGEE MEDICAL ASSISTANCE. (1) The refugee recipient receiving a continuing assistance grant is eligible for medical assistance as specified in WAC 388-82-010(1).

(2) The department shall base the nonrecipient refugee eligibility for medical care ((~~for the nonrecipient refugee shall be determined~~)) as specified in chapter 388-83 WAC. Eligibility is based on medical and financial need only; requirements of categorical relatedness are waived. WAC 388-55-030(1) is applicable in determining the amount of participation in medical costs for refugee recipients.

(3) The refugee recipient becoming ineligible because of increased income from employment shall remain eligible for medical assistance for four calendar months beginning with the month of ineligibility provided:

(a) In the case of a single individual assistance unit:

(i) The individual received assistance in at least three of the six months immediately preceding the month of ineligibility; and

(ii) He or she continues ((~~to be employed~~)) employment.

(b) In the case of a multiple individual assistance unit:

(i) The family received assistance in at least three of the six months immediately preceding the month of ineligibility; ((~~and~~))

(ii) A member of the family continues ((~~to be employed.~~)) employment; and

(iii) Medical need ((~~shall~~)) is not ((~~be~~)) an eligibility factor.

(4) Refugee recipients shall have continuing eligibility for financial and medical assistance redetermined at least once in every six months of continuous receipt of assistance.

(5) Persons meeting the criteria in this section ((~~shall be~~)) are eligible for refugee assistance only during the ((~~eighteen~~)) twelve-month period beginning in the first month the individual entered the United States.

((~~(6) The rules in this section shall be effective April 1, 1982.~~))

WSR 88-19-092
ADOPTED RULES
BOARD OF HEALTH
[Order 310—Filed September 20, 1988]

Be it resolved by the Washington State Board of Health, acting at Richland City Hall Council Chambers, City Hall, Richland, Washington, that it does adopt the annexed rules relating to amending WAC 248-124-010 Certificate of live birth and fetal death; adopting WAC 248-124-015 Confidentiality; and repealing WAC 248-40-070.

This action is taken pursuant to Notice No. WSR 88-16-108 filed with the code reviser on August 3, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 14, 1988.
By Graham Tollefson
for John A. Beare, M.D., M.P.H.
Secretary

AMENDATORY SECTION (Amending Order 270, filed 12/23/83)

WAC 248-124-010 ADOPTION OF UNITED STATES STANDARD CERTIFICATES AND REPORT—MODIFICATIONS. Pursuant to ((~~the authority in it vested by the laws of the state of Washington, particularly~~)) RCW 70.58.200, the Washington state board of health ((~~does hereby~~)) adopts and approves for use in the state of Washington, effective ((~~January 1, 1984~~)) January 1, 1989, the ((~~1978~~)) 1988 revisions of the United States Standard ((~~Certificate of Live Birth, Fetal Death, Death (combined physician-coroner form), Marriage, and Absolute Divorce or Annulment as promulgated~~)) forms of live birth and fetal death. These forms are developed by the United States Department of Health((~~, Education, and Welfare - Public Health Service as annexed hereto including~~)) and Human Services, National Center for Health Statistics. The board of health shall make the following modifications to the confidential section of the U.S. standard certificate of live birth and U.S. standard report of fetal death:

U.S. STANDARD CERTIFICATE OF LIVE BIRTH

((~~= delete item 18 "Education Mother" and item 19 "Education Father"~~

~~License and Certificate of Marriage - delete item 21 "Race - Groom"; delete item 22 "Number of this Marriage"; delete items 23a and 23b "If Previously Married, Last Marriage Ended By Death, Divorce, Dissolution, or~~

~~Annulment, Date"; delete item 24 "Education"; delete item 25 "Race - Bride"; delete item 26 "Number of this Marriage"; delete items 27a and 27b "If Previously Married, Last Marriage Ended By Death, Divorce or Annulment, Date"; delete item 28 "Education."~~

~~Certificate of Divorce, Dissolution of Marriage or Annulment - delete item 10 "Date Couple Separated"; delete item 11b "Children Under 18 in this Family"; delete item 15 "Race - Husband"; delete item 16 "Number of this Marriage"; delete items 17a and 17b "If Previously Married, How Many Ended By Death, Divorce, Dissolution or Annulment"; delete item 18 "Education"; delete item 19 "Race - Wife"; delete item 20 "Number of this Marriage"; delete items 21a and 21b "If Previously Married, How Many Ended By Death, Divorce, Dissolution or Annulment"; delete item 22 "Education."~~

~~Provided that when a decree of separate maintenance is granted the Certificate of Divorce, Dissolution of Marriage or Annulment form as herein above provided shall be used with the following modification:~~

~~Title - "Certificate of Separate Maintenance"~~
~~Item 14a - "I certify that the following decree was granted on":~~
~~Item 14b - insert "separate maintenance"~~))

Add "Hispanic" to "race."
Add "or descent? (ancestry)" to "of Hispanic origin."
Add "Asian or Pacific Islander" to "race."
Add "occupation" and "type of business or industry" for both parents.
Add "parental identification of ethnicity and race of child."
Add "more than twenty weeks, less than twenty weeks" to "pregnancy history."
Add under the heading "medical risk factors for this pregnancy," "polyhydramnios, first trimester bleeding, epilepsy, genital herpes, syphilis, rubella-test positive."
Add under the heading "method of delivery," "C-section with no labor, C-section with trial of labor."
Add under the heading "abnormal conditions of the newborn," "sepsis, asphyxia/depression, drug withdrawal syndrome in newborn, Erb's palsy, jaundice (greater than ten in first forty-eight hours)."
Delete under 38a "hydramnios."
Delete under item 37b "name of facility infant transferred to."

U.S. STANDARD REPORT OF FETAL DEATH

Add "or descent? (ancestry)" to "of Hispanic origin."
Add "Asian or Pacific Islander" to "race."
Add "Hispanic" to "race."
Add "more than twenty weeks, less than twenty weeks" to "other pregnancy outcomes."
Add "polyhydramnios, first trimester bleeding, epilepsy, genital herpes, syphilis, rubella-test positive."
Add "fetal hemorrhage, placenta and cord conditions (specify), hemolytic disease, fetal hydrops, shoulder dystocia, other (specify), and none."
Add "C-section with no labor" and "C-section with trial of labor."
Delete under item 23a "hydramnios and uterine bleeding."
Delete under item 26 "hysterotomy/hysterectomy."

NEW SECTION

WAC 248-124-015 CONFIDENTIAL INFORMATION ON STATE OF WASHINGTON LIVE BIRTH AND FETAL DEATH CERTIFICATES PURSUANT TO RCW 70.58.200. The confidential sections of the certificate of live birth and the certificate of fetal death shall not be subject to public inspection and shall not be included on certified copies of the record except upon order of a court.

WSR 88-19-093
EMERGENCY RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2701—Filed September 20, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to refugee assistance, amending chapter 388-55 WAC.

I, Leslie F. James, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this rule is necessary to reduce the duration of refugee cash and medical assistance from 18 months to 12 months effective October 1, 1988, per the Immigration and Nationality Act 8 U.S.C. 1522 (a)(9).

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 43.20A-.550 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 20, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2111, filed 6/13/84)

WAC 388-55-010 COMMON ELIGIBILITY CONDITIONS. (1) ((~~Assistance~~)) The department shall ((~~be granted~~)) grant assistance to refugees within the provisions of P.L. 96-212, the Refugee Assistance Program.

(2) For the purpose of the refugee assistance program, a refugee is defined as a person who has fled from and cannot return to his or her country due to persecution or fear of persecution because of race, religion, or political opinion. Under this definition, the department shall designate the following individuals ((~~shall be~~)) as eligible to apply for assistance and/or services under the refugee assistance program:

(a) A person from Cambodia, Laos, or Vietnam receiving Indochinese refugee assistance because he or she was:

(i) A person having parole status as indicated by an INS (Immigration and Naturalization Service) Form I-94((-));

(ii) A person having voluntary departure status as indicated by Form I-94((-));

(iii) A person having conditional entry status as indicated by Form I-94((-));

(iv) A person admitted to the United States with permanent resident status on or after April 8, 1975 (the date the president designated Vietnamese and Cambodians to be refugees under the Migration and Refugee Assistance Act), as indicated by Form I-151 or I-551((-)); and

(v) A person having permanent resident status as a result of adjustment of status under P.L. 95-145 as indicated by Form I-151 or I-551.

(b) A person from Cuba receiving assistance or services under the Cuban phase-down program, who entered the United States on or after October 1, 1978. Such persons ((~~must~~)) shall have:

(i) A registration card issued by the United States Cuban Refugee Center in Miami on or after October 1, 1978((-)); and

(ii) INS documentation sufficient to establish the person entered the United States on or after October 1, 1978, or verification with the United States Cuban Refugee Center of the refugee's date of entry.

(c) A person from Cambodia, Laos, or Vietnam having parole status.

(i) Such persons ((~~must~~)) shall have a Form I-94 indicating the person has been paroled under Section 212 (d)(5) of the Immigration and Nationality Act (INA)((-)); or

(ii) If the Form I-94 was issued on or after June 1, 1980, the form ((~~must~~)) shall clearly indicate the person has been paroled as a refugee or asylee.

(d) A person from Cuba ((~~having been~~)) paroled as a refugee or asylee and entering the United States on or after October 1, 1978. Such persons shall have:

(i) ((~~Such persons must have~~)) A Form I-94 indicating the person has been paroled under Section 212 (d)(5) of the INA((-)); or

(ii) If the Form I-94 was issued on or after April 21, 1980, the form ((~~must~~)) shall clearly indicate the person has been paroled as a refugee or asylee.

(e) An individual from any country other than Cambodia, Laos, Vietnam, or Cuba having parole status as a refugee or asylee as evidenced by a Form I-94 indicating the person has been paroled under Section 212 (d)(5) of the INA as a refugee or asylee((-));

(f) An individual admitted from any country as a conditional entrant under Section 203 (a)(7) of the INA. This ((~~must~~)) information shall be indicated on the Form I-94((-));

(g) An individual from any country admitted as a refugee under Section 207 of the INA. This ((~~must~~)) information shall be indicated on Form I-94((-));

(h) An individual from any country having been granted asylum under Section 208 of the INA. This ((~~must~~)) information shall be indicated on Form I-94((-)); and

(i) A person from any country previously holding one of the statuses identified in this section whose status has ((~~been~~)) changed to permanent resident alien.

(3) The department shall transfer refugee assistance cases eligible for the AFDC and/or Medicaid programs ((~~shall be transferred~~)) to such programs retroactively effective October 1, 1977, or as of such date as the case qualified for refugee assistance, whichever is later.

(a) Refugees ((~~must~~)) shall meet AFDC or Medicaid eligibility criteria to be transferred.

(b) The department shall regard a refugee cash assistance case ((~~being~~)) transferred to AFDC ((~~shall be regarded~~)) as a recipient rather than a new applicant ((~~so~~)) and the department shall disregard the income ((~~shall be disregarded~~)) accordingly.

(4) ((~~Applications from refugees not currently receiving refugee cash and/or medical assistance~~)) The department shall ((~~be determined~~)) determine eligibility for AFDC or Medicaid ((~~eligibility~~)) before determining eligibility for the refugee assistance program for applications from refugees not currently receiving refugee cash and/or medical assistance.

(a) If the applicant is determined not eligible for AFDC, then the department shall determine eligibility ((~~shall then be determined~~)) under the refugee assistance program.

(b) If the applicant is determined not eligible for Medicaid, then the department shall determine eligibility ((~~shall be determined~~)) under the refugee assistance program.

(5) The department shall waive requirements of categorical relatedness of federal assistance programs ((~~are waived~~)) for refugees under the refugee assistance program.

(6) Refugees terminated from the AFDC program because of refusal to comply with requirements shall not be eligible for refugee assistance.

(7) Except as specified in subsection (8) of this section, the department shall provide assistance to all types of refugee cases, regardless of family composition, ((~~shall be provided~~)) at the AFDC monthly standards; the department shall treat income and resources ((~~will~~

~~be treated~~)) according to AFDC standards. The department shall not consider resources ((~~not available~~)) which are unavailable, including property remaining in Vietnam, Laos, or Cambodia, ((~~shall not be considered~~)) in determining eligibility for financial assistance.

(8) Applicants for and recipients of refugee assistance ((~~shall~~)) are not ((~~be~~)) eligible for the thirty dollar plus one-third of the remainder exemption from earned income.

(9) The department shall treat the refugee family unit including United States citizen's children, by virtue of being born in this country, ((~~shall be treated~~)) as a single assistance unit under the refugee assistance program in accordance with the provisions of WAC 388-24-050.

(10) Beginning October 1, 1988, the department shall consider persons meeting the criteria in this section ((~~shall be~~)) as eligible for refugee assistance only during the ((~~eighteen~~)) twelve-month period beginning the first of the month the individual entered the United States.

(11) Full-time students in an institution of higher education are not eligible for refugee assistance, unless participating in a department-approved job or language training program not to exceed twelve months.

(12) The department shall notify the voluntary agency (VOLAG) sponsoring the applicant ((~~shall be notified~~)) whenever he or she ((~~makes application~~)) applies for assistance.

(13) Persons meeting the criteria in this section ((~~shall be~~)) are eligible for additional requirements for emergent situations as in chapter 388-29 WAC.

AMENDATORY SECTION (Amending Order 2111, filed 6/13/84)

WAC 388-55-020 WORK AND TRAINING ELIGIBILITY CONDITIONS. (1) The department requires all applicants for and recipients of a financial grant under the refugee assistance program and each member of the family group of which the applicants and recipients are a part ((~~are required~~)) to register for employment with the state employment service or other designated employment agency. Exemptions to employment registration are:

(a) An individual under sixteen, or ((~~under age nineteen~~)) eighteen years of age and under and attending secondary school or an equivalent level of vocational or technical training full time;

(b) A person ill, incapacitated, or over sixty-five years of age;

(c) A person whose presence in the home is required because of illness or incapacity of another member of the household;

(d) A mother or other caretaker caring for a child five years of age or under ((~~the age of six~~));

(e) A mother or other caretaker of a child, when the nonexempt father or other nonexempt adult relative in the home is registered and has not refused to accept employment without good cause;

(f) An individual employed at least thirty hours per week;

(g) A refugee of any age while enrolled and participating in a CSO approved employability training program intended to have a definite short-term (less than one year) employment objective.

(2) The department shall not exempt from registration or acceptance of employment an applicant solely because of inability to communicate in English ((~~does not justify exemption from registration or acceptance of employment~~)).

(3) For purposes of this section, training shall mean participation in any available and appropriate social service program providing job or language training as approved in the personal employment plan.

(4) Refusal of an employable adult refugee to register with the employment service without good cause shall result in the following actions. In addition, refusal to accept, continue, or participate in a training or employment opportunity or referral, from any source((~~, determined~~)) the CSO determines appropriate for the refugee ((~~by the CSO~~)) shall also result in the following actions:

(a) An employable adult refugee applicant refusing a work or training opportunity or referral without good cause, as stated in this section within thirty days prior to application, ((~~shall be~~)) is ineligible for refugee assistance for thirty days from the date of the refusal. The dependent family of such an ineligible applicant may apply for and receive assistance if otherwise eligible((:));

(b) If an employable refugee recipient continues to refuse an offer of employment or training, the department shall terminate assistance ((~~will be terminated~~)) the first of the following month after the date of his or her original refusal. The department shall allow the refugee ((~~shall be given~~)) at least ten days written notice of the termination of assistance and the reason therefore. This sanction ((~~shall be~~)) is applied in the following manner:

(i) If the assistance unit includes other individuals, the grant ((~~shall be~~)) is reduced by the amount included on behalf of the refugee((:));

(ii) If such individual is the only individual in the assistance unit, the ((~~grant~~)) department shall ((~~be terminated.~~)) terminate the grant;

(iii) The department shall notify the recipient's voluntary agency (VOLAG) ((~~shall be notified~~)) if action is taken according to subsection (4)(b)(i) or (ii) of this section, provided the provisions for safeguarding information in chapter 388-320 WAC are met((:));

(iv) A decision by the refugee to accept employment or training, made at any time before the effective date of termination, shall result in the continuation of assistance without interruption if the refugee continues to meet the eligibility requirements for continued assistance((:));

(v) The department shall consider an employable refugee ((~~shall be~~)) ineligible for assistance after the termination of assistance because ((~~of refusal~~)) the refugee refuses to accept or continue employment or training as follows: For three months after the first occurrence and six months for the second and each subsequent occurrence((s)).

AMENDATORY SECTION (Amending Order 1969, filed 6/16/83)

WAC 388-55-040 REFUGEE MEDICAL ASSISTANCE. (1) The refugee recipient receiving a continuing assistance grant is eligible for medical assistance as specified in WAC 388-82-010(1).

(2) The department shall base the nonrecipient refugee eligibility for medical care ((~~for the nonrecipient refugee shall be determined~~)) as specified in chapter 388-83 WAC. Eligibility is based on medical and financial need only; requirements of categorical relatedness are waived. WAC 388-55-030(1) is applicable in determining the amount of participation in medical costs for refugee recipients.

(3) The refugee recipient becoming ineligible because of increased income from employment shall remain eligible for medical assistance for four calendar months beginning with the month of ineligibility provided:

(a) In the case of a single individual assistance unit:

(i) The individual received assistance in at least three of the six months immediately preceding the month of ineligibility; and

(ii) He or she continues ((~~to be employed~~)) employment.

(b) In the case of a multiple individual assistance unit:

(i) The family received assistance in at least three of the six months immediately preceding the month of ineligibility; ((~~and~~))

(ii) A member of the family continues ((~~to be employed.~~)) employment; and

(iii) Medical need ((~~shall~~)) is not ((~~be~~)) an eligibility factor.

(4) Refugee recipients shall have continuing eligibility for financial and medical assistance redetermined at least once in every six months of continuous receipt of assistance.

(5) Persons meeting the criteria in this section ((~~shall be~~)) are eligible for refugee assistance only during the ((~~eighteen~~)) twelve-month period beginning in the first month the individual entered the United States.

((~~(6) The rules in this section shall be effective April 1, 1982.~~))

WSR 88-19-094
PROPOSED RULES
HOSPITAL COMMISSION
[Filed September 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Hospital Commission intends to adopt, amend, or repeal rules concerning methodology and criteria for approval, modification, or disapproval of annual budget submittal and rates, rate schedules, other charges and changes therein, WAC 261-40-150;

that the agency will at 9:30 a.m., Thursday, October 27, 1988, in the Seattle Room, West Coast Sea-Tac Hotel, Seattle, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 70.39.180 and 34.04.020.

The specific statute these rules are intended to implement is chapter 70.39 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 17, 1988.

Dated: September 20, 1988
By: Maurice A. Click
Executive Director

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amending WAC 261-40-150 Methodology and criteria for approval, modification, or disapproval of annual budget submittal and rates, rate schedules, other charges and changes therein.

Purpose of These Rule Changes: To delete the budget review methodology and criteria for hospital fiscal years beginning in 1987, except for the conformance methodology, and to amend the budget review methodology and criteria for hospital fiscal years beginning on or after January 1, 1988.

Statutory Authority: RCW 70.39.180.

Summary of Rule Changes and Statement of Reason Supporting the Proposed Action: Budget review methodology and criteria for hospital fiscal years beginning in 1987 are no longer effective, except for the conformance methodology, and should be deleted; budget review methodology and criteria for hospital fiscal years beginning on or after January 1, 1988, are being amended. The major changes are summarized: The calculation of each hospital's baseline has been amended. Baseline adjusted case mix value units shall be equal to the current year approved level and the baseline net revenue shall be determined as an allocated amount of the net revenue component of the target dollar amount of total statewide hospital revenue. It is more consistent with the commission's current policy to use net revenue as the baseline rather than calculating a separate baseline for operating expenses and capital allowance. WAC 261-40-150 (5)(c)(i); for consideration of equity funding, both the hospital's net revenue per adjusted case mix value unit and the rate of increase from the current year approved level must be below the median of the hospital's peer group. The commission is concerned about the rate of increase, as well as, the amount. WAC 261-40-150 (5)(e)(i)(D)(III); when determining the reasonableness of a hospital's rates, net revenue rather than rate setting revenue per adjusted case mix value unit will be used. It is consistent with the commission's current policy to focus on net revenue. WAC 261-40-150 (5)(g)(i); and the time for notifying a hospital that it is out of conformance has been changed from sixty days after receipt of the year-end report to sixty days from the receipt of all applicable information necessary to compute the year-end conformance calculation. It is often necessary to supplement the year-end report with additional information when considering year-end conformance.

Sixty days from receipt of the report is not always adequate. WAC 261-40-150 (6)(g).

Agency Personnel Responsible for Drafting, Implementation and Enforcement of These Rules: Maurice A. Click, Executive Director, and David B. Smith, Deputy Director, Washington State Hospital Commission, 206 Evergreen Plaza Building, 711 South Capitol Way, Mailstop FJ-21, Olympia, Washington 98504, (206) 753-1990.

These rules are not necessary as a result of federal law or a federal or state court decision.

Pursuant to RCW 19.85.040, the Hospital Commission submits the following small business economic impact statement. These proposed amendments retain provisions for alternative systems of financial reporting and modifications of the uniform reporting system which provide specialized and reduced reporting requirements for smaller hospitals. The rules also provided for less rigorous budget review for those rural hospitals classified in Peer Group A.

AMENDATORY SECTION (Amending Order 88-02 [88-06], Resolution No. 88-02 [88-06], filed 5/13/88 [8/17/88])

WAC 261-40-150 METHODOLOGY AND CRITERIA FOR APPROVAL, MODIFICATION, OR DISAPPROVAL OF ANNUAL BUDGET SUBMITTAL AND RATES, RATE SCHEDULES, OTHER CHARGES, AND CHANGES THEREIN. The following methodology and criteria shall be utilized by the commission in reviewing and acting on annual budget submittals. The relative importance of each criterion, and the extent to which justification for variance from the methodology and criteria is accepted, is a matter of commission discretion:

((~~The following is effective for hospital fiscal years beginning in 1987.~~

~~(1) Whether the hospital's annual budget submittal and the rates, rate schedules, other charges, and changes therein:~~

~~(a) Are such that the commission can assure all purchasers of that hospital's health care services that the total costs of the hospital are reasonably related to the total services offered by that hospital;~~

~~(b) Are such that the hospital's costs do not exceed those that are necessary for a prudently and reasonably managed hospital;~~

~~(c) Are such that the hospital's aggregate revenues as expressed by rates are reasonably related to the hospital's aggregate costs;~~

~~(d) Are such that rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference.~~

~~(2) Whether the commission action will permit the hospital to render necessary, effective and efficient service in the public interest.~~

~~(3) Whether the commission action will assure access to necessary, effective, economically viable and efficient hospital health care capability throughout the state, rather than the solvency or profitability of any individual hospital except where the insolvency of a hospital would seriously threaten the access of the rural public to basic health care services.~~

~~(a) Rural includes all areas of the state with the following exceptions:~~

~~(i) The entire counties of Snohomish (including Camano Island), King, Kitsap, Pierce, Thurston, Clark, and Spokane;~~

~~(ii) Areas within a twenty-mile radius of an urban area exceeding thirty thousand population; and~~

~~(iii) Those cities or city-clusters located in rural counties but which for all practical purposes are urban. These areas are Bellingham, Aberdeen-Hoquiam, Longview-Kelso, Wenatchee, Yakima, Sunnyside, Richland-Kennewick-Pasco, and Walla Walla.~~

~~(4) Whether the appropriate area-wide and state comprehensive health planning agencies have recommended approval, modification, or disapproval of the annual budget submittal, or the rates, rate schedules, other charges, or changes therein.~~

~~(5) Whether the proposed budget and the projected revenues and expenses would result in the rate structure most reasonable under the circumstances. The following shall be considered by the commission in making that determination:~~

~~(a) The commission shall determine whether the hospital's requested utilization statistics are reasonably attainable, based upon:~~

~~(i) Historical admission trends, including a revised current year estimate derived from seasonally-adjusted quarterly report information;~~

~~(ii) Historical trends of outpatient volumes as measured by inflation-adjusted outpatient revenue and outpatient equivalents of admissions;~~

~~(iii) Historical trends of the average length of stay;~~

~~(iv) Historical case mix indices as obtained from the commission hospital abstract reporting system; and~~

~~(v) Such other information as the commission may determine is appropriate as a basis for deviating from measures based upon historical trends including, but not limited to:~~

~~(A) Revisions necessary to maintain compliance with the commission's Accounting and Reporting Manual for Hospitals pursuant to WAC 261-20-030;~~

~~(B) Negotiated rate agreements that guarantee additional volumes related to a purchaser of hospital health care services;~~

~~(C) The implementation or deletion of services or programs for which certificate of need approval has been obtained, if required; and~~

~~(D) Other considerations presented by the hospital or other interested persons and determined to be appropriate by the commission.~~

~~(b) The commission shall utilize a principal screen to compare the hospital's requested net patient services revenue (total rate setting revenue less deductions from revenue) per adjusted case mix value unit to the hospital's baseline net patient services revenue per adjusted case mix value unit as calculated in item (i) below and modified by item (ii) below:~~

~~(i) Each hospital's baseline net patient services revenue per adjusted case mix value unit shall be calculated by applying to the individual hospital the same methodology utilized by the commission in establishing the volume, operating expense, and capital allowance components of the allocated target dollar amount of total state-wide hospital revenue adopted by the commission in accordance with RCW 70.39.150(6).~~

~~(ii) If, after volume adjusting the revised baseline and the budget request to reasonably attainable levels of adjusted case mix value units, the requested net patient services revenue per adjusted case mix value unit does not exceed the revised baseline, the operating expense and capital allowance sections of the hospital's annual budget submittal will not be subject to further review provided that the resulting rates meet the criteria of subsection (5)(f), (6), and (7) of this section.~~

~~(iii) If, after volume adjusting the revised baseline and the budget request to reasonably attainable levels of adjusted case mix value units, the requested net patient services revenue per adjusted case mix value unit exceeds the revised baseline, further review of the components of operating expense and capital allowance will be conducted.~~

~~(c) The commission shall determine whether the hospital's requested operating expenses are such that the commission can assure all purchasers of that hospital's health care services that the total costs of the services are reasonably related to the total services offered by that hospital and are such that the hospital's costs do not exceed those that are necessary for a reasonably and prudently managed hospital, based upon:~~

~~(i) Adjusting the requested level of operating expenses to reflect the adjusted case mix value units as determined according to (a) of this subsection, utilizing the variable cost factors described in subsection (6) of this section;~~

~~(ii) Applying national hospital market basket inflation forecasts to operating expenses by natural classification. National inflation forecasts will be modified to reflect regional or state-wide economic conditions, as appropriate;~~

~~(iii) Such other information as the commission may determine is appropriate as a basis for deviating from the standard variable cost ratios specified in subsection (6) of this section or inflation forecasts. This information shall include but not be limited to:~~

~~(A) Revisions necessary to comply with the commission's Accounting and Reporting Manual for Hospitals pursuant to WAC 261-20-030;~~

~~(B) Reasonable operating expenses related to implementation or deletion of services or programs for which certificate of need approval has been obtained, if required;~~

~~(C) Reasonable operating expenses related to expansion or contraction of hospital capacity for which certificate of need approval has been obtained, if required;~~

(D) Volume adjustments of a magnitude which render the standard variable cost factors described in subsection (6) of this section inappropriate; and

(E) Other consideration presented by the hospital and determined to be appropriate by the commission.

(d) The commission shall determine whether the hospital's requested capital allowance is appropriate based upon the following:

(i) Capital allowance includes a return on net property, plant and equipment (property, plant and equipment less accumulated depreciation) used in hospital operations, an allowance for working capital, and other considerations as determined to be appropriate by the commission.

(A) The value for net property, plant and equipment shall be derived from the balances at the end of the hospital's current year, as approved by the commission, and the projected balances at the end of the budget year. An average shall be calculated. The average of the net property, plant and equipment shall be the base upon which the return shall be calculated.

(I) Any capital expenditures contained in the projected balances at the end of the budget year which are subject to certificate of need approval will be excluded from the base until such time as the certificate of need has been issued by the department of social and health services;

(II) Any assets contained in net property, plant and equipment that do not relate to hospital operations, as defined in the commission's Accounting and Reporting Manual for Hospitals, pursuant to WAC 261-20-030, will be excluded from the base.

(B) A return on net property, plant and equipment as determined in (I), (II), and (III) below shall be presumed appropriate; however, the commission may vary from that rate, higher or lower, where appropriate.

(I) The rate of return on equity financed net property, plant and equipment shall be calculated by averaging the reported interest rates on twenty-five-year "A" rated tax-exempt bonds as reported in each issue of Rate Controls from the three months ending on August 31 of each year.

(II) The rate of return on debt financed net property, plant and equipment shall be a blended average of each hospital's average interest rate on long-term debt and the rate of return on equity financed net property, plant and equipment. The blending schedule is as follows:

(aa) For hospital fiscal years beginning in 1987: Seventy-five percent = each hospital's average interest rate on long-term debt, twenty-five percent = rate of return on equity financed net property, plant and equipment;

(bb) For hospital fiscal years beginning in 1988: Fifty percent = each hospital's average interest rate on long-term debt, fifty percent = rate of return on equity financed net property, plant and equipment;

(cc) For hospital fiscal years beginning in 1989: Twenty-five percent = each hospital's average interest rate on long-term debt, seventy-five percent = rate of return on equity financed net property, plant and equipment;

(dd) For hospital fiscal years beginning in 1990 and each year thereafter: Zero percent = each hospital's average interest rate on long-term debt, one hundred percent = rate of return on equity financed net property, plant and equipment.

(III) After computation of the return on net property, plant and equipment, allowable interest expense on long-term debt shall be deducted from the computed return.

(C) Working capital increases, if requested, shall be added to the return on net property, plant and equipment for determination of the total capital allowance. Working capital increases up to thirteen and one-half percent of the increase in net patient services revenue from the approved budget in the current year to approved budget as determined by the commission in the requested year shall be presumed appropriate; however, the commission may vary from that allowance, higher or lower, where appropriate.

(I) The commission may determine that a hospital which is found essential to assure access of the rural public to basic health care services is experiencing financial distress and may determine to vary from the allowance for working capital.

(II) The commission may determine to allow additional working capital where the hospital can demonstrate to the commission's satisfaction that its payer mix would require additional funding of accounts receivable.

(D) The commission may consider other elements in the determination of appropriate capital allowance for inclusion in total rate setting revenue. These considerations include, but are not limited to, the following elements:

(I) Hospitals that have been undercapitalized as determined by an average accounting age of property, plant and equipment which exceeds one hundred fifty percent of the state-wide average, and a total turnover rate of assets which exceeds the upper quartile of far west hospitals of the same bed size category as defined in the latest Hospital Industry Financial Report of the healthcare financial management association or a fixed asset turnover rate which exceeds the upper quartile of far west hospitals of the same bed size category as defined in the latest Hospital Industry Financial Report of the healthcare financial management association, provided that:

(aa) The total level of capital allowance for undercapitalized hospitals should not exceed one hundred twenty-five percent of the baseline level; and

(bb) The requested rate per adjusted admission, as revised to reflect the hospital's case mix index, does not exceed the peer group median; and

(cc) The resulting increase in the rate per adjusted case mix value unit does not exceed one hundred twenty-five percent of the baseline median rate of increase.

(II) Whether that portion of debt principal payments which exceeds the total depreciation expense in the budget year should be allowed;

(III) If the hospital has been approved for equity funding or accumulation of funds for a project in the future and its rate per adjusted case mix value unit is at or below the median of its peer group, the proposed project is consistent with the hospital's long-range plan and financing plan which have been approved by the hospital's governing body, the proposed project is consistent with the health systems plan of the appropriate health systems agency, and any equity funding allowed in total rate setting revenue is maintained in a separate subaccount within board designated assets and cannot be used for any other purpose without prior approval of the commission; and

(IV) If the hospital has an approved certificate of need and related financing consistent with the approved certificate of need and the impact on rates of the additional funding is determined not to be excessive by the commission.

(c) Whether the budgeted deductions from revenue are appropriate:

(i) Contractual adjustments related to governmental programs, such as Titles V, XVIII, XIX of the Social Security Act, Department of Labor and Industries, self-insured workers' compensation, Veteran's Administration, and Indian Health Service are allowable as deductions from revenue for rate setting purposes when the hospital payment rates are established unilaterally by the program;

(ii) Contractual adjustments related to bank card discounts, negotiated rates and all other nongovernmental-sponsored patients are not allowable as deductions from revenue for rate setting purposes;

(iii) Contractual adjustments relating to contracts executed with the department of social and health services, under the Medicaid selective contracting program, are allowable as deductions from revenue for rate setting purposes;

(iv) Bad debts and charity will be trended as a percentage of total rate setting revenue over time and any significant changes will require justification;

(v) Administrative adjustments exceeding one-tenth of one percent of total rate setting revenue will require justification; and

(vi) Deductions from revenue may be recomputed based on determinations in all other areas of budget.

(f) Whether the reviews performed in accordance with (a), (b), (c), (d) and (e) of this subsection result in rates, rate schedules, other charges, and changes therein which are the most reasonable under the circumstances.

(i) Rate setting revenue per adjusted case mix value unit should not exceed the 70th percentile of the peer group revenue screens as adjusted for each hospital's case mix index unless the hospital demonstrates to the commission's satisfaction that the relatively high rates are acceptable.

(ii) The commission may consider any other information it determines is appropriate as the basis for deviating from these criteria including the relative level of deductions from revenue experienced by the hospitals;

(iii) If the rates are not approved as requested, the hospital must submit revised rates to the commission within twenty days of the date of service of the decision and order.

(6) Whether the rates implemented and revenues collected by the hospital conform to the applicable commission determinations.

~~(a) For budget years beginning on or before 1986, conformance will be determined by comparing, at the end of the budget year, actual revenues for the budget year to commission-approved revenues, on the basis of either the aggregate rate per adjusted patient day, or the revenues for individual revenue centers, as either may be modified, where appropriate, for volume variance between budgeted and actual levels; such comparison shall be made using actual, rather than budgeted, deductions from revenue.~~

~~The approved capital allowance shall be considered a fixed cost when considering year-end conformance. Only that portion of total costs per patient day designated as variable according to the following schedule will be adjusted for volume variance:~~

~~Peer groups 1 and 2 and specialty hospitals having fewer than fifty beds; fixed costs = eighty percent, variable costs = twenty percent.~~

~~Peer groups 3 and 4 and specialty hospitals having fifty or more beds; fixed costs = seventy percent, variable costs = thirty percent.~~

~~Peer groups 5 and 6 hospitals; fixed costs = sixty percent, variable costs = forty percent.~~

~~Alternatively, the hospital may submit suggested ratios of fixed costs to variable costs, either in the aggregate or by revenue center. Upon approval by the commission, such approved ratios will be used only prospectively to determine allowable revenue variance due to volume changes.~~

~~The hospital may submit any justifying information to explain deviations/variances from approved revenues.~~

~~(b) For budget year 1987, conformance will be determined by comparing, at the end of the budget year, actual revenues for the budget year to commission-approved revenues, on the basis of the aggregate rate per adjusted case mix value unit. The revenues may be modified, where appropriate, for volume variance between budgeted and actual levels of adjusted case mix value units.~~

~~(i) Actual allowable, rather than budgeted, deductions from revenue will be used in the conformance calculation.~~

~~(ii) The approved capital allowance shall be considered a fixed cost when considering year-end conformance.~~

~~(iii) Only that portion of total operating costs designated as variable according to the following schedule will be adjusted for volume variance:~~

~~(A) Peer Group A and specialty hospitals having fewer than fifty beds; fixed costs = eighty percent, variable costs = twenty percent;~~

~~(B) Peer Group B and specialty hospitals having from fifty to one hundred seventy-five beds; fixed costs = sixty-five percent, variable costs = thirty-five percent;~~

~~(C) Peer Group C and specialty hospitals having more than one hundred seventy-five beds; fixed costs = fifty percent, variable costs = fifty percent.~~

~~(iv) Alternatively, the hospital may submit suggested ratios of fixed costs to variable costs by natural classification of expense. Upon approval by the commission, such approved ratios will be used only prospectively to determine allowable operating expense variance due to volume changes.~~

~~(v) The hospital may submit any proposed justifying information to explain deviations/variances from approved revenues.~~

~~(A) Any proposed justifying information must include at least the following supporting information:~~

~~(I) The exact nature and extent of the factors contributing to excess revenue;~~

~~(II) The date at which hospital management became aware of the factors contributing to excess revenue;~~

~~(III) The date at which hospital management increased rates above the allowable level taking into account volume changes and actual deductions from revenue;~~

~~(IV) An explanation of efforts to reduce other components of the budget to offset the factors contributing to the excess revenues; and~~

~~(V) An explanation of why the hospital did not seek a budget amendment.~~

~~(B) In no event will increased operating expenses be accepted as justification if the volume adjusted allowable operating expenses equal or exceed the actual level.~~

~~(C) In no event will proposed justifying information be accepted if the commission determines that the factors contributing to excess revenues could have been controlled by hospital management.~~

~~(D) In no event will proposed justifying information be accepted if the commission determines that the factors contributing to excess revenues could have been anticipated by the hospital or could have been identified by the hospital in sufficient time to submit a budget amendment in accordance with WAC 261-20-045.~~

~~(E) In no event will capital allowance in excess of the approved level be accepted as justification.~~

~~(F) Hospitals will be allowed to retain any actual capital allowance in excess of the approved level that results from cost effective practices as defined as, and measured by, actual operating expenses that are below the volume adjusted approved operating expenses.~~

~~(vi) Staff shall notify each hospital found to be out of conformance based on this subsection, and a hearing shall be conducted by the commission on conformance within sixty days. If the commission determines that a hospital's revenues have not conformed to the applicable determinations for that year, a decision and order will be issued reducing the hospital's current budget and rates by the amount that actual revenues exceed allowable revenues.~~

~~(7) Whether the hospital or its medical staff either adopts or maintains admission practices or policies which result in:~~

~~(a) A significant reduction in the proportion of patients who have no third-party coverage or who are unable to pay for hospital services;~~

~~(b) A significant reduction in the proportion of individuals admitted for inpatient hospital services for which payment is or is likely to be less than the anticipated charges for or costs of such services;~~

~~(c) The refusal to admit patients who would be expected to require unusually costly or prolonged treatment for reasons other than those related to the appropriateness of the care available at the hospital.))~~

The following is effective for hospital fiscal years beginning on or after January 1, 1988.

(1) Whether the hospital's annual budget submittal and the rates, rate schedules, other charges, and changes therein:

(a) Are such that the commission can assure all purchasers of that hospital's health care services that the total costs of the hospital are reasonably related to the total services offered by that hospital;

(b) Are such that the hospital's costs do not exceed those that are necessary for a prudently and reasonably managed hospital;

(c) Are such that the hospital's aggregate revenues as expressed by rates are reasonably related to the hospital's aggregate costs; and

(d) Are such that rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference.

(2) Whether the commission action will permit the hospital to render necessary, effective and efficient service in the public interest.

(3) Whether the commission action will assure access to necessary, effective, economically viable and efficient hospital health care capability throughout the state, rather than the solvency or profitability of any individual hospital except where the insolvency of a hospital would seriously threaten the access of the rural public to basic health care services.

(a) Rural includes all areas of the state with the following exceptions:

(i) The entire counties of Snohomish (including Camano Island), King, Kitsap, Pierce, Thurston, Clark, and Spokane;

(ii) Areas within a twenty-mile radius of an urban area exceeding thirty thousand population; and

(iii) Those cities or city-clusters located in rural counties but which for all practical purposes are urban. These areas are Bellingham, Aberdeen-Hoquiam, Longview-Kelso, Wenatchee, Yakima, Sunnyside, Richland-Kennewick-Pasco, and Walla Walla.

(b) The commission may, at its discretion, determine that individual hospitals located in areas meeting the aforementioned criteria should not be considered rural for purposes of conducting comparative budget reviews between hospitals. In such cases, the affected hospitals will be compared against those hospitals classified as either Peer Group B or Peer Group D for comparative purposes.

(4) Whether the appropriate area-wide and state comprehensive health planning agencies have recommended approval, modification, or disapproval of the annual budget submittal, or the rates, rate schedules, other charges, or changes therein.

(5) Whether the proposed budget and the projected revenues and expenses would result in the rate structure most reasonable under the circumstances. The following shall be considered by the commission in making that determination:

(a) For purposes of conducting comparative budget review, the commission shall assign each hospital to a peer group, as follows:

(i) Peer Group A – those hospitals designated as rural in accordance with WAC 261-40-150 (3)(a);

(ii) Peer Group B – those hospitals not designated within Peer Groups A, C, or D;

(iii) Peer Group C – those hospitals with accredited graduate medical education programs, except those that are classified within Peer Group D; and

(iv) Peer Group D – those hospitals which the commission has determined exhibit unique characteristics that make comparative analysis inappropriate.

(b) The commission shall determine whether the hospital's requested utilization statistics are reasonably attainable, based upon:

(i) The adjusted case mix value units for each hospital which were used to develop the individual hospital's operating expense component of the target dollar amount of total state-wide hospital revenue; and

(ii) Maintaining a reasonable relationship between the volumes of each hospital department with the adjusted case mix value units which were used to develop the individual hospital's operating expense component of the target dollar amount of total state-wide hospital revenue.

(A) Deviations from the volume levels determined through these procedures will be taken into account in the computation of year-end conformance, as described in WAC 261-40-150(6).

(c) The commission shall utilize a principal screen to compare the hospital's requested net patient services revenue (total rate setting revenue less deductions from revenue) per adjusted case mix value unit to the hospital's baseline net patient services revenue per adjusted case mix value unit as calculated in item (i) below and applied by items (ii), (iii), and (iv) below:

(i) Each hospital's baseline net patient services revenue per adjusted case mix value unit shall be calculated as follows:

(A) Baseline adjusted case mix value units shall be equal to the ((~~level utilized by the commission in establishing the individual hospital's operating expense component of the target dollar amount of total state-wide hospital revenue~~)) current year approved level;

(B) Baseline ((~~operating expenses~~)) net revenue shall be ((~~equal to the individual hospital's operating expense~~)) determined as an allocated amount of the net revenue component of the target dollar amount of total state-wide hospital revenue((~~; and~~)).

((~~(C) Baseline capital allowance shall be determined as an allocated amount of the capital allowance component of the target dollar amount of total state-wide hospital revenue. The allocation of the state-wide capital allowance component of the target dollar amount of total state-wide hospital revenue shall be calculated as follows:~~

~~(I) Each hospital's 1987 baseline capital allowance will be divided by the sum of all hospitals' 1987 baseline capital allowances; and~~

~~(II) The ratio resulting from (I) above shall be multiplied against the 1988 capital allowance component of the target dollar amount of total state-wide hospital revenue.~~))

(ii) If, after volume adjusting the revised baseline and the budget request to reasonably attainable levels of adjusted case mix value units, the requested net patient services revenue ((~~per adjusted case mix value unit~~)) does not exceed the revised baseline, the operating expense and capital allowance sections of the hospital's annual budget submittal will not be subject to further review provided that the resulting rates meet the criteria of subsections (5)(g), (6), and (7) of this section.

(iii) If, after volume adjusting the revised baseline and the budget request to reasonably attainable levels of adjusted case mix value units, the requested net patient services revenue ((~~per adjusted case mix value unit~~)) exceeds the revised baseline, further review of the components of operating expense and capital allowance will be conducted.

(iv) Peer Group A hospitals with requested net revenues per adjusted case mix value unit which are at or below the 70th percentile for their peer group, and which are increasing from the current year approved level at a percentage change which is at or below the 70th percentile rate of change for the peer group, shall be exempted from the principal screen review and the review of operating expenses and capital allowance, so long as the budgeted adjusted case mix value units appear to be reasonably attainable.

(d) The commission shall determine whether the hospital's requested operating expenses are such that the commission can assure all purchasers of that hospital's health care services that the total costs of the services are reasonably related to the total services offered by that hospital and are such that the hospital's costs do not exceed those that are necessary for a reasonably and prudently managed hospital, based upon:

(i) Adjusting the requested level of operating expenses to reflect the adjusted case mix value units as determined according to (5)(b) of this section, utilizing the variable cost factors described in subsection (6) of this section;

(ii) Applying national hospital market basket inflation forecasts to operating expenses by natural classification. National inflation forecasts will be modified to reflect regional or state-wide economic conditions, as appropriate; and

(iii) Such other information as the commission may determine is appropriate as a basis for deviating from the standard variable cost ratios specified in subsection (6) of this section or inflation forecasts. This information shall include but not be limited to:

(A) Revisions necessary to comply with the commission's Accounting and Reporting Manual for Hospitals pursuant to WAC 261-20-030;

(B) Reasonable operating expenses related to implementation or deletion of services or programs for which certificate of need approval has been obtained, if requested;

(C) Reasonable operating expenses related to expansion or contraction of hospital capacity for which certificate of need approval has been obtained, if required;

(D) Volume adjustments of a magnitude which render the standard variable cost factors described in subsection (6) of this section inappropriate; and

(E) Reasonable operating expenses related to malpractice tail liability expense accruals, if requested, under the following conditions:

(I) The expense will be recognized in the year-end conformance calculations at the lesser of the approved or funded level;

(II) This expense will be subject to the statutory requirement that expenses be necessary for prudently and reasonably managed hospitals, including any determinations by the commission that risk sharing among multiple hospitals may result in lower costs to the consumers and purchasers of hospital health care services;

(III) If requested and approved in rates, this expense must be placed into a fund, restricted by the commission and reviewed annually, with interest earnings accruing to that fund;

(IV) Malpractice claims which are not otherwise covered by malpractice insurance which are in excess of the malpractice tail liability restricted fund should be included in rates in the year in which an actual award, resulting from litigation or negotiation, is made to the claimant: PROVIDED, That only that portion of any such awards that exceeds the restricted funds held for this purpose will be included in commission approved total rate setting revenue;

(V) In the event that a hospital changes insurance carriers, does not obtain insurance in a subsequent year, is sold, or discontinues services as a hospital as defined in RCW 70.39.020(3), the premium for malpractice tail coverage insurance must be paid out of the restricted fund: PROVIDED, That such malpractice tail coverage insurance is not otherwise made available to the hospital as a condition of previous or existing malpractice insurance policies;

(VI) Annual requests for malpractice tail liability expense accrual funding must be documented by actuarial studies or reasonable estimates, subject to verification, of the total of such liabilities and documentation of the amount of such restricted funds, with the difference between the two amounts equalling the amount that the commission will consider including in rates for that budget period: PROVIDED, That if the commission determines that full funding of the malpractice liability restricted fund within any one budget period may result in unreasonable rates or excessive rates of increase in rates, the approval of rates to achieve full funding of the restricted fund may be spread over additional years;

(VII) Once a hospital has received approval from the commission to increase patient rates to include the malpractice tail liability expense accrual, the hospital must provide an annual report to the commission from a licensed actuary or reasonable estimate, subject to verification, showing the total estimate of such liabilities as of the end of the budget year, and any excesses which may have been expensed and funded in previous years will be deducted from that year's approved total rate setting revenue;

(VIII) As a condition of approving the inclusion of malpractice tail liability expense accruals in total rate setting revenue, the commission will require that each hospital for which this expense is approved file financial statements which have been audited by an independent certified public accountant.

(F) Other consideration presented by the hospital or other concerned persons and determined to be appropriate by the commission, including the impact that the acceptance of operating expense increases above the baseline level would have on the commission's ability to achieve total state-wide revenue that are within the target dollar amount of total state-wide hospital revenue as adopted by the commission in accordance with RCW 70.39.150(6), and comparative analysis of the

hospital's operating expenses with hospitals within the same peer group.

(e) The commission shall determine whether the hospital's requested capital allowance is appropriate based upon the following:

(i) Capital allowance includes a return on net property, plant and equipment (property, plant and equipment less accumulated depreciation) used in hospital operations, an allowance for working capital, and other considerations as determined to be appropriate by the commission.

(A) The value for net property, plant and equipment shall be derived from the balances at the end of the hospital's current year, as approved by the commission, and the projected balances at the end of the budget year. An average shall be calculated. The average of the net property, plant and equipment shall be the base upon which the return shall be calculated.

(I) Any capital expenditures contained in the projected balances at the end of the budget year which are subject to certificate of need approval will be excluded from the base until such time as the certificate of need has been issued by the department of social and health services.

(II) Any assets contained in net property, plant and equipment that do not relate to hospital operations, as defined in the commission's Accounting and Reporting Manual for Hospitals, pursuant to WAC 261-20-030, will be excluded from the base.

(B) A return on net property, plant and equipment as determined in (I), (II), and (III) below shall be presumed appropriate; however, the commission may vary from that return, higher or lower, where appropriate.

(I) The rate of return on equity financed net property, plant and equipment shall be calculated by averaging the reported interest rates on twenty-five year "A" rated tax-exempt bonds as reported in each issue of Rate Controls from the three months ending on August 31, ((~~1987~~)) of the year preceding the budget year.

(II) The rate of return on debt financed net property, plant and equipment shall be a blended average of each hospital's average interest rate on long-term debt and the rate of return on equity financed net property, plant and equipment. The blending schedule is as follows:

(aa) For hospital fiscal years beginning in 1988: Fifty percent - each hospital's average interest rate on long-term debt, fifty percent - rate of return on equity financed net property, plant and equipment;

(bb) For hospital fiscal years beginning in 1989: Twenty-five percent - each hospital's average interest rate on long-term debt, seventy-five percent - rate of return on equity financed net property, plant and equipment;

(cc) For hospital fiscal years beginning in 1990 and each year thereafter: Zero percent - each hospital's average interest rate on long-term debt, one hundred percent - rate of return on equity financed net property, plant and equipment.

(III) After computation of the return on net property, plant and equipment, allowable interest expense on long-term debt shall be deducted from the computed return.

(C) Working capital increases, if requested, shall be added to the return on net property, plant and equipment for determination of the total capital allowance. Working capital increases up to thirteen and one-half percent of the increase in net patient services revenue from the approved budget in the current year to the approved budget as determined by the commission in the requested year shall be presumed appropriate; however, the commission may vary from that allowance, higher or lower, where appropriate.

(I) The commission may determine that a hospital which is found essential to assure access of the rural public to basic health care services is experiencing financial distress and may determine to vary from the allowance for working capital.

(II) The commission may determine to allow additional working capital where the hospital can demonstrate to the commission's satisfaction that its payer mix would require additional funding of accounts receivable. In the event that increased working capital is determined by the commission to be necessary, but the amount of working capital is found by the commission to cause an excessive impact on total revenues or rates, the commission may choose to allow the hospital to borrow the necessary cash and to allow interest on borrowed cash as an operating expense in the budget year.

(D) The commission may consider other elements in the determination of appropriate capital allowance for inclusion in total rate setting revenue. These considerations include, but are not limited to, the following elements:

(I) Rural hospitals that have been under-capitalized as determined by an average accounting age of property, plant and equipment which exceeds one hundred fifty percent of the state-wide average; and a total turnover rate of assets which exceeds the upper quartile of far west hospitals of the same size category as defined in the latest "Hospital Industry Financial Report" of the healthcare financial management association or a fixed asset turnover rate which exceeds the upper quartile of far west hospitals of the same bed size category as defined in the latest "Hospital Industry Financial Report" of the healthcare financial management association, provided that:

(aa) The total level of capital allowance for under-capitalized hospitals should not exceed one hundred twenty-five percent of the baseline level; and

(bb) The requested rate per adjusted admission, as revised to reflect the hospital's case mix index, does not exceed the peer group median; and

(cc) The resulting increase in the rate per adjusted case mix value unit does not exceed one hundred twenty-five percent of the budgeted peer group median rate of increase.

(II) Whether that portion of debt principal payments which exceeds the total depreciation expense in the budget year should be allowed;

(III) Whether the capital allowance should include equity funding or accumulation of funds for a project in the future, if the hospital's ((~~rate~~)) net revenue per adjusted case mix value unit is at or below the median of its peer group and which is increasing from the current year approved level at a percentage change which is at or below the median rate of change of its peer group, the proposed project is consistent with the hospital's long-range plan and financing plan which have been approved by the hospital's governing body, and any equity funding allowed in total rate setting revenue is maintained in a separate subaccount within board designated assets and cannot be used for any other purpose without prior approval of the commission;

(IV) If the hospital has an approved certificate of need and related financing consistent with the approved certificate of need and the impact on rates of the additional funding is determined not to be excessive by the commission; and

(V) Other considerations proposed by the hospital or other interested persons and determined to be appropriate by the commission, including the impact that any deviation from the baseline capital allowance will have on the commission's ability to achieve total state-wide hospital revenue that do not exceed the target dollar amount of total state-wide hospital revenue as adopted by the commission in accordance with RCW 70.39.150(6).

(f) Whether the budgeted deductions from revenue are appropriate:

(i) Contractual adjustments related to governmental programs, such as Titles V, XVIII, XIX of the Social Security Act, Department of Labor and Industries, self-insured workers' compensation, Veteran's Administration, and Indian Health Service are allowable as deductions from revenue for rate setting purposes when the hospital payment rates are established unilaterally by the program.

(ii) Contractual adjustments related to bank card discounts, negotiated rates and all other nongovernmental-sponsored patients are not allowable as deductions from revenue for rate setting purposes;

(iii) Contractual adjustments relating to contracts executed with the department of social and health services, under the Medicaid selective contracting program, are allowable as deductions from revenue for rate setting purposes;

(iv) Bad debts and charity will be trended as a percentage of total rate setting revenue over time and any significant changes will require justification;

(v) Administrative adjustments exceeding one-tenth of one percent of total rate setting revenue will require justification; and

(vi) Deductions from revenue may be recomputed based on determinations in all other areas of the budget.

(g) Whether the reviews performed in accordance with (a), (b), (c), (d), (e) and (f) of this subsection result in rates, rate schedules, other charges, and changes therein which are the most reasonable under the circumstances.

(i) ((~~Rate setting~~)) Net revenue per adjusted case mix value unit should not exceed the 70th percentile of the peer group revenue screens as adjusted for each hospital's case mix index unless the hospital demonstrates to the commission's satisfaction that the relatively high rates are acceptable;

(ii) After allocating deductions from revenue and capital allowance to the various hospital revenue centers as a constant percentage of operating expenses, cross subsidization shall not exceed plus or minus five percent of expenses for rate setting, unless the commission concurs

with a specific hospital request for larger levels of cross subsidization or the hospital is a basic service hospital as defined by the commission.

(iii) The commission may consider any other information it determines is appropriate as the basis for deviating from these criteria including the relative level of deductions from revenue experienced by the hospitals;

(iv) If the rates are not approved as requested, including the disapproval of requested cross-subsidization levels, the hospital must submit revised rates to the commission within twenty days of the date of service of the decision and order. Upon notification that the rates are in accordance with the decision and order, the approved rates are the maximum revenue that a hospital may receive for each unit of service, except for such rate changes as may be necessary to reflect differences between approved and actual volumes and deductions from revenue. Variable costs associated with changes in volumes will be determined in accordance with the variable cost ratios as described in (6)(d) below.

The following is effective for hospital fiscal years beginning on or after January 1, 1987.

(6) Whether the rates implemented and revenues collected by the hospital in the previous budget year conformed to the applicable commission determination for that year.

(a) Conformance will be determined by comparing, at the end of the budget year, actual revenues for the budget year to commission-approved revenues, on the basis of the aggregate rate per adjusted case mix value unit. The revenues may be modified, where appropriate, for volume variance between budgeted and actual levels of adjusted case mix value units.

(b) Actual allowable, rather than budgeted, deductions from revenue will be used in the conformance calculation.

(c) The approved capital allowance shall be considered a fixed cost when considering year-end conformance.

(d) Only that portion of total operating costs designated as variable according to the following schedule will be adjusted for volume variance:

(i) Peer Group A and specialty hospitals having fewer than fifty beds; fixed costs - eighty percent, variable costs - twenty percent;

(ii) Peer Group B and specialty hospital having from fifty to one hundred seventy-five beds; fixed costs - sixty-five percent, variable costs - thirty-five percent; and

(iii) Peer Group C and specialty hospitals having more than one hundred seventy-five beds; fixed costs - fifty percent, variable costs - fifty percent.

(e) Alternatively, the hospital may submit suggested ratios of fixed costs to variable costs by natural classification of expense. Upon approval by the commission, such approved ratios will be used only prospectively to determine allowable operating expense variance due to volume changes.

(f) The hospital may submit any proposed justifying information to explain deviations/variances from approved revenues.

(i) Any proposed justifying information must include at least the following supporting information:

(A) The exact nature and extent of the factors contributing to excess revenue;

(B) The date at which hospital management became aware of the factors contributing to excess revenue;

(C) The date at which hospital management increased rates above the allowable level taking into account volume changes and actual deductions from revenue;

(D) An explanation of efforts to reduce other components of the budget to offset the factors contributing to the excess revenues; and

(E) An explanation of why the hospital did not seek a budget amendment.

(ii) In no event will increased operating expenses be accepted as justification if the volume adjusted allowable operating expenses equal or exceed the actual level.

(iii) In no event will proposed justifying information be accepted if the commission determines that the factors contributing to excess revenues could have been controlled by hospital management.

(iv) In no event will proposed justifying information be accepted if the commission determines that the factors contributing to excess revenues could have been anticipated by the hospital or could have been identified by the hospital in sufficient time to submit a budget amendment in accordance with WAC 261-20-045.

(v) In no event will capital allowance in excess of the approved level be accepted as justification.

(vi) Hospitals will be allowed to retain any actual capital allowance in excess of the approved level that results from cost effective practices as defined as, and measured by, actual operating expenses that are below the volume adjusted approved operating expenses.

(g) Staff shall notify each hospital found to be out of conformance within sixty days of receiving ((~~the hospital's year-end conformance reports~~)) all applicable information necessary to compute the hospital's year-end conformance calculation. If the commission determines that a hospital's revenues have not conformed to the applicable determinations for that year, a decision and order will be issued reducing the hospital's current budget and rates by the amount that actual revenues exceed allowable revenues.

(7) Whether the hospital or its medical staff either adopts or maintains admission practices or policies which result in:

(a) A significant reduction in the proportion of patients who have no third-party coverage or who are unable to pay for hospital services;

(b) A significant reduction in the proportion of individuals admitted for inpatient hospital services for which payment is or is likely to be less than the anticipated charges for or costs of such services; and

(c) The refusal to admit patients who would be expected to require unusually costly or prolonged treatment for reasons other than those related to the appropriateness of the care available at the hospital.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

WSR 88-19-095
PROPOSED RULES
SUPERINTENDENT OF PUBLIC INSTRUCTION
[Filed September 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning WAC 392-103-035;

that the agency will at 9:00 a.m., Friday, October 28, 1988, in the Wanamaker Conference Room, Old Capitol Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 42.18.250.

Dated: September 20, 1988
By: Frank Brouillet
Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-103 WAC, Superintendent of Public Instruction—Conflict of interest.

Rule Section(s): WAC 392-103-035 Former employees—Prohibited authority.

Statutory Authority: RCW 42.18.250.

Purpose of the Rule(s): Specifying prohibited practices of former employees.

Summary of the New Rule(s) and/or Amendments: Cross references to RCW 42.18.221.

Reasons Which Support the Proposed Action(s): Section 4, chapter 426, Laws of 1987, modified the prohibited practices.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Dr. Charles R. Marshall, SPI, 3-1880.

Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): These amendments are necessary to reflect changes made in section 4, chapter 426, Laws of 1987.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-103-035 FORMER EMPLOYEES—PROHIBITED PRACTICES. Except as otherwise provided in RCW 42.18.221, no former employee of the superintendent of public instruction shall ever assist another person (including partnerships, corporations, etc.), for or without compensation, in any transaction involving the superintendent in which the employee participated during his/her state employment; nor shall((:

~~(1)~~)) a former employee ((~~appear before the superintendent within two years of termination of employment; or~~

~~(2) A former state employee share in any compensation received by another person (including partnerships, corporations) for assistance which the former employee is prohibited from providing by the foregoing provisions of this section, within two years of termination of employment; or~~

~~(3) A partnership of which a former state employee is a partner, or any partner or employee of such a partnership, assist another person in any transaction involving the state in which the former employee participated at any time while a state employee, within two years of the former employee's termination of state employment: PROVIDED, That this section shall not prohibit a former state employee's participation in transactions permitted by WAC 392-103-040 at any time, except as this exception may be qualified by rules of the governor issued pursuant to RCW 42.18.240, as now or hereafter amended~~)) engage in any activity prohibited by RCW 42.18.221.

Violation of this section may result in the imposition of a bar or conditions upon the former state employee or other persons' appearances before the superintendent or their conduct of, or negotiation or competition for, business with the superintendent, in addition to such other penalties as may be imposed pursuant to law. Any such administrative sanction shall be made only upon notice and an opportunity for a hearing in compliance with the Administrative Procedure((s)) Act, chapter 34.04 RCW.

WSR 88-19-096
EMERGENCY RULES
THE EVERGREEN STATE COLLEGE

[Order 88-3, Resolution No. 88-32—Filed September 20, 1988]

Be it resolved by the board of trustees of The Evergreen State College, acting at The Evergreen State College board room, that it does adopt the annexed rules relating to campus parking regulations.

We, The Evergreen State College board of trustees, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these amendments need to be in effect at the beginning of the academic year.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of The Evergreen State College as authorized in RCW 28B.40.120(12).

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 20, 1988.

By David K. Y. Tang
Chairman

AMENDATORY SECTION (Amending Order 87-2, Resolution No. 87-13, filed 6/24/87)

WAC 174-116-020 AUTHORITY. (1) The Evergreen State College through its board of trustees is authorized to establish traffic and parking regulations as stated in RCW 28B.10.560. The board of trustees reserves the right to add, delete or modify portions of these regulations including the appended fee and fine and penalty schedules in accordance with its regulations and applicable laws. Administration and enforcement of these parking regulations will be delegated to the security and parking offices.

(2) The Evergreen State College parking office is authorized to issue annual, quarterly, daily, car-pool, ((~~housing~~)) and special permits to park upon the campus. Special permits are issued pursuant to the provisions of these regulations. All outstanding campus parking violations must be satisfactorily settled before a special permit will be issued or renewed.

(3) The authority and powers conferred upon the security chief and director of facilities by these regulations shall be subject to delegation by him/her to subordinates.

AMENDATORY SECTION (Amending Order 87-2, Resolution No. 87-13, filed 6/24/87)

WAC 174-116-040 PARKING PERMITS—GENERAL INFORMATION. (1) Parking permits are issued by the parking office following application and the payment of the appropriate fees. All privately-owned motor vehicles parked or left standing unattended on college property are required to display a currently valid Evergreen parking permit during the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday.

(2) Fees for parking permits are as follows:

	Automobile	*Motorcycle*
Quarterly	*22.00*	*11.00*
Quarterly-mod resident	*22.00*	*11.00*
Annual	*54.00*	*27.00*
Annual-mod resident	*54.00*	*27.00*
Daily	*.75*	*.75*

AMENDATORY SECTION (Amending Order 87-2, Resolution No. 87-13, filed 6/24/87)

WAC 174-116-043 PARKING PERMITS—ISSUANCE AND DISPLAY. (1) All parking permits must be positioned so that they are clearly visible and readable from the outside of the vehicle.

(2) Car pool permits may be purchased by faculty, staff and students. One transferable permit will be issued by the parking office for each car pool. This permit is transferable only among the registered members of the car pool. The permit must be displayed on the dashboard or in the left corner in front of the driver.

(3) Annual and quarterly parking permits must be affixed to the vehicle's rear window with the following exceptions:

(a) On convertibles and trucks they may be affixed in the lower left corner of the front windshield.

(b) On station wagons and cars with heated rear windows, permits may be affixed in the left rear side window.

(c) Motorcycle permits must be affixed to the left front fork.

(4) Daily parking permits shall be placed on the dash board with date stamp facing up, so as to be clearly visible from the exterior of the vehicle.

(5) A parking permit application is required to be on file for each vehicle displaying a permit. Ownership of permits is not transferable except when approved by the parking office. If the vehicle is sold, and for any reason a replacement permit is requested, the old permit must be removed and presented to the parking office to be eligible for a replacement or a refund.

(6) Faculty, staff and students who do not live in campus housing may be issued a duplicate car permit for another vehicle either personally owned, family owned, or owned by their employer. Proof of ownership or authorization from the owner for all vehicles must be presented. However, two vehicles bearing the same numbered permit may not be parked on campus at the same time unless one also displays a valid daily permit.

(7) Vehicles displaying a valid permit may be parked in any campus lot with the exception of the modular housing lot. Only mod resident permits are valid for that lot. Mod residents, upon proof of residency, may purchase these decals, honored in all lots on campus.

(8) Any permit holder may obtain a temporary permit at the parking booth without charge for another vehicle when the vehicle for which a permit was purchased is unavailable due to repair or for another valid reason.

AMENDATORY SECTION (Amending Order 87-2, Resolution No. 87-13, filed 6/24/87)

WAC 174-116-119 FINES. (1) Payment.

(a) Persons cited for violation of these regulations may respond by paying a fine within ten days of the date of notice of infraction. However, persons cited for "no valid permit" or for "overtime parking" which are designated as five dollar fines, may pay a reduced fine of two dollars, if the citation is attached to the two dollar payment and deposited in the parking booth drop box on the same day the citation is issued. Such payment shall constitute a waiver of the right to request a review as described in WAC 174-116-121.

(b) All fines, excepting reduced fines, are payable to The Evergreen State College cashier. Fines may be paid in person or by mail by sending the notice of infraction and amount of fine to The Evergreen State College cashier. The cashier will not discuss the appropriateness of the fine with the payor.

(2) Unpaid.

If any fine remains unpaid after ninety days from the date of the notice of infraction, the account will be referred to the controller for collection and the following actions may be taken by The Evergreen State College:

(a) All services on campus may be withheld including academic registration for the following quarter.

(b) Transcripts may be withheld for any persons having outstanding unpaid fines.

(c) Unless payment of the fine has been made, the amount of the fine may be deleted from an employee's paycheck after notice from the controller.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 174-116-045 PARKING PERMITS—HOUSING RESIDENTS.

WSR 88-19-097
ADOPTED RULES
THE EVERGREEN STATE COLLEGE
[Order 88-3, Resolution No. 88-32—Filed September 20, 1988]

Be it resolved by the board of trustees of The Evergreen State College, acting at The Evergreen State College board room, that it does adopt the annexed rules relating to campus parking regulations.

This action is taken pursuant to Notice No. WSR 88-16-088 filed with the code reviser on August 3, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of The Evergreen State College as authorized in RCW 28B.40.120(12).

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 20, 1988.

By David K. Y. Tang
Chairman

AMENDATORY SECTION (Amending Order 87-2, Resolution No. 87-13, filed 6/24/87)

WAC 174-116-020 AUTHORITY. (1) The Evergreen State College through its board of trustees is authorized to establish traffic and parking regulations as

stated in RCW 28B.10.560. The board of trustees reserves the right to add, delete or modify portions of these regulations including the appended fee and fine and penalty schedules in accordance with its regulations and applicable laws. Administration and enforcement of these parking regulations will be delegated to the security and parking offices.

(2) The Evergreen State College parking office is authorized to issue annual, quarterly, daily, car-pool, ((~~housing~~)) and special permits to park upon the campus. Special permits are issued pursuant to the provisions of these regulations. All outstanding campus parking violations must be satisfactorily settled before a special permit will be issued or renewed.

(3) The authority and powers conferred upon the security chief and director of facilities by these regulations shall be subject to delegation by him/her to subordinates.

AMENDATORY SECTION (Amending Order 87-2, Resolution No. 87-13, filed 6/24/87)

WAC 174-116-040 PARKING PERMITS—GENERAL INFORMATION. (1) Parking permits are issued by the parking office following application and the payment of the appropriate fees. All privately-owned motor vehicles parked or left standing unattended on college property are required to display a currently valid Evergreen parking permit during the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday.

(2) Fees for parking permits are as follows:

	Automobile	Motorcycle
Quarterly	22.00	11.00
Quarterly-mod resident	22.00	11.00
Annual	54.00	27.00
Annual-mod resident	54.00	27.00
Daily	.75	.75

AMENDATORY SECTION (Amending Order 87-2, Resolution No. 87-13, filed 6/24/87)

WAC 174-116-043 PARKING PERMITS—ISSUANCE AND DISPLAY. (1) All parking permits must be positioned so that they are clearly visible and readable from the outside of the vehicle.

(2) Car pool permits may be purchased by faculty, staff and students. One transferable permit will be issued by the parking office for each car pool. This permit is transferable only among the registered members of the car pool. The permit must be displayed on the dashboard or in the left corner in front of the driver.

(3) Annual and quarterly parking permits must be affixed to the vehicle's rear window with the following exceptions:

(a) On convertibles and trucks they may be affixed in the lower left corner of the front windshield.

(b) On station wagons and cars with heated rear windows, permits may be affixed in the left rear side window.

(c) Motorcycle permits must be affixed to the left front fork.

(4) Daily parking permits shall be placed on the dash board with date stamp facing up, so as to be clearly visible from the exterior of the vehicle.

(5) A parking permit application is required to be on file for each vehicle displaying a permit. Ownership of permits is not transferable except when approved by the parking office. If the vehicle is sold, and for any reason a replacement permit is requested, the old permit must be removed and presented to the parking office to be eligible for a replacement or a refund.

(6) Faculty, staff and students who do not live in campus housing may be issued a duplicate car permit for another vehicle either personally owned, family owned, or owned by their employer. Proof of ownership or authorization from the owner for all vehicles must be presented. However, two vehicles bearing the same numbered permit may not be parked on campus at the same time unless one also displays a valid daily permit.

(7) Vehicles displaying a valid permit may be parked in any campus lot with the exception of the modular housing lot. Only mod resident permits are valid for that lot. Mod residents, upon proof of residency, may purchase these decals, honored in all lots on campus.

(8) Any permit holder may obtain a temporary permit at the parking booth without charge for another vehicle when the vehicle for which a permit was purchased is unavailable due to repair or for another valid reason.

AMENDATORY SECTION (Amending Order 87-2, Resolution No. 87-13, filed 6/24/87)

WAC 174-116-119 FINES. (1) Payment.

(a) Persons cited for violation of these regulations may respond by paying a fine within ten days of the date of notice of infraction. However, persons cited for "no valid permit" or for "overtime parking" which are designated as five dollar fines, may pay a reduced fine of two dollars, if the citation is attached to the two dollar payment and deposited in the parking booth drop box on the same day the citation is issued. Such payment shall constitute a waiver of the right to request a review as described in WAC 174-116-121.

(b) All fines, excepting reduced fines, are payable to The Evergreen State College cashier. Fines may be paid in person or by mail by sending the notice of infraction and amount of fine to The Evergreen State College cashier. The cashier will not discuss the appropriateness of the fine with the payor.

(2) Unpaid.

If any fine remains unpaid after ninety days from the date of the notice of infraction, the account will be referred to the controller for collection and the following actions may be taken by The Evergreen State College:

(a) All services on campus may be withheld including academic registration for the following quarter.

(b) Transcripts may be withheld for any persons having outstanding unpaid fines.

(c) Unless payment of the fine has been made, the amount of the fine may be deleted from an employee's paycheck after notice from the controller.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 174-116-045 PARKING PERMITS—HOUSING RESIDENTS.

WSR 88-19-098
ADOPTED RULES
DEPARTMENT OF FISHERIES
[Order 88-116—Filed September 20, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

This action is taken pursuant to Notice No. WSR 88-14-135 filed with the code reviser on July 6, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 19, 1988.

By Joseph R. Blum
Director

AMENDATORY SECTION (Amending Order 87-161, filed 10/14/87)

WAC 220-36-021 SALMON FISHING AREAS—GILL NET((~~—SEASONS~~)). It is unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in ((~~the following~~)) Grays Harbor fishing areas except ((~~during the seasons provided for hereinafter in each respective fishing area~~)) as provided in this section:

((~~Area 2B —~~
~~6:00 p.m. October 11, to 6:00 p.m. October 13, 1987.~~
~~6:00 p.m. October 14, to 6:00 p.m. October 17, 1987.~~
~~6:00 p.m. October 18, to 6:00 p.m. October 20, 1987.~~
~~6:00 p.m. October 26, to 6:00 p.m. October 27, 1987.~~
~~Areas 2A, 2C, and 2D —~~
~~6:00 p.m. October 14, to 6:00 p.m. October 15, 1987.~~
~~Areas 2A, 2B, 2C, and 2D —~~
~~6:00 p.m. November 10, to 6:00 p.m. November 11, 1987.~~
~~6:00 p.m. November 13, to 6:00 p.m. November 14, 1987.~~))

(1) Area 2B –
6:00 p.m. October 26, to 6:00 p.m. October 27, 1988; 6-1/2 inch maximum mesh.
6:00 p.m. October 29, to 6:00 p.m. October 31, 1988; 6-1/2 inch maximum mesh.
6:00 p.m. November 2, to 6:00 p.m. November 4, 1988; 6-1/2 inch maximum mesh.

(2) Area 2C –
6:00 p.m. September 6, to 6:00 p.m. September 8, 1988; 7-1/2 inch minimum mesh.
6:00 p.m. September 12, to 6:00 p.m. September 14, 1988; 7-1/2 inch minimum mesh.
6:00 p.m. September 19, to 6:00 p.m. September 21, 1988; 6-1/2 inch maximum mesh.
6:00 p.m. September 26, to 6:00 p.m. September 28, 1988; 6-1/2 inch maximum mesh.

(3) It is unlawful to fish for salmon in Grays Harbor using gill net gear longer than 1,500 feet or containing mesh less than 5 inches.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-36-022 SALMON FISHING AREAS—WEEKLY PERIODS.

WAC 220-36-024 SALMON FISHING AREAS—MESH SIZES—GEAR.

AMENDATORY SECTION (Amending Order 87-161, filed 10/14/87)

WAC 220-40-021 WILLAPA HARBOR—GILL NET((~~—SEASONS~~)). It is unlawful to ((~~take,~~)) fish for or possess salmon taken for commercial purposes with gill net gear in ((~~the following~~)) Willapa Harbor fishing areas, except ((~~during the seasons provided for hereinafter in each respective fishing area and except~~)) as ((~~otherwise~~)) provided for in this section:

((~~Area 2G—6:00 p.m. September 13 to 6:00 a.m. September 14 in those waters west of a line from Toke Point to Willapa River Channel Marker 2 to Goose Point and north of a line east-west through Nahcotta Channel Marker 7; 6:00 p.m. September 19 to 6:00 p.m. September 21 in those waters west of a line drawn true north and south through Willapa River Channel light 7 and north of a line drawn true east and west through Nahcotta Channel light 10; 6:00 p.m. September 21 to 6:00 p.m. October 14; 6:00 p.m. October 20 to 6:00 p.m. October 21; 6:00 p.m. November 1 to 11:59 p.m. November 30, 1987.~~
~~Area 2H—6:00 p.m. September 21 to 11:59 p.m. November 30, 1987.~~

~~Areas 2J and 2K—6:00 p.m. September 21 to 6:00 p.m. October 14; 6:00 p.m. October 20 to 6:00 p.m. October 21; 6:00 p.m. November 1 to 11:59 p.m. November 30, 1987.~~

~~Area 2M—6:00 p.m. September 21 to 6:00 p.m. October 14; 6:00 p.m. October 20 to 6:00 p.m. October 21; 6:00 p.m. November 1 to 11:59 p.m. November 30, 1987.~~

~~The Naselle River upstream from the Highway 101 Bridge to the fishing boundary marker on the line of pilings at the mouth of Roaring Creek Slough—6:00 p.m. October 1 to 6:00 p.m. October 14, 1987.~~))

(1) Area 2G –

6:00 p.m. August 25, to 6:00 p.m. August 26, 1988; 8 inch maximum mesh.

6:00 p.m. August 31, to 6:00 p.m. September 1, 1988; 8 inch maximum mesh.

6:00 p.m. September 7, to 6:00 p.m. September 8, 1988; 6–1/2 inch maximum mesh.

6:00 p.m. September 15, to 6:00 p.m. October 14, 1988; 6–1/2 inch maximum mesh.

6:00 p.m. October 20, to 6:00 p.m. October 22, 1988; 6–1/2 inch maximum mesh.

6:00 p.m. October 27, to 6:00 p.m. October 29, 1988; 6–1/2 inch maximum mesh.

6:00 p.m. November 1, to 11:59 p.m. November 19, 1988; 6–1/2 inch maximum mesh.

11:59 p.m. November 19, to 6:00 p.m. November 30, 1988; 7–1/2 inch maximum mesh.

Area 2H –

6:00 p.m. September 21, to 11:59 p.m. November 19, 1988; 6–1/2 inch maximum mesh.

11:59 p.m. November 19, to 6:00 p.m. November 30, 1988; 7–1/2 inch maximum mesh.

Areas 2J and 2K –

6:00 p.m. September 22, to 6:00 p.m. September 23, 1988; 6–1/2 inch maximum mesh.

6:00 p.m. September 26, to 6:00 p.m. September 27, 1988; 6–1/2 inch maximum mesh.

6:00 p.m. September 29, to 6:00 p.m. September 30, 1988; 6–1/2 inch maximum mesh.

6:00 p.m. October 3, to 6:00 p.m. October 4, 1988; 6–1/2 inch maximum mesh.

6:00 p.m. October 6, to 6:00 p.m. October 7, 1988; 6–1/2 inch maximum mesh.

6:00 p.m. October 10, to 6:00 p.m. October 11, 1988; 6–1/2 inch maximum mesh.

6:00 p.m. October 13, to 6:00 p.m. October 14, 1988; 6–1/2 inch maximum mesh.

6:00 p.m. October 20, to 6:00 p.m. October 22, 1988; 6–1/2 inch maximum mesh.

6:00 p.m. October 27, to 6:00 p.m. October 29, 1988; 6–1/2 inch maximum mesh.

6:00 p.m. November 1, to 11:59 p.m. November 19, 1988; 6–1/2 inch maximum mesh.

11:59 p.m. November 19, to 6:00 p.m. November 30, 1988; 7–1/2 inch maximum mesh.

Area 2M –

6:00 p.m. September 21, to 6:00 p.m. October 14, 1988; 6–1/2 inch maximum mesh.

6:00 p.m. October 20, to 6:00 p.m. October 22, 1988; 6–1/2 inch maximum mesh.

6:00 p.m. October 27, to 6:00 p.m. October 29, 1988; 6–1/2 inch maximum mesh.

6:00 p.m. November 1, to 11:59 p.m. November 19, 1988; 6–1/2 inch maximum mesh.

11:59 p.m. November 19, to 6:00 p.m. November 30, 1988; 7–1/2 inch maximum mesh.

Naselle River – in those waters upstream of Highway 101 bridge to the boundary marker near the mouth of Roaring Creek slough.

6:00 p.m. October 1, to 6:00 p.m. October 14, 1988; 6–1/2 inch maximum mesh.

Willapa River – in those waters downstream from the overhead powerline crossing located between Willapa River markers #55 and #56.

6:00 p.m. October 1, to 11:59 p.m. November 19, 1988; 6–1/2 inch maximum mesh.

12:01 a.m. November 20, to 6:00 p.m. November 30, 1988; 7–1/2 inch maximum mesh.

(2) It is unlawful to fish for salmon in Willapa Harbor using gill net gear longer than 1,500 feet in length or containing mesh less than 5 inches.

(3) It is unlawful to fish for or possess salmon taken with gill net gear in that portion of Willapa Harbor Area 2J between Long Island and the North Beach Peninsula, south of a line drawn true east–west through Marker Piling 18 after 6:00 p.m., October 7.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220–40–022 WILLAPA HARBOR—WEEKLY PERIODS.

WAC 220–40–024 WILLAPA HARBOR—MESH SIZES—GEAR.

WAC 220–40–025 WILLAPA HARBOR—CLOSED AREA.

WSR 88-19-099
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88–117—Filed September 20, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia,

Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is opening in Areas 7 and 7A provide opportunity for reef net gear to harvest the non-Indian coho allocation by preseason agreement. Restrictions in Area 7A provide protection for Puget Sound and Canadian chinook stocks. Openings in Area 7B provide opportunity to harvest non-Indian allocation of coho destined for Nooksack-Samish region of origin. The in-season area restriction provides protection for Nooksack and Samish origin chinook. Openings in Area 12A provide opportunity to harvest non-Indian allocation of coho stocks destined for the Quilcene National Fish Hatchery. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks. There is inadequate time to follow the permanent rule adoption process.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 20, 1988.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-47-915 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 AM Wednesday September 21 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:

* *Areas 7 and 7A - Reef nets may fish from 5:00 AM to 9:00 PM Wednesday September 21. This area 7A opening excludes that portion north and west of the East Point Line, as described in WAC 220-47-269.*
* *Area 7A - That portion of area 7A north and west of the East Point Line, as described in WAC 220-47-269, under control of Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.*
* *Area 7B - Gillnets using 5-inch minimum mesh may fish continuously through 11:59 PM Saturday October 29, and purse seines may fish continuously through 11:59 PM Saturday October 29. This area 7B opening excludes that portion of area 7B south of a line projected from Governors Point to the most northerly tip of Vendovi Island.*
* *Area 12A - Purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM Wednesday September 21. Gillnets using 5-inch minimum mesh may fish from 12:01 AM Wednesday September 20 to 9:00 AM Wednesday September 21 and from 5:00 PM Wednesday September 21 to 9:00 AM Thursday September 22. This Area 12A opening excludes those waters north of a line projected due east from Broad Spit.*
* *Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas - Closed.*

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM Wednesday September 21:

WAC 220-47-914 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (88-109)

WSR 88-19-100
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-118—Filed September 20, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these regulations are adopted pursuant to the decision of the September 20, 1988, Columbia River Compact. Run size estimates for Columbia River salmon and steelhead stocks indicate that harvestable numbers of these species are available in the area between Bonneville Dam and McNary Dam. Action to open the treaty fishery has to be taken immediately in order to harvest these fish, and there is not adequate time to follow the permanent rule adoption procedures.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 20, 1988.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-32-05100K COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (1) Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052, effective immediately, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G or 1H, except that those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish immediately to 6:00 p.m. September 24, 1988, using 8 inch minimum mesh.

(2) During the seasons specified in subsection 1, it is unlawful to retain sturgeon for commercial purposes.

(3) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between approximately 0.8 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River to 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a point one-half mile upstream from the eastern shoreline and a boundary marker located 3/4 of a mile downstream from the western shoreline of the mouth of the Big White Salmon River.

(f) Spring Creek is those waters of the Columbia River within a 150 foot radius of the Spring Creek Hatchery outlet.

(g) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half mile downstream from the western shoreline.

(h) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half mile downstream from the western shoreline.

(i) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to three-quarters mile downstream from the western shoreline.

(4) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) shall include those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids.

(b) Area 1G shall include those waters of the Columbia River upstream from a line drawn between a point one mile above the fishway exit on the Washington shore and a point one mile above the fishway exit on the Oregon shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H shall include those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, to a fishing boundary marker on the Washington shore and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100J COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (88-111)

WSR 88-19-101
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-119—Filed September 20, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the commercial fishery in Grays Harbor is subject to a quota of 1,500 chinook for the month of September. Catch reports from the fishery indicate that the quota has been reached. Further fishing is not in the public interest because it would overharvest the chinook resource. There is insufficient time to follow the permanent rule adoption process.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 20, 1988.

By Joseph R. Blum
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-36-02100X GRAYS HARBOR GILLNET SEASON. (88-103)

WSR 88-19-102
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed September 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning San Juan County, amending WAC 173-19-360.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 18, 1988.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

This notice is connected to and continues the matter in Notice Nos. WSR 88-12-069, 88-13-119 and 88-19-006 filed with the code reviser's office on May 31, 1988, June 22, 1988, and September 8, 1988.

Dated: September 20, 1988
By: Fred Olson
Deputy Director

WSR 88-19-103
NOTICE OF PUBLIC MEETINGS
WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY
[Memorandum—September 15, 1988]

The next meeting of the Washington Institute of Applied Technology (WIAT) board of directors will be held at 7:30 a.m., Wednesday, September 28, 1988, in the WIAT Board Room, Sixth Floor, WIAT Building, 315 22nd Avenue South, Seattle, WA 98144.

WSR 88-19-104
PROPOSED RULES
PARKS AND RECREATION COMMISSION
[Filed September 21, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning recreational and conference center housing fees and meeting room fees charged, WAC 352-32-25001;

that the agency will at 9:00 a.m., Friday, October 28, 1988, in the Ramada Inn, Spokane International Airport, Spokane, Washington 99219, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.51.040 and 43.51.060.

The specific statute these rules are intended to implement is RCW 43.51.040 and 43.51.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 25, 1988.

Dated: September 21, 1988
By: Mike Reed
Executive Assistant

STATEMENT OF PURPOSE

Title: WAC 352-32-25001 Recreational and conference center housing fees and meeting room fees charged.

Description of Purpose: Modify certain fees and charges for meals and housing facilities at Fort Worden State Park; and provide for group reservation opportunities consistent with the agency's facility use agreement with the Centrum Organization.

Statutory Authority: RCW 43.51.040 and 43.51.060.

Summary of Rule: Increases rates for meals, dormitory housing, and barracks-style housing; clarifies that group reservations for housing at Fort Worden is subject to the existing use agreement with the Centrum Organization, which gives that organization the first opportunity for such reservations; specifies that confirmation of reservations is subject to compliance with procedures specified in the group booking agreement, available through the park; and eliminates description of provisions of group booking agreement.

Reasons Supporting Proposed Action: Fees are modified consistent with increased program operating expenses and costs; and Centrum's operational needs require preferential opportunity for facility reservations, continuing revision of group booking agreement suggests that access to group booking agreement at park is a more appropriate and practical approach.

Agency Personnel Responsible for Drafting: Mike Reed, Executive Assistant, 7150 Cleanwater Lane, Olympia, 98504; Implementation and Enforcement: Lynn Genasci, Assistant Director, Operations, 7150 Cleanwater Lane, Olympia, 98504.

Proposing: Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, WA 98504.

Agency Comments: [No information supplied by agency.]

Federal Law/Court Action: [No information supplied by agency.]

AMENDATORY SECTION (Amending Order 102, filed 11/24/87)

WAC 352-32-25001 RECREATIONAL AND CONFERENCE CENTER HOUSING FEES AND MEETING ROOM FEES CHARGED. (1) The following fees shall be charged per day for recreational and conference center housing at Fort Worden State Park:

(a) Renovated housing

Noncommissioned officers' row buildings—#331 and #332 (4 units, each with 2 bedrooms)	$61.25/unit
Officers' row buildings—#5, #6, and #7 (6 units, each with 3.5 bedrooms)	$98.80/unit
Officers' row buildings—#4 and #11 (4 units, each with 6 bedrooms)	$163.50/unit
Charge for additional rollaway beds	$9.50 per bed

(b) Nonrenovated housing

Officers' row building—#9, #10 and #16 (5 units, each with 3 bedrooms)	$76.00/unit
Officers' row buildings—#15 (1 unit with 5 bedrooms)	$120.00/unit
Charge for additional rollaway beds	$9.50 per bed
Bliss vista building—#235 (1 unit with 1 bedroom)	$51.00/unit

A deposit equal to the cost of the first night's fee for each unit rented is required. A $10.00 per unit cancellation fee is deducted from the deposit for any cancelled reservations, to cover processing costs. If the cancellation is made less than three weeks prior to the arrival date, the entire deposit is forfeited, unless the unit is rerented.

Standard meal charges (meals optional for above-listed housing)

Breakfast	$ 2.75
Lunch	$ ((~~3.60~~)) 3.75
Dinner	$ ((~~5.45~~)) 5.50
Total	$ ((~~11.80~~)) 12.00

Coffee service.....$10.00 minimum charge for any group of 20 or less. 50¢ per person for additional persons.

(c) Dormitory housing (for group reservations only—meals included)

1 – 2 days	$((~~21.30~~)) 21.50/person/day
3 – 13 days	$((~~19.55~~)) 19.75/person/day
14 or more days	$((~~18.05~~)) 18.25/person/day
Dormitory linen and towel charge	$7.90
Additional towel charges	$ .60
Additional towel set	$1.60

The parks and recreation commission has an agreement with the Centrum organization which provides for use of Fort Worden State Park dormitory facilities and services in conjunction with special group programs administered by Centrum. For further information, contact Centrum at Fort Worden State Park.

(d) Barracks-style housing (for group reservations only—meals included)

1 – 2 days	$((~~19.60~~)) 19.80/person/day
3 – 13 days	$((~~18.05~~)) 18.25/person/day
14 or more days	$((~~16.40~~)) 16.60/person/day

All meals are served in the dining hall.
Washington state sales tax is added to all charges.

(2) Meeting rooms are available at varying charges, depending on size, character of facility, and length of stay. Prices range between $6.50 and $33.00 for those residing in Fort Worden recreational housing, with increased charges for nonusers of recreational housing facilities. Additional cleaning fee is charged if food or beverages are consumed in the room. Theatre is available for performances—$100.00 per day; for rehearsals—$26.00 per night. The kitchen shelter is available for the minimum fee of $20.00 per day plus a refundable $50.00 cleaning deposit.

(3) Where not covered by or not inconsistent with the agency's facility use agreement with the Centrum Foundation, groups or organizations of twenty-five or more wishing to reserve the Fort Worden State Park housing or meeting room facilities may ((~~do so~~)) make application for reservation up to two years in advance of the date of use by contacting the park ((~~and completing and complying with procedures specified in the group booking agreement, available through the agency. Included in the provisions of the agreement are the following: A deposit of $100.00 per scheduled night for each dorm and $100.00 per scheduled night for any combination of vacation housing rented, up to a combined maximum of $1000.00, is required to confirm reservations. The deposit is refundable if cancellation is made more than ninety days in advance. Unrestricted partial cancellations of reserved housing facilities may be made up to sixty days in advance for dormitory facilities, or for vacation housing, partial cancellations made following these dates incur certain minimum charges specified in the group booking agreement. The deposit will be credited against the final bill~~)). Confirmation of reservations is subject to the user group complying with the procedures specified in the group booking agreement, copies of which are available at the park.

(4) During the period from July 1 through Labor Day, conference center groups may reserve no more than twenty campsites per night in addition to other reserved conference center facilities.

WSR 88-19-105

WITHDRAWAL OF PROPOSED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Filed September 21, 1988]

In the matter of amending WAC 480-120-081 relating to discontinuance of service by telecommunications companies, Cause No. U-88-2041-R.

This memorandum is sent pursuant to WAC 1-12-033 as a notice of withdrawal, withdrawing the rule noticed under WSR 88-13-032 on June 8, 1988.

Vicki Elliott
for Paul Curl
Acting Secretary

WSR 88-19-106

WITHDRAWAL OF PROPOSED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Filed September 21, 1988]

In the matter of amending WAC 480-80-330 and adopting 480-80-335 relating to contracts, Cause No. U-88-2337-R.

This memorandum is sent pursuant to WAC 1-12-033 as a notice of withdrawal, withdrawing the rule noticed under WSR 88-18-062 on September 2, 1988.

Vicki Elliott
for Paul Curl
Acting Secretary

WSR 88-19-107
PROPOSED RULES
DEPARTMENT OF COMMUNITY DEVELOPMENT
(Public Works Board)
[Filed September 21, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Works Board intends to adopt, amend, or repeal rules concerning loan and financing guarantee contracts as currently set forth in WAC 399-30-060;

that the agency will at 9:00 a.m., Tuesday, November 1, 1988, in the Holiday Inn, 17338 Pacific Highway South, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.155.040(4).

The specific statute these rules are intended to implement is RCW 43.155.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before 5:00 p.m., Friday, October 28, 1988.

Dated: September 21, 1988
By: Chuck Clarke
Director

STATEMENT OF PURPOSE

Title: WAC 399-30-060 Loan and financing guarantee contracts.

Statutory Authority and Specific Statute the Rule is Intended to Implement: RCW 43.155.040(4) to implement RCW 43.155.070.

Summary of the Rule and Statement of the Reasons Supporting the Proposed Action: Establishes a specific time for return of scope of work forms initiated by the Department of Community Development.

Person Responsible for Drafting, Implementation and Enforcement of the Rules: Robert C. Anderson, Chair, Public Works Board, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504-4151, phone (206) 586-0490.

Name of the Organization Proposing the Rule: Public Works Board.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: These rules are necessary to carry out the intent of chapter 43.155 RCW, which creates the Public Works Board and authorizes it to make low-interest or interest-free loans for public works projects that meet the legislation's criteria and standards.

Whether Rule is Necessary as the Result of Federal Law or Federal or State Court Action: No.

Small Business Impact Statement: Considered and found to be not applicable.

AMENDATORY SECTION (Amending Resolution No. 86-12, filed 8/21/86)

WAC 399-30-060 LOAN AND FINANCING GUARANTEE CONTRACTS. (1) The board shall not sign loan agreements or otherwise financially obligate funds from the public works assistance account until the list and accompanying appropriation are approved by the legislature.

(2) After the legislature has appropriated funds from the public works assistance account for a specific list of public works projects, the loan funds will be disbursed to the applicant local government pursuant to a contract therefor, which will be offered to the local government with such reasonable terms and conditions as the board may determine: PROVIDED, That the amount loaned to a local government shall not exceed ninety percent of eligible proposed project cost: PROVIDED FURTHER, That the funds provided by a local government which are considered local financial participation shall consist of locally generated revenues and/or federal and/or state-shared revenues subject to discretionary allocation by the recipient unit of local government: PROVIDED FURTHER, That the interest rate for loans shall not exceed three percent per annum: PROVIDED FURTHER, That loans may be provided at rates of lower than three percent but greater than one percent if the local government participates to a greater extent than ten percent in financing the project receiving a trust fund loan: PROVIDED FURTHER, That loans shall not exceed twenty years in duration, or the useful life of the improvements, whichever is shorter. Exception to these provisions shall be made only in cases of severe economic distress and/or natural disaster.

(3) Public works project loan and/or financing guarantee agreements offered to local governments shall be formally executed by the local government and the department of community development prior to the disbursal of any funds thereunder.

(4) Public works project loan and/or financing guarantee scope of work forms shall be completed and returned to the department of community development by the local government within ninety days of the date a scope of work form request is initiated.

(5) Public works project loan and/or financing guarantee contracts offered to local governments shall be executed by the local government within ninety days of the date a loan agreement is initiated.

(((~~(5)~~))) (6) Work on public works projects financed through loans or financing guarantees offered to local governments must commence prior to October 1 of the year in which the loan or financing guarantee is offered.

(((~~(6)~~))) (7) Work on public works projects financed through loans or financing guarantees offered to local governments must be completed within twenty-four months of the date work has begun on such projects, unless a written request for extension is approved by the board.

(((~~(7)~~))) (8) Funds expended by local governments on projects financed through loans or financing guarantees by the public works assistance account before an agreement has been formally executed by the local government and the department of community development may not be reimbursed with funds from the public works assistance account. Such funds may be used by the local government as an element in its required local participation in a project financed by the public works assistance account.

WSR 88-19-108
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed September 21, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning the addition of substances and products to the definition of hazardous substances subject to the hazardous substance tax;

that the agency will at 2:00 p.m., Monday, October 31, 1988, in the Tukwila City Police Training Room, 6200 Southcenter Boulevard, Tukwila City Hall, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 6, 1988.

The authority under which these rules are proposed is chapter 70.105B RCW.

The specific statute these rules are intended to implement is RCW 70.105B.030 (1)(c).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 4, 1988.

Dated: September 21, 1988
By: Fred Olson
Deputy Director

STATEMENT OF PURPOSE

Title: Chapter 173-311 WAC, Additional hazardous substances.

Description of Purpose: To allow the addition of substances and products to the definition of hazardous substances subject to the hazardous substance tax.

Statutory Authority: RCW 70.105B.030 (1)(c).

Summary of Rule: The Department of Ecology proposes a rule allowing ecology to add additional substances to the definition of hazardous substances subject to the hazardous substance business excise tax. This rule is permitted by 70.105B.030 (1)(c).

This rule will allow the department to expand the universe of products taxed as hazardous substances. This will provide revenue from the sale of products not currently subject to the tax, but which have been shown to be a potential threat to human health or the environment due to the nature of the substance and disposal practices.

The proposed rule defines the process by which the department may propose to list substances by amendment to the rule. There are no products or substances on the list currently. Due to this, there is no economic impact from the rule.

For further information on the additional hazardous substance regulation, please write or call:

Jerry Jewett
Department of Ecology
Woodland Square, PV-11
Olympia, Washington 98504
phone (206) 438-3000

Reasons Supporting Proposed Action: Permitted by statute.

Agency Personnel Responsible for Drafting: Jerry Jewett, Woodland Square, PV-11, Olympia, Washington, (206) 438-3000; Implementation: Policy and planning section, solid and hazardous waste management program; and Enforcement: Not applicable.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Not applicable.

Chapter 173-311 WAC
ADDITIONAL HAZARDOUS SUBSTANCE LIST

WAC

173-311-010 Purpose and authority.
173-311-020 Definitions.
173-311-030 Process for determination of hazardous substances.
173-311-040 Listing.
173-311-050 List.

NEW SECTION

WAC 173-311-010 PURPOSE AND AUTHORITY. The purpose of this chapter is to establish listing requirements for the addition and deletion of hazardous substances subject to the state hazardous substance tax pursuant to chapter 82.22 RCW and to list or delete those substances.

The authority to add or delete additional substances is granted under RCW 70.105B.030.

NEW SECTION

WAC 173-311-020 DEFINITIONS. For the purpose of this chapter, the following terms have the meanings given below:

(1) "Director" means the director of ecology or the director's designee.

(2) "Hazardous substance" means:

(a) Any substance that, on January 1, 1988, is a hazardous substance under section 101(14) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, 42 U.S.C. Sec. 9601(14), as amended by Public Law 99-499;

(b) Petroleum products;

(c) Any pesticide product required to be registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); and

(d) Any other material determined under this chapter by the director of ecology to present a threat to human health or the environment if released in the environment.

(3) "Material" means substance, category of substance, and any product or category of product.

(4) "Persistence" means the tendency of a substance to resist degradation and remain in the atmosphere, soil, and/or water.

(5) "Product" means an item or items containing both:

(a) One or more substances that are hazardous substances under subsection (2)(a), (b), or (c) of this section or that are substances or categories of substances determined under subsection (2)(d) of this section to present a threat to human health or the environment if released into the environment; and

(b) One or more substances that are not hazardous substances.

(6) "Toxicity" means a measure of the propensity of a chemical to produce injury once it reaches a susceptible receptor in or on a living organism.

(7) Except for terms defined in this section, the definitions in chapters 70.105B and 82.22 RCW apply to this chapter.

NEW SECTION

WAC 173-311-030 PROCESS FOR DETERMINATION OF HAZARDOUS SUBSTANCES. Additional materials may be defined as "hazardous substances" as provided in WAC 173-311-020 (2)(d) through either of two processes. They are:

(1) Criteria. Criteria shall be used for determining a threat to human health or the environment. Criteria are:

(a) Negative environmental factors such as physical chemical hazard, toxicity, and persistence of materials being considered for listing or delisting; and

(b) Contribution to waste management problems such as in hazardous waste, solid waste, wastewater treatment facilities, or other wastewater disposal such as ground or marine septic systems, or contaminated sites.

(2) Categorical. Materials may be listed which contain a "hazardous substance" as defined by chapter 82.22 RCW as an ingredient or ingredients. Such materials or substances need not be further defined by the "criteria" listed above.

NEW SECTION

WAC 173-311-040 LISTING. The director may propose to add materials to, or delete materials from, the definition of "hazardous substance" as defined in WAC 173-311-020 (2)(d).

(1) Additions or deletions to the list shall be made by regulatory amendment.

(2) The director of ecology shall not add or delete substances more often than twice during each calendar year.

(3) For tax purposes, changes in this definition take effect on the first day of the next month that is at least thirty days after the effective date of the rule.

(4) For each material proposed for additional listing, the department shall prepare a "basis for listing" which shall include those factors and data which led the director to propose the listing.

(5) The director shall prepare a "basis for deletion" which shall include those factors and data which led the director to propose deletions from materials previously added to the definition of "hazardous substance" as defined in WAC 173-311-020 (2)(d).

NEW SECTION

WAC 173-311-050 LIST. (Reserved.)

WSR 88-19-109
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed September 21, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning the amendment of settlement agreements under the Hazardous Waste Cleanup Act;

that the agency will at 2:00 p.m., Monday, October 31, 1988, in the Tukwila City Police Training Room, 6200 Southcenter Boulevard, Tukwila City Hall, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 6, 1988.

The authority under which these rules are proposed is chapter 70.105B RCW.

The specific statute these rules are intended to implement is RCW 70.105B.030 (1)(c).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 4, 1988.

Dated: September 21, 1988
By: Fred Olson
Deputy Director

STATEMENT OF PURPOSE

Title: Amending settlement agreements.

Purpose: These regulations implement RCW 70.105B.080(9) which requires the Department of Ecology to provide by rule, procedures for amending settlement agreements under the Hazardous Waste Cleanup Act.

Statutory Authority: Chapter 70.105B RCW.

Summary of the Rule: These regulations define key terms and provide standards and procedures for when and how a potentially liable party and the Department of Ecology must amend a settlement agreement, and when they may amend a settlement agreement.

Organization Proposing the Rule: Department of Ecology.

Agency Personnel Responsible for Drafting: Jerry Jewett, Policy and Planning Section, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504; Implementation and Enforcement: Marc Horton, Deputy Director, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters: None.

Whether the Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

State Environmental Policy Act: A review of chapter 43.21C RCW and WAC 197-11-800(20) has been conducted by the department. The department has concluded this proposed rule qualifies for a categorical exemption from the State Environmental Policy Act because it relates solely to governmental procedures and contains no substantive standards respecting use or modification of the environment.

Small Business Economic Impact Statement: An economic impact analysis was conducted pursuant to chapter 43.21H RCW (Economic Policy Act). It has been determined by ecology that this rule is exempt from the requirements of chapter 19.85 RCW (Regulatory Fairness Act).

Chapter 173-343 WAC
AMENDING SETTLEMENT AGREEMENTS

WAC

173-343-010	Purpose and authority.
173-343-020	Definitions.
173-343-030	Methods for amending settlement agreements.

NEW SECTION

WAC 173-343-010 PURPOSE AND AUTHORITY. This chapter implements RCW 70.105B.080(9) which requires that the department of ecology provide, by rule, a method for amending settlement agreements. This chapter provides such methods for when a potentially liable person and the department must amend a settlement agreement, and when they may amend a settlement agreement.

NEW SECTION

WAC 173-343-020 DEFINITIONS. For purposes of this chapter the following definitions shall be applicable:

(1) "Amendment" means a modification of a settlement agreement:

(a) When an amendment is mandatory under RCW 70.105B.080(9);

(b) As a result of provisions within a settlement agreement which relate to amendments; or

(c) By mutual agreement of the parties.

(2) "Department" means the department of ecology.

(3) "Director" means the director of the department of ecology or such person authorized to act for the director.

(4) "New information" means information relevant to the release or threatened release of "hazardous substances" at a "facility," as defined in RCW 70.105B.020, which was not previously identified in the agreement or in the data underlying the agreement as contained in the administrative record.

(5) "Settlement agreement" is a consent decree developed pursuant to the settlement procedures of RCW 70.105B.070, as implemented in chapter 173-340 WAC, or a consent order effective prior to October 17, 1987, after the consent decree or order has been signed by all parties and, when applicable, entered in a court with appropriate jurisdiction.

(6) "Potentially liable person" means any person whom the department finds, based upon credible evidence, to be liable under RCW 70.105B.040.

NEW SECTION

WAC 173-343-030 METHODS FOR AMENDING SETTLEMENT AGREEMENTS. (1) The department shall amend a settlement agreement if new information is identified during implementation of the agreement which reveals:

(a) A significant quantity of a hazardous substance which was not previously identified in the agreement to be present at the site; or

(b) A previously identified hazardous substance to be present in significantly greater quantities than was described in the agreement; or

(c) A significant quantity of any hazardous substance in an area of the site other than that described in the agreement; or

(d) A previously unknown condition at the site which would have a significant adverse effect on human health or the environment.

(2) The department and the potentially liable person may amend the settlement agreement by mutual consent either during or after the implementation of a settlement agreement.

(3) All consent decrees shall contain an "amendment" section describing the process for both mandatory and discretionary amendments. Consent decrees shall generally contain a dispute resolution provision which outlines the procedures that the parties must follow in order to resolve disagreements as to whether or not to amend a settlement agreement.

(4) The presence of a conditional covenant not to sue shall not preclude amendments, and is irrelevant with regard to decisions regarding whether or not to amend a settlement agreement.

(5) Before a proposed amendment is to be incorporated into a final consent decree, the department shall file the amendment with the court having jurisdiction over the consent decree.

(6) Upon filing the proposed amendment, the department shall prepare a public notice and invite public comments for at least a thirty-day period. This notice shall be placed, at a minimum, in one newspaper of general circulation in the vicinity of the site.

(7) The department shall accept written comments for at least thirty days from the date that notice was published. The department shall file with the court all written comments received within the public comment period.

(8) If the parties agree to substantial changes to the proposed amendment, the department shall prepare a public notice and invite public comment in the same manner as it invited public comment of the proposed amendment. Such notice shall inform the public that an amendment has been proposed which substantially differs from that previously proposed. All comments shall be filed with the court. An amendment shall become effective upon court entry.

(9) Consistent with applicable laws, nothing in this chapter is intended to prohibit the parties to a settlement agreement from agreeing on an alternative, less formal method for minor changes to a settlement agreement.

WSR 88-19-110
PROPOSED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
[Filed September 21, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning family care, chapter 296-130 WAC. The 1988 legislature, in chapter 236, Laws of 1988, amended chapter 49.12 RCW in an effort to establish minimum standards for family care. The legislature gave the department the authority and responsibility to enforce the statute and required it to adopt rules. The proposed rule is intended to implement the new law, WAC 296-130-035, providing a procedure for the filing and investigation of complaints;

that the agency will at 9:00 a.m., Monday, October 31, 1988, in Office Building Two, OB-2 Auditorium, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 23, 1988.

The authority under which these rules are proposed is RCW 43.22.270 and chapter 236, Laws of 1988 (RCW 49.12.___).

The specific statute these rules are intended to implement is chapter 236, Laws of 1988 (RCW 49.12.___).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 28, 1988.

Dated: September 21, 1988
By: Joseph A. Dear

STATEMENT OF PURPOSE

Title and Number of Rule Chapters: WAC 296-130-035 Complaints.

Statutory Authority: RCW 43.22.270 and chapter 236, Laws of 1988 (RCW 49.12.___).

Specific Statutes that Rules are Intended to Implement: Chapter 236, Laws of 1988 (RCW 49.12.___).

Summary of the Rules: WAC 296-130-035, provides a procedure for the filing and investigation of complaints.

Reasons Supporting the Proposed Rule: The adoption of WAC 296-130-035 provides for a procedure for the filing and investigation of complaints which is necessary due to amendments to chapter 49.12 RCW, enacted by the 1988 legislature (chapter 236, Laws of 1988).

Agency Person Responsible for Drafting, Implementation and Enforcement of the Rules: Mark M. McDermott, Assistant Director, Employment Standards, Apprenticeship, Crime Victims Division, 925 Plum Street, Olympia, WA 98504, (206) 753-3487.

Name of the Person or Organization, Whether Private, Public or Governmental that is Proposing the Rules: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation and Fiscal Matters Pertaining to the Rules: None.

The rules are not necessary to comply with a federal law or federal or state court decision.

Any Other Information That may be of Assistance in Identifying the Rules or Their Purpose: None.

Small Business Economic Impact Statement: The Washington Regulatory Fairness Act, chapter 19.58 RCW, requires that proposed rules which have an economic impact on more than 20 percent of all industries or more than 10 percent of the businesses in any one industry shall be reviewed to determine if the cost of coming into compliance with the proposed agency rules will create a disproportionately higher economic burden on small businesses, in comparison with the cost of compliance for large businesses. The act defines a small business as an employer with fifty or fewer employees. With respect to WAC 296-130-035, the findings of the agency are as follows: The 1988 legislature in chapter 236, Laws of 1988, amended chapter 49.12 RCW in an effort to establish minimum standards for family leave. The legislature gave the department the responsibility to enforce the statute and requested the department to adopt rules. The proposed rule is intended to help implement the new law; and the rule does not require an employer to provide sick leave nor does it impact any benefits provided pursuant to any "employee benefit plan" as defined

under 29 U.S.C. 1002. Therefore, there is no significant, adverse impact on small business.

NEW SECTION

WAC 296-130-035 EMPLOYEE COMPLAINTS. (1) An employee who believes that his or her employer has not complied with RCW 49.12.___ (chapter 236, Laws of 1988), or with the rules promulgated thereto, may file a complaint with the department within six months of the alleged violation. The complaint should contain the following:

(a) The name and address of the employee making the complaint;

(b) The name, address, and telephone number of the employer against whom the complaint is made;

(c) A statement of the specific fact which constitute the alleged violation, including the date(s) on which the alleged violation occurred.

(2) Upon receipt of a complaint, the department shall forward written notice of the complaint to the employer, along with a warning of prohibited actions as stated in WAC 296-130-040.

(3) The department may investigate any complaint it deems appropriate. If the department determines that a violation of this chapter has occurred, it may issue a notice of infraction pursuant to WAC 296-130-060.

WSR 88-19-111
PROPOSED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
[Filed September 21, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning medical aid rules and maximum fee schedule, WAC 296-20-0100 dealing with the department's Chiropractic Advisory committee, and WAC 296-20-132, 296-20-135, 296-20-140, 296-20-145, 296-20-150 and 296-20-155 dealing with increasing the base fees for medicine, chiropractic, physical therapy, drugless therapeutics and nurse practitioner procedure codes;

that the agency will at 9:00 a.m., Friday, November 4, 1988, in the Conference Room, First Floor, General Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 1, 1988.

The authority under which these rules are proposed is RCW 51.034.010(4) [51.04.020(4)] and 51.04.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 4, 1988.

The agency reserves the right to modify the text of these proposed rules and changes prior to the public hearing thereon or in response to written and/or oral comments thereon received prior to or during the public hearing.

Written and/or oral submissions may also contain data, views and arguments of the rules on economic values, pursuant to chapter 43.21H RCW.

Correspondence relating to this notice and proposed rules should be addressed to:

Taylor Dennen, Assistant Director
for Medical Services
Department of Labor and Industries
General Administration Building
Mailstop HC-251-1
Olympia, Washington 98504

Dated: September 21, 1988
By: Joseph A. Dear
Director

STATEMENT OF PURPOSE

The proposal for rule changes, which follow, amend portions of chapters 296-20 and 296-23A of the Washington Administrative Code. These titles pertain to the rules and fees for treatment provided to injured workers.

Purpose of These Proposed Rules: To make the following substantive changes in Title 296 WAC as previously enacted: Revise WAC rules and fee schedule pertaining to reimbursement of health service providers for service on workers' compensation claims.

Statutory Authority: RCW 51.04.020(4), 51.04.030 and 51.36.080.

In summary, the following changes are accomplished by the proposed rules: The medical aid rules have been amended to expand and clarify the Chiropractic Advisory Committee's scope of work; and rules have been amended to increase the base fee for medicine, chiropractic, physical therapy, drugless therapeutics and nurse practitioner procedure codes.

Agency Personnel Responsible for Drafting: Taylor Dennen; Implementation and Enforcement: Joseph Dear and other industrial insurance division personnel.

These rules changes are proposed by the Department of Labor and Industries, an agency of the state of Washington.

The proposing agency has no comments regarding statutory language, implementation, enforcement or fiscal matters.

These rules are not necessitated by any federal or state court action.

The department has considered whether these rules are subject to the Regulatory Fairness Act, (chapter 6, Laws of 1982) and has determined that they are not for the following reason: There is no unfavorable economic impact for small business.

The agency reserves the right to modify the text of these proposed rules prior to the public hearing thereon or in response to written or oral comments thereon received prior to or during the public hearing. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules on economic values pursuant to chapter 43.21H RCW. Correspondence relating to this notice and proposed rules attached should be addressed to:

Taylor Dennen
Medical Services Division
Department of Labor and Industries
General Administration Building, HC-251
Olympia, Washington 98504

NEW SECTION

WAC 296-20-0100 CHIROPRACTIC ADVISORY COMMITTEE. (1) The director or the director's designee shall appoint a chiropractic advisory and utilization review committee.

(2) The committee will function as an advisor to the department with respect to policies affecting chiropractic care, quality assurance, clinical management of cases, utilization review, and the establishment of rules. It shall advise and assist the department in the department's relationship with providers of chiropractic care, and assist the department in ensuring that injured workers receive good quality chiropractic care in a safe and effective manner.

(3) The chiropractic advisory committee shall:

(a) Advise the department on standards as to what constitutes effective and accepted chiropractic treatment, for use by attending chiropractors and for chiropractic consultants to use in reviewing cases referred for consultation;

(b) Advise the department on standards and minimum credentials for chiropractic consultants and the content of consultant reports; and

(c) Review the performance of individual chiropractors and chiropractic consultants for conformance with standards and requirements and advise the department of instances where standards and requirements have not been met.

The department shall review the advice and recommendations of the committee and shall promulgate those standards and requirements which it chooses to adopt. The department shall review the advice from the committee on the performance of chiropractors and shall act upon this advice at its sole discretion.

(4) The committee will meet on a monthly basis or as needed. The department will reimburse members of the committee for travel and incidental expenses related to the meetings.

AMENDATORY SECTION (Amending Order 86-47, filed 1/8/87)

WAC 296-23A-115 HOSPITAL OUTPATIENT SERVICES CONVERSION FACTORS.

Radiology (codes 70000 through 79999)	((~~$5.69~~)) $5.92
Pathology and laboratory (codes 80000 through 89999)	((~~$0.54~~)) $0.56
Physical therapy (codes beginning with 9)	((~~$1.24~~)) $1.29

(The conversion factor multiplied by the unit value equals the fee maximum for a procedure code in this chapter.)

AMENDATORY SECTION (Amending Order 86-45, filed 1/8/87)

WAC 296-20-135 CONVERSION FACTORS ((~~TABLE—MEDICINE, CHIROPRACTIC, PHYSICAL THERAPY, DRUGLESS THERAPEUTICS AND NURSE PRACTITIONER SECTIONS~~)). ((~~This table is a conversion of fee schedule unit values to fees in dollar amounts at $1.24 per unit. This conversion factor is to be applied to the medicine section of the fee schedule, the chiropractic, physical therapy, drugless therapeutic and nurse practitioner sections.~~

~~Unit Value~~	~~@$1.24~~	~~Unit Value~~	~~@$1.24~~	~~Unit Value~~	~~@$1.24~~
~~0.1~~	~~0.12~~	~~5.0~~	~~6.20~~	~~9.9~~	~~12.28~~
~~0.2~~	~~0.25~~	~~5.1~~	~~6.32~~	~~10.0~~	~~12.40~~
~~0.3~~	~~0.37~~	~~5.2~~	~~6.45~~	~~10.5~~	~~13.02~~
~~0.4~~	~~0.50~~	~~5.3~~	~~6.57~~	~~11.0~~	~~13.64~~
~~0.5~~	~~0.62~~	~~5.4~~	~~6.70~~	~~11.5~~	~~14.26~~
~~0.6~~	~~0.74~~	~~5.5~~	~~6.82~~	~~12.0~~	~~14.88~~
~~0.7~~	~~0.87~~	~~5.6~~	~~6.94~~	~~12.5~~	~~15.50~~
~~0.8~~	~~0.99~~	~~5.7~~	~~7.07~~	~~13.0~~	~~16.12~~
~~0.9~~	~~1.12~~	~~5.8~~	~~7.19~~	~~13.5~~	~~16.74~~
~~1.0~~	~~1.24~~	~~5.9~~	~~7.32~~	~~14.0~~	~~17.36~~
~~1.1~~	~~1.36~~	~~6.0~~	~~7.44~~	~~14.5~~	~~17.98~~
~~1.2~~	~~1.49~~	~~6.1~~	~~7.56~~	~~15.0~~	~~18.60~~
~~1.3~~	~~1.61~~	~~6.2~~	~~7.69~~	~~16.0~~	~~19.84~~
~~1.4~~	~~1.74~~	~~6.3~~	~~7.81~~	~~17.0~~	~~21.08~~
~~1.5~~	~~1.86~~	~~6.4~~	~~7.94~~	~~18.0~~	~~22.32~~
~~1.6~~	~~1.98~~	~~6.5~~	~~8.06~~	~~19.0~~	~~23.56~~
~~1.7~~	~~2.11~~	~~6.6~~	~~8.18~~	~~20.0~~	~~24.80~~
~~1.8~~	~~2.23~~	~~6.7~~	~~8.31~~	~~21.0~~	~~26.04~~
~~1.9~~	~~2.36~~	~~6.8~~	~~8.43~~	~~22.0~~	~~27.28~~
~~2.0~~	~~2.48~~	~~6.9~~	~~8.56~~	~~23.0~~	~~28.52~~
~~2.1~~	~~2.60~~	~~7.0~~	~~8.68~~	~~24.0~~	~~29.76~~
~~2.2~~	~~2.73~~	~~7.1~~	~~8.80~~	~~25.0~~	~~31.00~~
~~2.3~~	~~2.85~~	~~7.2~~	~~8.93~~	~~30.0~~	~~37.20~~
~~2.4~~	~~2.98~~	~~7.3~~	~~9.05~~	~~35.0~~	~~43.40~~
~~2.5~~	~~3.10~~	~~7.4~~	~~9.18~~	~~40.0~~	~~49.60~~
~~2.6~~	~~3.22~~	~~7.5~~	~~9.30~~	~~45.0~~	~~55.80~~
~~2.7~~	~~3.35~~	~~7.6~~	~~9.42~~	~~50.0~~	~~62.00~~
~~2.8~~	~~3.47~~	~~7.7~~	~~9.55~~	~~55.0~~	~~68.20~~
~~2.9~~	~~3.60~~	~~7.8~~	~~9.67~~	~~60.0~~	~~74.40~~
~~3.0~~	~~3.72~~	~~7.9~~	~~9.80~~	~~65.0~~	~~80.60~~
~~3.1~~	~~3.84~~	~~8.0~~	~~9.92~~	~~70.0~~	~~86.80~~
~~3.2~~	~~3.97~~	~~8.1~~	~~10.04~~	~~75.0~~	~~93.00~~
~~3.3~~	~~4.09~~	~~8.2~~	~~10.17~~	~~80.0~~	~~99.20~~
~~3.4~~	~~4.22~~	~~8.3~~	~~10.29~~	~~85.0~~	~~105.40~~
~~3.5~~	~~4.34~~	~~8.4~~	~~10.42~~	~~90.0~~	~~111.60~~
~~3.6~~	~~4.46~~	~~8.5~~	~~10.54~~	~~95.0~~	~~117.80~~
~~3.7~~	~~4.59~~	~~8.6~~	~~10.66~~	~~100.0~~	~~124.00~~
~~3.8~~	~~4.71~~	~~8.7~~	~~10.79~~	~~105.0~~	~~130.20~~
~~3.9~~	~~4.84~~	~~8.8~~	~~10.91~~	~~110.0~~	~~136.40~~
~~4.0~~	~~4.96~~	~~8.9~~	~~11.04~~	~~115.0~~	~~142.60~~
~~4.1~~	~~5.08~~	~~9.0~~	~~11.16~~	~~120.0~~	~~148.80~~
~~4.2~~	~~5.21~~	~~9.1~~	~~11.28~~	~~125.0~~	~~155.00~~
~~4.3~~	~~5.33~~	~~9.2~~	~~11.41~~	~~130.0~~	~~161.20~~
~~4.4~~	~~5.46~~	~~9.3~~	~~11.53~~	~~140.0~~	~~173.60~~
~~4.5~~	~~5.58~~	~~9.4~~	~~11.66~~	~~150.0~~	~~186.00~~
~~4.6~~	~~5.70~~	~~9.5~~	~~11.78~~	~~160.0~~	~~198.40~~
~~4.7~~	~~5.83~~	~~9.6~~	~~11.90~~	~~170.0~~	~~210.80~~
~~4.8~~	~~5.95~~	~~9.7~~	~~12.03~~	~~180.0~~	~~223.20~~
~~4.9~~	~~6.08~~	~~9.8~~	~~12.15~~	~~190.0~~	~~235.60~~
				~~200.0~~	~~248.00~~))

(1) The following conversion factors are the base fees for determining the maximum amount paid by the department for procedures with specified unit values. To determine the maximum amount paid, the unit value for a specific procedure is multiplied by the appropriate conversion factor or base fee listed below.

(2) The conversion factor or base fee for medicine, chiropractic, physical therapy, drugless therapeutics and nurse practitioner procedure codes is $1.29.

(3) The conversion factor or base fee for anesthesia is $19.18.

(4) The conversion factor or base fee for radiology is $5.92.

(5) The conversion factor or base fee for pathology is $.56.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-20-140 CONVERSION FACTOR TABLE—ANESTHESIA.

WAC 296-20-145 CONVERSION FACTOR TABLE—SURGERY.

WAC 296-20-150 CONVERSION FACTOR TABLE—RADIOLOGY.

WAC 296-20-155 CONVERSION FACTOR TABLE—PATHOLOGY.

AMENDATORY SECTION (Amending Order 82-39, filed 11/29/82, effective 1/1/84)

WAC 296-20-132 DETERMINATION OF CONVERSION FACTOR ADJUSTMENTS. ((~~Effective January 1, 1984, and thereafter:~~))

Adjustments to the conversion factors for the specialty areas of medicine, surgery, anesthesiology, radiology, and pathology may occur on January 1st of each year following prior public hearings.

Such adjustments will be based on the estimated increase/decrease in the state's average wage for the current year. The following calendar year's estimate will be adjusted to reflect the actual increase/decrease in the state's average wage for the preceding year ((~~as computed by the department of employment security and determined by RCW 50.04.355 as now or hereafter amended~~)).

The total percentage change for any one calendar year for all five conversion factors may not exceed the total of the estimated increase/decrease in the current year, plus or minus the actual adjustment for the preceding calendar year. However, apportionment of the adjustments may be made between the various speciality areas to provide parity between the components of the fee schedule.

WSR 88-19-112
ADOPTED RULES
FOREST PRACTICES BOARD
[Order 551, Resolution No. 88-1—Filed September 21, 1988—Eff. November 1, 1988]

Be it resolved by the Forest Practices Board, acting at Olympia, Washington, that it does adopt the annexed rules relating to:

Amd	WAC 222-12-090	Forest Practices Board manual.
Amd	WAC 222-16-010	General definitions.
Amd	WAC 222-16-050	Classes of forest practices.
Amd	WAC 222-20-030	Delivery of notifications and applications.
Amd	WAC 222-30-010	Policy—Timber harvesting.
Amd	WAC 222-30-020	Harvest unit planning and design.
Amd	WAC 222-34-050	Urban and other lands exempted from the reforestation requirements.
Amd	WAC 222-38-020	(Chemicals) handling, storage, application.
Amd	WAC 222-50-020	Other agency requirements.

This action is taken pursuant to Notice No. WSR 88-12-033 filed with the code reviser on May 26, 1988. These rules shall take effect at a later date, such date being November 1, 1988.

This rule is promulgated pursuant to RCW 76.09.040 and chapter 34.04 RCW which directs that the Forest Practices Board has authority to implement the provisions of Forest Practices Act, chapter 76.09 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 21, 1988.

By Brain J. Boyle
Commissioner of Public Lands
Chairman, Forest Practices Board

AMENDATORY SECTION (Amending Order 535, filed 11/16/87, effective 1/1/88)

WAC 222-12-090 FOREST PRACTICES BOARD MANUAL. When approved by the board the manual serves as an advisory technical supplement to these forest practices regulations. The department, in cooperation with the departments of fisheries, wildlife, agriculture, ecology, and such other agencies, affected Indian tribes, or interested parties as may have appropriate expertise, is directed to prepare, and submit to the board for approval, revisions to the forest practices board manual. The manual shall include:

(1) Temperature sensitive determinations needed for use with WAC 222-30-040.

(2) Procedures for leaving the required 50 percent or 75 percent shade as required in WAC 222-30-040.

(3) A list of "critical wildlife habitats" as established under WAC 222-16-010(11).

(4) The standard methods for measuring channel width, stream gradient and flow which are used in the water typing criteria WAC 222-16-030.

(5) A chart for establishing recommended permanent culvert sizes and associated data.

(6) Guidelines for clearing slash and debris from Type 4 and 5 Waters.

(7) Guidelines for landing location and construction.

(8) Guidelines for determining acceptable stocking levels.

(9) Guidelines for calculating average widths of riparian management zones.

AMENDATORY SECTION (Amending Order 535, filed 11/16/87, effective 1/1/88)

WAC 222-16-010 GENERAL DEFINITIONS.* Unless otherwise required by context, as used in these regulations:

(1) "Act" means the Forest Practices Act, chapter 76.09 RCW.

(2) "Affected Indian tribe" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

(3) "Appeals board" means the forest practices appeals board established in the act.

(4) "Board" means the forest practices board established by the act.

(5) "Borrow pit" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

(6) "Chemicals" means substances applied to forest lands or timber to accomplish specific purposes and includes pesticides, insecticides, rodenticides, plant-growth regulators, fungicides, fertilizers, desiccants, fire retardants when used in controlled burning, repellents, oil, dust-control agents (other than water), salt and other materials that may present hazards to the environment.

(7) "Commercial tree species" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

(8) "Completion of harvest" means the latest of:

(a) Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

(b) Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

(c) Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: PROVIDED, That delay of reforestation under this subsection (c) is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

(9) "Contamination" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

(10) "Conversion to a use other than commercial timber operation" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

(11) "Critical wildlife habitat" means the habitat of any threatened or endangered species, as such habitat is established by the board in the forest practices board manual, or other situations as identified by the board, after consultation with the department of wildlife, where specific management practices are needed to prevent critical wildlife habitat destruction.

(12) "Cultural resources" means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

(13) "Debris" means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

(14) "Department" means the department of natural resources.

(15) "End hauling" means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

(16) "Erodible soils" means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

(17) "Fertilizers" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

(18) "Flood level – 50 year." For purposes of field interpretation of these regulations, the 50–year flood level shall be considered to refer to a vertical elevation measured from the ordinary high–water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high–water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high–water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50–year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

(19) "Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

(20) "Forest land owner" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: PROVIDED, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

(21) "Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

(a) Road and trail construction;

(b) Harvesting, final and intermediate;

(c) Precommercial thinning;

(d) Reforestation;

(e) Fertilization;

(f) Prevention and suppression of diseases and insects;

(g) Salvage of trees; and

(h) Brush control.

"Forest practice" shall not include: Preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

(22) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

(23) "Historic site" includes:

(a) Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

(b) Places associated with a personality important in history; or

(c) Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

(24) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

(25) "Interdisciplinary team" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

(26) "Limits of construction" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

(27) "Load bearing portion" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

(28) "Merchantable stand of timber" means a stand of trees that will yield logs and/or fiber:

(a) Suitable in size and quality for the production of lumber, plywood, pulp or other forest products.

(b) Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

(29) "Notice to comply" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

(30) "Operator" shall mean any person engaging in forest practices except an employee with wages as his sole compensation.

(31) "Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: PROVIDED, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

(32) "Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

(33) "Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

(34) "Pesticide" means any insecticide, herbicide or rodenticide but does not include nontoxic repellents or other chemicals.

(35) "Plantable area" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

(36) "Power equipment" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

(37) "Public resources" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

(38) "Rehabilitation" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

(39) "Relief culvert" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

(40) "Riparian management zone" means a specified area alongside Type 1, 2 and 3 Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

(41) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

(42) "Salvage" means the removal of snags, down logs, windthrow, or dead and dying material.

(43) "Scarification" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

(44) "Side casting" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

(45) "Shorelines of the state" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

(46) "Skid trail" means a route used by tracked or wheeled skidders to move logs to a landing or road.

(47) "Slash" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

(48) "Spoil" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

(49) "Stop work order" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

(50) "Threatened or endangered species" applies to all species of wildlife listed as "threatened" or "endangered" by the United States Fish and Wildlife Service, except any species which the Washington department of wildlife determines does not require special protection under the Forest Practices Act because conservation of the species is reasonably assured through a recovery and enhancement program or existence of an adequate population on lands where commercial forestry and land development are prohibited, or through other means. For this purpose, "wildlife" means all members of the animal kingdom except insects and benthic organisms.

(51) "Timber" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

(52) "Water bar" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

(53) "Weed" is any plant which tends to overgrow or choke out more desirable vegetation.

(54) "Windthrow" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

AMENDATORY SECTION (Amending Order 535, filed 11/16/87, effective 1/1/88)

WAC 222-16-050 CLASSES OF FOREST PRACTICES. There are 4 classes of forest practices created by the act. These classes are listed below in the order most convenient for the applicant's use in determining into which class his operations fall. All forest practices (including those in Classes I and II) must be conducted in accordance with the forest practices regulations.

(1) "Class IV - special." Application to conduct forest practices involving the following circumstances requires

an environmental checklist in compliance with the State Environmental Policy Act (SEPA), and SEPA guidelines, as they have been determined to have potential for a substantial impact on the environment. It may be determined that additional information or a detailed environmental statement is required before these forest practices may be conducted.

*(a) Aerial application of pesticides to an "area of water supply interest" as determined according to WAC 222-38-020 (5)(i).

(b) Harvesting, road construction, site preparation or aerial application of pesticides:

(i) On lands known to contain a breeding pair or the nest or breeding grounds of any threatened or endangered species; or

(ii) Within the critical habitat designated for such species by the United States Fish and Wildlife Service.

(c) Widespread use of DDT or a similar persistent insecticide.

(d) Harvesting, road construction, aerial application of pesticides and site preparation on all lands within the boundaries of any national park, state park, or any park of a local governmental entity, except harvest of less than 5 MBF within any developed park recreation area and park managed salvage of merchantable forest products.

*(e) Construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on slide prone areas as defined in WAC 222-24-020(6) when such slide prone areas occur on an uninterrupted slope above a Type 1, 2, 3 or 4 Water where there is potential for a substantial debris flow or mass failure to cause significant impact to public resources.

(2) "Class IV - general." Applications involving the following circumstances are "Class IV - general" forest practices unless they are listed in "Class IV - special." Upon receipt of an application, the department will determine the lead agency for purposes of compliance with the State Environmental Policy Act pursuant to WAC 197-11-924 and 197-11-938(4) and RCW 43.21C.037(2). Such applications are subject to a 30-day period for approval unless the lead agency determines a detailed statement under RCW 43.21C.030 (2)(c) is required. Upon receipt, if the department determines the application is for a proposal that will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the department shall notify the applicable county/city under WAC 197-11-924 that the department has determined according to WAC 197-11-938(4) that the county/city is the lead agency for purposes of compliance with State Environmental Policy Act.

(a) Forest practices (other than those in Class I) on lands platted after January 1, 1960, or on lands being converted to another use.

(b) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of likelihood of future conversion to urban development. (See WAC 222-34-050.)

(3) "Class I." Those operations that have been determined to have no direct potential for damaging a public resource are Class I forest practices. When the conditions listed in "Class IV - Special" are not present, these operations may be commenced without notification or application.

(a) Culture and harvest of Christmas trees and seedlings.

(b) Road maintenance except: (i) Replacement of bridges and culverts across Type 1, 2, 3 or flowing Type 4 Waters; or (ii) movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters.

(c) Construction of landings less than 1 acre in size, if not within a shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water.

(d) Construction of less than 600 feet of road on a sideslope of 40 percent or less if the limits of construction are not within the shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or Type 3 Water, or the ordinary high-water mark of a Type 4 Water.

(e) Installation or removal of a portable water crossing structure where such installation does not take place within the shoreline area of a Type 1 Water and does not involve disturbance of the beds or banks of any waters.

(f) Initial installation and replacement of relief culverts and other drainage control facilities not requiring a hydraulic permit.

(g) Rocking an existing road.

(h) Loading and hauling timber from landings or decks.

(i) Precommercial thinning and pruning.

(j) Tree planting and seeding.

(k) Removal of less than 5,000 board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any 12-month period.

(l) Emergency fire control and suppression.

(m) Slash burning pursuant to a burning permit (RCW 76.04.205).

(n) Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding 40 percent or off-road use of tractors within the shorelines of a Type 1 Water, the riparian management zone of any Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water.

(o) Ground application of chemicals. (See WAC 222-38-020.)

(p) Aerial application of chemicals (except insecticides) when applied to not more than 40 contiguous acres if the application is part of a combined or cooperative project with another landowner and where the application does not take place within 100 feet of lands used for farming, or within 200 feet of a residence, unless such farmland or residence is owned by the forest landowner. Provisions of chapter 222-38 WAC shall apply.

(q) Forestry research studies and evaluation tests by an established research organization.

(4) "Class II." Certain forest practices have been determined to have a less than ordinary potential to damage a public resource and may be conducted as Class II forest practices: PROVIDED, That no forest practice enumerated below may be conducted as a Class II forest practice if the operation requires a hydraulic project approval (RCW 75.20.100) or is within a "shorelines of the state," or involves a bond in lieu of landowners signature (other than renewals). Such forest practices require an application. No forest practice enumerated below may be conducted as a "Class II" forest practice if it takes place on lands platted after January 1, 1960, or on lands being converted to another use. Such forest practices require a Class IV application. Class II forest practices are the following:

(a) Renewal of a prior Class II notification.

(b) Renewal of a previously approved Class III or IV forest practice application where:

(i) No modification of the uncompleted operation is proposed;

(ii) No notices to comply, stop work orders or other enforcement actions are outstanding with respect to the prior application; and

(iii) No change in the nature and extent of the forest practice is required under rules effective at the time of renewal.

(c) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, or within the ordinary highwater mark of a Type 4 Water:

(i) Construction of advance fire trails.

(ii) Opening a new pit of, or extending an existing pit by, less than 1 acre.

(iii) The following operations except those involving off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

(A) Salvage of logging residue.

(B) Salvage of dead, down or dying timber if less than 40 percent of the total timber volume is removed in any 12-month period.

(C) West of the Cascade summit, partial cutting of 40 percent or less of the live timber volume.

(D) East of the Cascade summit, partial cutting of 5,000 board feet per acre or less.

(E) Any harvest on less than 40 acres.

(F) Construction of 600 or more feet of road, provided that the department shall be renotified at least 2 business days before commencement of the construction.

(5) "Class III" forest practices not listed under Classes IV, I or II above are "Class III" forest practices. Among Class III forest practices are the following:

(a) Those requiring hydraulic project approval (RCW 75.20.100).

(b) Those within the shorelines of the state other than those in a Class I forest practice.

(c) Aerial application of insecticides, except where classified as a Class IV forest practice.

(d) Aerial application of chemicals (except insecticides), except where classified as Class I or IV forest practices.

(e) Harvest or salvage of timber except where classed as Class I, II or IV forest practices.

(f) All road construction and reconstruction except as listed in Classes I, II and IV forest practices.

(g) Opening of new pits or extensions of existing pits over 1 acre.

(h) Road maintenance involving:

(i) Replacement of bridges or culverts across Type 1, 2, 3, or flowing Type 4 Waters; or

(ii) Movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters.

(i) Operations involving an applicant's bond in lieu of a landowner's signature.

(j) Site preparation or slash abatement not listed in Classes I or IV forest practices.

(k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain cultural, historic or archaeological resources which, at the time the application or notification is filed, are:

(i) On or are eligible for listing on the National Register of Historic Places; or

(ii) Have been identified to the department as being of interest to an affected Indian tribe.

(l) Harvesting exceeding 19 acres in a designated difficult regeneration area.

(m) Utilization of an alternate plan. See WAC 222-12-040.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-20-030 DELIVERY OF NOTIFICATIONS AND APPLICATIONS—RECEIPTS—FILE NUMBERS. (1) Notifications and applications should be delivered in person or by registered or certified mail to the department at the appropriate ((~~area~~)) region office. Notifications and applications actually received at the appropriate ((~~area~~)) region office by other means may be accepted or returned to the applicant.

(2) Upon delivery of a notification or application to the appropriate ((~~area~~)) region office, a written receipt for such notification or application shall be issued by the department as follows:

(a) If delivery is in person, a dated receipt shall be issued immediately to the applicant.

(b) If delivery is by registered or certified mail, a dated receipt shall be mailed immediately to the applicant.

(c) If delivery is by other means, a receipt dated on the day the department begins processing the application shall be mailed to the applicant.

(3) Each receipt will indicate the file number assigned to the notification or application.

AMENDATORY SECTION (Amending Resolution No. 82-1, filed 8/3/82, effective 10/1/82)

WAC 222-30-010 POLICY—TIMBER HARVESTING. This section covers all removal of timber from forest lands in commercial operations, commercial thinning, salvage of timber, relogging merchantable material left after prior harvests, postharvest cleanup, and clearing of merchantable timber from lands being converted to other uses. It does not cover removal of incidental vegetation or removal of firewood for personal

use. To the extent practical the department shall coordinate the activities on a multiple disciplinary planning approach. The riparian management zone requirements specified in this section are designed to provide protection for water quality and fisheries and wildlife habitat through ensuring present and future supplies of large organic debris for streams, snags, canopy cover, and a multistoried diverse forest adjacent to Type 1, 2 and 3 Waters. (NOTE: OTHER LAWS OR REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

AMENDATORY SECTION (Amending Order 535, filed 11/16/87, effective 1/1/88)

WAC 222-30-020 HARVEST UNIT PLANNING AND DESIGN. (1) Logging system. The logging system should be appropriate for the terrain, soils, and timber type so yarding or skidding can be economically accomplished in compliance with these regulations.

*(2) Landing locations. Locate landings to prevent damage to public resources. Avoid excessive excavation and filling.

(3) Landing construction.

(a) Landings requiring sidecast or fill shall be no larger than reasonably necessary for safe operation of the equipment expected to be used.

(b) Where the average general slopes exceed 65 percent, fill material used in construction of landings shall be free of loose stumps and excessive accumulations of slash and shall be mechanically compacted where necessary and practical in layers by tractor to prevent soil erosion and mass soil movement. Chemical compacting agents may be used in accordance with WAC 222-38-020.

*(c) Truck roads, skid or fire trails shall be outsloped or cross drained uphill of landings and the water diverted onto the forest floor away from the toe of any landing fill.

(d) Landings shall be sloped to minimize accumulation of water on the landing.

*(e) Excavation material shall not be sidecast where there is high potential for material to enter below the ordinary high-water mark of any stream or the 50-year flood level of Type 1, 2, 3 or 4 Water.

*(4) Riparian management zones. For the purpose of riparian management zone design the state shall be divided along an administrative line which approximates the change from the Western Washington timber types to the Eastern Washington timber types described as follows:

Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,

thence south on range line between R. 18E. and R. 19E., to the Lake Chelan-Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,

thence south and east along the eastern wilderness boundary of Lake Chelan-Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan,

thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.,

thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.,

thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.,

thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.,

thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.,

thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.,

thence south along range line between R. 14E. and R. 15E. to SW corner of T. 20N, R. 15E.,

thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.,

thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.,

thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.,

thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.,

thence south and west along Wenatchee National Forest Boundary to the NW corner of T. 12N, R. 14E.,

thence south along range line between R. 13E. and R. 14E. to SE corner of T. 10N, R. 13E.,

thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.,

thence south along range line between R. 11E. and R. 12E. to SE corner of T. 8N, R. 11E.,

thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest Boundary,

thence south along Forest Boundary to SE corner of Section 33, T. 7N, R. 11E.,

thence west along township line between T. 6N, and T. 7N to SE corner of T. 7N, R. 9E.,

thence south along Skamania-Klickitat County line to Oregon-Washington state line.

(5) Western Washington riparian management zones. These zones shall be measured horizontally from the ordinary high-water mark of Type 1, 2 or 3 Water and extend to the line where vegetation changes from wetland to upland plant community, but shall not be less than 25 feet in width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include swamps, bogs, marshes or ponds adjacent to the stream.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these regulations, including those regulations relating to stream bank integrity and temperature control. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided

for in the chart below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations. The number, size, species and ratio of leave trees, deciduous to conifer, is specified by the bed material and average width of the water type within the harvest unit. Trees left according to (d) of this subsection may be included in the number of required leave trees in this subsection.

((~~WATER TYPE/ AVERAGE WIDTH~~	~~RMZ MAXIMUM WIDTH~~	~~RATIO OF CONIFER TO DECIDUOUS/ SIZE OF LEAVE TREES~~	~~# TREES/1000 FT. EACH SIDE GRAVEL/BOULDER/ COBBLE BEDROCK <10" DIAMETER~~
~~1 & 2 Water 75' & over~~	~~100'~~	~~representative of stand~~	~~50 trees 25 trees~~
~~1 & 2 Water under 75'~~	~~75'~~	~~representative of stand~~	~~100 trees 50 trees except N.E. Wash. 75 trees 50 trees~~
~~3 Water 5' & over~~	~~50'~~	~~2 to 1/ 12" or next largest available except N.E. Wash. 8" or next largest available~~	~~75 trees 25 trees except N.E. Wash. 60 trees 25 trees~~
~~3 Water less than 5'~~	~~25'~~	~~1 to 1/ 6" or next largest available~~))	~~25 trees 25 trees~~

WATER TYPE/ AVERAGE WIDTH	RMZ MAXIMUM WIDTH	RATIO OF CONIFER TO DECIDUOUS/ MINIMUM SIZE LEAVE TREES	# TREES/1000 FT. EACH SIDE GRAVEL/ COBBLE <10" DIAMETER	BOULDER/ BEDROCK
1 & 2 Water 75' & over	100'	represen- tative of stand	50 trees	25 trees
1 & 2 Water under 75'	75'	represen- tative of stand	100 trees	50 trees
3 Water 5' & over	50'	2 to 1/ 12" or next largest available	75 trees	25 trees
3 Water less than 5'	25'	1 to 1/ 6" or next largest available	25 trees	25 trees

((~~The leave tree requirement for northeastern Washington applies only to Stevens, Pend Oreille, Spokane, and Ferry Counties and that portion of Okanogan County lying east of the Okanogan River.~~)) "Or next largest available" requires that the next largest trees to those specified in the rule be left standing when those available are smaller than the sizes specified. Ponds or lakes which are Type 1, 2 or 3 Waters shall have the same leave tree requirements as boulder/bedrock streams.

(d) For wildlife habitat within the riparian management zone, leave an average of 5 undisturbed and uncut wildlife trees per acre at the ratio of 1 deciduous tree to 1 conifer tree equal in size to the largest existing trees of those species within the zone. Where the 1 to 1 ratio is not possible, then substitute either species present. Forty percent or more of the leave trees shall be live and undamaged on completion of harvest. Wildlife trees shall be left in clumps whenever possible.

(e) When 10 percent or more of the harvest unit lies within the riparian management zone of Type 1, 2 or 3 Waters and ((~~either~~)) the harvest unit is a clearcutting of 30 acres or less ((~~or in eastern Washington, the harvest unit is a partial cutting of 80 acres or less~~)), leave not less than 50 percent of the trees required in (c) of this subsection. (((~~See WAC 222-16-010(33) partial cutting.~~)

((~~5~~)) *(6) Eastern Washington riparian management zones. These zones shall be measured horizontally from the ordinary high-water mark of Type 1, 2 or 3 Waters and extend to the line where vegetation changes from wetland to upland plant community, but shall not be less than the minimum width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include swamps, bogs, marshes, or ponds adjacent to the stream.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these regulations, including those regulations relating to stream bank integrity and temperature control. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided for below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations.

(i) The width of the riparian management zone shall be based on the adjacent harvest type as defined in WAC 222-16-010(33) Partial cutting. When the adjacent unit harvest type is:

Partial cutting - The riparian management zone width shall be a minimum of 30 feet to a maximum of 50 feet on each side of the stream.

Other harvest types - The riparian management zone shall average 50 feet in width on each side of the stream with a minimum width of 30 feet and a maximum of 300 feet on each side of the stream.

(ii) Leave tree requirements within the riparian management zones of Type 1, 2 or 3 Waters:

(A) Leave all trees 12 inches or less in diameter breast height (dbh); and

(B) Leave all snags within the riparian management zone that do not violate the state safety regulations (chapter 296-54 WAC department of labor and industries, safety division); and

(C) Leave 16 live conifer trees/acre between 12 inches dbh and 20 inches dbh distributed by size, as representative of the stand; and

(D) Leave 3 live conifer trees/acre 20 inches dbh or larger and the 2 largest live deciduous trees/acre 16 inches dbh or larger. Where these deciduous trees do not exist, and where 2 snags/acre 20 inches or larger do not exist, substitute 2 live conifer trees/acre 20 inches dbh or larger. If live conifer trees of 20 inches dbh or larger do not exist within the riparian management zone, then substitute the 5 largest live conifer trees/acre; and

(E) Leave 3 live deciduous trees/acre between 12 inches and 16 inches dbh where they exist.

(iii) Minimum leave tree requirements per acre for Type 1, 2 and 3 Waters. Trees left for (c)(ii) of this subsection shall be included in the minimum counts.

(A) On streams with a boulder/bedrock bed, the minimum leave tree requirements shall be 75 trees/acre 4 inches dbh or larger.

(B) On streams with a gravel/cobble (less than 10 inches diameter) bed, the minimum leave tree requirement shall be 135 trees/acre 4 inches dbh or larger.

(C) On lakes or ponds the minimum leave tree requirement shall be 75 trees/acre 4 inches dbh or larger.

Note: (See the Forest Practices Board Manual for assistance in calculating trees/acre and average RMZ widths.)

(d) When 10 percent or more of the harvest unit lies within the riparian management zone of Type 1, 2 or 3 Waters and either the harvest unit is a clearcutting of 30 acres or less or the harvest unit is a partial cutting of 80 acres or less, leave not less than 50 percent of the trees required in (c) of this subsection. (See WAC 222-16-010(33) Partial cutting.)

(7) Type 4 Water riparian leave tree areas. The department will require trees to be left along Type 4 Water where such practices are necessary to protect public resources. Where such practices are necessary leave at least 25 conifer or deciduous trees, 6 inches in diameter or larger, on each side of every 1000 feet of stream length within 25 feet of the stream. The leave trees may be arranged to accommodate the operation.

((~~(6)~~)) (8) Future productivity. Harvesting shall leave the land in a condition conducive to future timber production except:

(a) To the degree required for riparian management zones; or

(b) Where the lands are being converted to another use or classified urban lands as specified in WAC 222-34-050.

((~~(7)~~)) (9) Wildlife habitat. This subsection is designed to encourage timber harvest practices that would protect wildlife habitats, provided, that such action shall not unreasonably restrict landowners action without compensation.

(a) The applicant should make every reasonable effort to cooperate with the department of wildlife to identify critical wildlife habitats as defined by the board. Where these habitats are known to the applicant, they shall be identified in the application or notification.

(b) Where a critical wildlife habitat has been identified the applicant shall consider reasonable means of protection thereof as part of the proposed harvesting operation.

(c) Harvesting methods and patterns in established big game winter ranges should be designed to insure adequate access routes and escape cover where practical.

(i) Where practical, cutting units should be designed to conform with topographical features.

(ii) Where practical on established big game winter ranges, cutting units should be dispersed over the area to provide cover, access for wildlife, and to increase edge effect.

(d) In areas where this will not create a significant fire or safety hazard nor conflict with achieving conformance with the limitation of or performance with the provisions of chapter 76.04 RCW (snag falling law) and chapter 49.17 RCW (safety), a reasonable number of snags will be left to protect habitat for cavity nesting wildlife.

AMENDATORY SECTION (Amending Resolution No. 86-2, filed 10/10/86, effective 12/1/86)

WAC 222-34-050 URBAN AND OTHER LANDS EXEMPTED FROM THE REFORESTATION REQUIREMENTS. (1) Those lands which an applicant has declared are to be converted to a nonforest use and are in fact converted within 3 years of completion of harvest.

(2) Those lands the department determines should be exempted in whole or in part where the forest land has the likelihood of future conversion to urban development and where:

(a) They have the likelihood of development within a 10 year period, and

(b) The development is for urban use, and

(c) The development contemplated would be consistent with any local or regional land use plans or ordinances, and

(d) Said lands have not been classified or designated reforestation lands under chapter 84.28 RCW, forest land under chapter 84.33 RCW or timber lands under chapter 84.34 RCW (Open space law).

(3) Utility rights of way. Reforestation is not required for initial clearing or reclearing of utility rights of way in actual use for utility purposes or scheduled for construction of utility facilities within ((~~ten~~)) 10 years from the date of completion of harvest, provided that if the scheduled facility is not completed, the area shall be reforested within ((~~one~~)) 1 year.

(4) Public lands. Reforestation is not required on the following lands, unless required by regulation of the agency owning or acquiring the lands:

(a) Lands owned in fee by a public agency which has budgeted for construction within 10 years a specific project inconsistent with commercial timber production.

(b) Lands being acquired by public agency for construction within 10 years of a project inconsistent with timber production, if at the time of completion of harvest the public agency has entered into a binding contract for the purchase of the lands or initiated legal proceedings for the condemnation of the lands.

AMENDATORY SECTION (Amending Order 535, filed 11/16/87, effective 1/1/88)

WAC 222-38-020 HANDLING, STORAGE, APPLICATION. *(1) No pesticide leakage, contamination, pollution.

(a) No person shall transport, handle, store, load, apply, or dispose of any pesticide, pesticide container or apparatus in such a manner as to pollute water supplies or waterways, or cause damage or injury to land, including humans, desirable plants, and animals.

(b) The department or the department of agriculture may suspend further use of any equipment responsible for chemical leakage, until the deficiency has been corrected to the satisfaction of the department suspending its usage.

*(2) Streams, lakes and public waters. No person shall pollute streams, lakes, and other public water supplies in their pesticide loading and mixing operation. Use devices or procedures to prevent "back siphoning" such as providing an air gap or reservoir between the water source and the mixing tank.

*(3) Mixing and landing areas.

(a) Mix chemicals and clean tanks and equipment only where any accidental spills would not enter any water types.

(b) Landing areas should be located where accidental spillage of chemicals will not cause them to become a contaminant. If any chemical is spilled, immediate appropriate procedures should be taken to contain or neutralize it.

*(4) Riparian management zone. Chemical treatments within the riparian management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

*(5) Aerial application.

(a) To keep chemicals out of the water, leave a 50 foot buffer strip on Type 1, 2, 3 and flowing Type 4 and 5 Waters and other areas of open water, such as ponds or sloughs. Do not spray chemicals in buffer strips or riparian management zones. Provided that fertilizers may be applied to within 25 feet of the water.

(b) Apply the initial swath parallel to the buffer strip in (a) of this subsection on Type 1, 2, 3 or flowing Type 4 and 5 Waters. Parallel flight adjacent to all buffer strips shall be required unless a deviation is approved in advance by the department. Drift control agents shall be required adjacent to buffer strips.

(c) Use a bucket or spray device capable of immediate shutoff.

(d) Shut off chemical application during turns and over open water.

(e) Do not allow direct entry of chemicals into any Type 1, 2, 3 or flowing Type 4 and 5 Waters.

(f) Leave at least 200 foot buffer strip around residences and 100 foot buffer strip adjacent to lands used for agriculture unless such residence or farmland is owned by the forest landowner or the aerial application is acceptable to the resident or landowner.

(g) The landowner shall identify for the operator the units to be sprayed and the untreated areas within the units so they are visible from the air. Before application of the chemical an over-flight of the area shall be made by the pilot and a responsible agent of the landowner.

(h) Aerial chemical application areas shall be posted by the landowner by signing at significant points of regular access at least 5 days prior to treatment. Posting shall remain at least 15 days after the spraying is complete. Posting at formal, signed trailheads that are adjacent to aerially treated units is required. The signs will contain the name of the product used, date of treatment, and a contact telephone number.

(i) Any water purveyor of a certified Class 1, 2 or 3 system, as defined in WAC ((~~248-54-560~~)) 248-54-015, may request the department to designate lands within the watershed upstream of the surface water intake of the affected water supply as an "area of water supply interest." Prior to requesting such designation, the purveyor shall personally or by certified mail deliver to each landowner of record within such area, a copy of the request, a map showing proposed area boundaries and the name and address of the purveyor. The department may designate an "area of water supply interest" in such area(s) where it determines that the aerial application of pesticides may adversely impact the affected water supply. Where the department has designated an "area of water supply interest," it shall notify the purveyor of any Class IV Forest Practices for the aerial application of pesticides.

*(6) Stream protection – ground application with power equipment.

(a) Leave a 10 foot buffer strip on each side of every Type 1 and 2 Water and each flowing Type 3 Water.

(b) Do not allow entry of chemicals into any water.

(c) Do not exceed allowable dosages.

*(7) Stream protection – hand application.

Apply only to specific targets, such as a stump, burrow, bait or trap.

*(8) Limitations on application. Chemicals shall be applied only in accordance with all limitations:

(a) Printed on the United States Environmental Protection Agency container registration label, and/or

(b) Established by regulation of the state department of agriculture.

(c) Established by state and local health departments (in municipal watersheds).

(d) Established by the Federal Occupational Safety and Health Administration, or the state department of labor and industries, as they relate to safety and health of operating personnel and the public.

*(9) Container disposal. Chemical containers shall be either:

(a) Removed from the forest and disposed of in the manner consistent with label directions; or

(b) Removed and cleaned for reuse in a manner not inconsistent with any applicable regulations of the state department of agriculture or the state or local health departments.

*(10) Daily records – aerial application of pesticides. On all aerial applications of pesticides, the operator shall maintain for 3 years daily records of spray operations as required by the state department of agriculture WAC 16-228-190.

*(11) Reporting of spills. All potentially damaging chemical spills shall be immediately reported to the department of ecology.

AMENDATORY SECTION (Amending Resolution No. 82-1, filed 8/3/82, effective 10/1/82)

WAC 222-50-020 OTHER AGENCY REQUIREMENTS. (1) Many other laws and regulations apply to the conduct of forest practices. Other agencies administer some of these other regulatory programs. Permits may be required by such agencies prior to the conduct of certain forest practices. The department will maintain a list for distribution of state, regional and local regulatory programs that apply to forest practice operations. Affected parties are urged to consult with the specified agencies and independent experts with respect to the regulatory requirements shown on the list.

(2) Hydraulics project approval law, RCW 75.20.100. A hydraulics project approval must be obtained from the department of fisheries and the department of ((~~game~~)) wildlife prior to constructing any form of hydraulic project or other work that will use, divert, obstruct, or change the natural flow or bed of any river or stream or that will utilize any of the waters of the state or materials from the stream beds. See RCW 75.20.100 and WAC ((~~232-12-655~~)) 232-14-010.

(3) Compliance with the Shoreline Management Act, chapter 90.58 RCW, is required. The Shoreline Management Act is implemented by the department of ecology and the applicable local governmental entity. A substantial development permit must be obtained prior to conducting forest practices which are "substantial developments" within the "shoreline" area as those terms are defined by the Shoreline Management Act.

(4) Nothing in these regulations is intended to interfere with any authority of the department of ((~~game~~)) wildlife to protect wildlife under any other statutes or regulations, or under any agreements with landowners.

WSR 88-19-113
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed September 21, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning:

Amd WAC 308-56A-465 Certificates of title—Motor vehicles.
Amd WAC 308-58-020 Reporting destroyed vehicles;

that the agency will at 9:00 a.m., Wednesday, October 26, 1988, in the 2nd Floor, Conference Room, Highways-Licenses Building, 12th and Franklin, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 46.01.110.

The specific statute these rules are intended to implement is RCW 46.12.070 and 46.16.660.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 26, 1988.

Dated: September 21, 1988
By: Sandra Brooks
Administrator

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: To correctly reflect the name of the Department of Licensing; to correct an inconsistency between WAC 308-56A-465 and 308-96A-005; and to correct an inconsistency between WAC 308-58-020 and RCW 46.12.070.

Statutory Authority: RCW 46.01.110.

Summary of Rules: WAC 308-56A-465 Fleets and 308-58-020 Methods of reporting destruction.

Reason Proposed: To enhance the ability of the Department of Licensing to serve the public.

Responsible Departmental Personnel: In addition to the director of the Department of Licensing, the following individuals have knowledge of and responsibility for drafting, implementing, enforcing and repealing these rules: David T. Kirk, Assistant Director, Vehicle Services, Second Floor, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, phone (206) 753-6914 comm or 234-6914 scan; and Sandra Brooks, Administrator, Title and Registration Control, Second Floor, Highways-License Building, 12th and Franklin, Olympia, Washington 98504, phone (206) 753-6920 comm or 234-6920 scan.

Proponents: The state of Washington Department of Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court requirements.

Small Business Economic Impact Statement: Not required for this statement.

AMENDATORY SECTION (Amending Order MV 208, filed 7/31/74)

WAC 308-56A-465 FLEETS. Any application for title by a registered owner having ((~~25~~)) fifteen or more vehicles registered in that name shall be identified as a "fleet" by placing this "fleet owner" identifier symbol on the application. The identifier symbol is issued by the department of ((~~motor vehicles~~)) licensing in Olympia.

AMENDATORY SECTION (Amending Order MV 142, filed 8/28/72)

WAC 308-58-020 METHOD OF REPORTING DESTRUCTION. An insurance company settling a claim for a destroyed vehicle will report such settlement by one of two methods:

(1) If the title comes into the insurer's possession in the course of a settlement with a first or third party claimant, the title will be forwarded to the department of ((~~motor vehicles~~)) licensing within ((~~ten~~)) five days. The insurer will type or print on the title, the name and address of the insurer, a notation "DESTROYED" or, in the event the vehicle is a total loss under the definitions contained in WAC 308-58-010, but in the opinion of the insurer may be repaired at a cost not to exceed sixty percent of its fair market value if repaired, a notation "TOTAL COST OF REPAIR LESS THAN SIXTY PERCENT," and the approximate date of destruction. The requested information will be placed on the title in such a manner as not to obscure any of the printed matter on

the title itself. The title, with the information thereon, will be mailed to the Vehicle Records Section, Department of ((~~Motor Vehicles~~)) Licensing, Olympia, Washington 98504.

(2) If the destroyed vehicle and its title do not come into the insurer's possession, the insurer will report the fact of settlement within ((~~ten~~)) five days of settlement on a form to be supplied by the department of ((~~motor vehicles~~)) licensing. The report will include the following information:

(a) Year, make, series and body style of vehicle;

(b) License plate number, last year of registration and name of state in which registered;

(c) Registered and legal owner's name and address, if known;

(d) Cause of damage;

(e) Whether vehicle is repairable (A vehicle should be considered repairable only if its cost of repair would not exceed sixty percent of its fair market value if repaired.);

(f) Date of sale and amount of sale;

(g) Name and address of purchaser and whether he is the assured, private party, salvage buyer, auto wrecker or fragmentizer;

(h) Name and address of insurance company or adjuster;

(i) Date of report.

In an instance where an insurer does not obtain possession of the title, the registered owner will forward the title to the department of ((~~motor vehicles~~)) licensing within ((~~ten~~)) five days of the destruction of the vehicle. The title will be endorsed by the legal owner to release his interest, if the legal owner is not the same as the registered owner. The registered owner will print or type on the title the word "DESTROYED," the approximate date of destruction and sign the title. The license plates from the vehicle will be surrendered to any office of the department of ((~~motor vehicles~~)) licensing.

The title for a vehicle that has been destroyed, which title has not been surrendered to the department, shall be cancelled. Notice of this cancellation will be mailed to the legal owner of the vehicle by regular mail to his address as shown in the department's vehicle records. The legal owner will promptly return the cancelled title to the department.

WSR 88-19-114
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed September 21, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning Grandfather—Examination dates, amending WAC 308-195-070;

that the agency will at 9:00 a.m., Tuesday, October 25, 1988, in the Aladdin Motor Inn, Lakeside 2 Room, 900 South Capitol Way, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.89.050.

The specific statute these rules are intended to implement is RCW 18.89.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 24, 1988.

Dated: September 20, 1988
By: Terry Noeth
Assistant Attorney General

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: To implement chapter 18.89 RCW regarding the certification of respiratory care practitioners.

Statutory Authority: RCW 18.89.050.

Summary of Rules: Amending WAC 308-195-070 Grandfather—Examination dates.

Reason Proposed: To provide for grandfathering of individuals currently practicing respiratory care who are awaiting to take the respiratory care examination.

Responsible Department Personnel: The following personnel have knowledge of and responsibility for drafting, implementing and enfacing [enforcing] the rules: Chris Rose, Administrator, Business and Professions, 1300 Quince Street S.E., Olympia, WA 98504, phone 234-2241 scan, 753-2241 comm; and Arlene Robertson, Assistant Program Manager, Business and Professions, 1300 Quince Street S.E., Olympia, WA 98504, phone 234-3129 scan, 753-3129 comm.

Proponents: The director of the Department of Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal law of federal or state court requirements.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as the term was defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order 724, filed 4/27/88)

WAC 308-195-070 GRANDFATHER—EXAMINATION DATES. (1) Applicants qualifying for respiratory care practitioner certification under RCW 18.89.130(2) shall have one year from July 26, ((~~1987~~)) 1988, to apply for examination.

(2) Applicants who qualify for respiratory care practitioner certification under RCW 18.89.130(2) and are eligible for exemption under the rural hospital designation shall have one year from September 15, 1988, to apply for examination.

(3) Applicants must satisfactorily complete the examination in four consecutive sittings.

WSR 88-19-115
PROPOSED RULES
DEPARTMENT OF LICENSING
(Examining Board of Psychology)
[Filed September 21, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the state of Washington Examining Board of Psychology intends to adopt, amend, or repeal rules concerning new WAC 308-122-005, 308-122-006 and 308-122-280; and amending WAC 308-122-350;

that the agency will at 9:00 a.m. Saturday, November 12, 1988, in the Cascade Room, Arnold's Best Western, 12223 N.E. 116th Street, Kirkland, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.83.050(1) and section 604, chapter 206, Laws of 1988.

The specific statute these rules are intended to implement is section 604, chapter 206, Laws of 1988.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 3, 1988.

Dated: September 19, 1987 [1988]
By: Diana Dietrich
Assistant Attorney General

STATEMENT OF PURPOSE

Name of Agency: State of Washington Board of Psychology.

Purpose: To establish procedure for appropriate education and training for licensee on the prevention, transmission, and treatment of AIDS.

Statutory Authority: RCW 18.83.050(1) and section 604, chapter 206, Laws of 1988.

Summary of the Rules: WAC 308-122-005 Definitions; 308-122-006 Applications for licensure; 308-122-280 AIDS education and training; and 308-122-350 Psychologists—Renewal of licenses.

Responsible Departmental Personnel: In addition to the members of the Board of Psychology, the following individuals have knowledge of and responsibility for drafting, implementing, enforcing and repealing these rules: Yvonne Braeme, Program Manager, 1300 Quince Street S.E., Olympia, WA 98504, phone (206) 753-3095 or 234-3095 scan.

Proponents: The state of Washington Board of Psychology.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court requirements.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses.

NEW SECTION

WAC 308-122-005 DEFINITIONS. (1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(2) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

NEW SECTION

WAC 308-122-006 APPLICATIONS FOR LICENSURE. Effective January 1, 1989, persons applying for licensure or certification shall submit, in addition to the other requirements, evidence to show compliance with the educational requirements of WAC 308-122-210.

NEW SECTION

WAC 308-122-280 AIDS EDUCATION AND TRAINING. (1) Acceptable education and training. Such education and training shall be consistent with the model curriculum available from the office on AIDS and with the standards set forth in WAC 308-122-520(1), shall be a minimum of seven clock hours, and shall include, but not be limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(2) Implementation. Effective January 1, 1989, the requirement for licensure or certification application, renewal, or reinstatement of any license or certification on lapsed, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (1) of this section.

(3) Documentation. The licensee shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that learning has taken place.

AMENDATORY SECTION (Amending Order PL 227, filed 11/5/75)

WAC 308-122-350 PSYCHOLOGISTS—RENEWAL OF LICENSES. (1) The annual license renewal date for psychologists is hereby changed to coincide with the licensee's birthdate. Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(2) After the initial conversion to a staggered system, licensees may renew their licenses, at the annual renewal fee rate, for one year, from birth anniversary date to the next birth anniversary date.

(3) On a one time basis beginning January 1, 1989, all persons making application for licensure or certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-122-210. Persons whose 1989 license expires on or before March 31, 1989, may, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement.

WSR 88-19-116
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Nursing)
[Filed September 21, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Nursing intends to adopt, amend, or repeal rules concerning the amending of WAC 308-120-100, 308-120-161, 308-120-166, 308-120-168 and 308-120-180; and new WAC 308-120-750, 308-120-760, 308-120-770 and 308-120-780;

that the agency will at 9:15 a.m. Friday, October 28, 1988, in the Shoreline B Room, Cavanaugh's River Inn, North 700 Division, Spokane, WA 99201, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.88.080, 18.88.040, section 604, chapter 206, Laws of 1988, and SSB 6470, Laws of 1988.

The specific statute these rules are intended to implement is section 604, chapter 206, Laws of 1988, and SSB 6470, Laws of 1988.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 24, 1988.

Dated: September 20, 1988
By: Constance E. Roth, R.N., Ed.D.
Executive Secretary

STATEMENT OF PURPOSE

Title and Number of Rule Sections or Chapters: WAC 308-120-100 Definitions; 308-120-161 Qualification/eligibility to write the licensing examination; 308-120-166 Applicants previously licensed in a

foreign country; 308-120-168 Licensure by interstate endorsement; 308-120-180 Renewal of licenses; 308-120-610 AIDS education and training; 308-120-750 Philosophy governing voluntary substance abuse monitoring programs; 308-120-760 Terms used in WAC 308-120-750 through 308-120-780; 308-120-770 Approval of substance abuse monitoring programs; and 308-120-780 Participation in approved substance abuse monitoring program.

Statutory Authority: RCW 18.88.080, 18.130.040, section 604, chapter 206, Laws of 1988, and SSB 6470, Laws of 1988.

Specific Statute that Rule is Intended to Implement: Section 604, chapter 206, Laws of 1988, and SSB 6470, Laws of 1988.

Summary of the Rules and Reasons Supporting the Proposed Actions: WAC 308-120-100 adds definitions relating to AIDS to clarify use of terms in WAC 308-120-610; 308-120-161 makes housekeeping changes to clarify use of the term "requirements"; 308-120-166 adds the AIDS education and training requirement of WAC 308-120-610 to licensure requirements for applicants previously licensed in a foreign country to comply with the AIDS Omnibus Bill; 308-120-168 adds the AIDS education and training requirement of WAC 308-120-610 to licensure by interstate endorsement requirements to comply with the AIDS Omnibus Bill; 308-120-180 adds the AIDS education and training requirement of WAC 308-120-610 for renewal of licenses in 1989 to comply with the AIDS Omnibus Bill; 308-120-610 describes acceptable AIDS education and training, the implementation of the requirement and documentation required of the licensee in order to advise licensees of the board's requirements related to AIDS education and training in compliance with the AIDS Omnibus Bill; 308-120-750 describes the philosophy of the Board of Nursing on substance abuse monitoring programs to advise licensees of the intent of the rules; 308-120-760 defines terms used in WAC 308-120-750 through 308-120-780 to clarify the use of these terms; 308-120-770 describes the approval of a substance abuse monitoring program to provide the requirements and procedures for such approval; and 308-120-780 describes board referral and voluntary participation in approved substance abuse monitoring programs to inform licensees of the requirements and procedures for participation in approved substance abuse monitoring programs.

Responsible Personnel: In addition to members of the Board of Nursing, and the Director of the Department of Licensing, the following individual has knowledge of and responsibility for drafting, implementing, and enforcing these rules: Constance E. Roth, R.N., Ed.D., Executive Secretary, Program Management Division, P.O. Box 9012, Olympia, WA 98504, (206) 586-1923 comm, 321-1923 scan.

Name of the Person or Organization that is Proposing the Rules: Washington State Board of Nursing.

Agency Comments or Recommendations: The Board of Nursing has been mandated by the Omnibus AIDS Bill to adopt rules that require appropriate education and training for licensees on the prevention, transmission, and treatment of AIDS. The board has deemed it appropriate to approve voluntary substance abuse monitoring programs and refer nurses impaired by substance abuse to approved programs as an alternative to instituting disciplinary proceedings.

These rules are not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rules or Their Purposes: None.

Small Business Economic Impact Statement: Not required and has not been filed since these rules do not impact more than 20 percent of all industries, or more than 10 percent of any one industry as that term is defined by RCW 19.85.020(3).

AMENDATORY SECTION (Amending Order PM 751, filed 7/28/88)

WAC 308-120-100 DEFINITIONS. (1) "Board" means the Washington state board of nursing.

(2) "School" means an educational unit charged with the responsibility of preparing persons to practice as registered nurses. Three types of basic schools of nursing are distinguished by the certificate awarded to the graduate. Schools of nursing within colleges and universities award the associate degree or baccalaureate degree. Schools of nursing sponsored by a hospital award a diploma.

(3) "Provisional approval" of schools of nursing is the approval given a new school of nursing based on its proposed program prior to the admission of its first class.

(4) "Full approval" of a school of nursing is the approval given a school of nursing that meets the requirements of the law and the rules and regulations of the board.

(5) "Conditional approval" of a school of nursing is the approval given a school of nursing that has failed to meet the requirements of the law and the rules and regulations of the board, and it specifies conditions that must be met within a designated time to rectify the failure.

(6) An "unapproved school of nursing" is a school of nursing that has been removed from the list of approved schools for failure to meet the requirements of the law and the rules and regulations of the board or a school that has never been approved by the board.

(7) "Extended learning sites" refers to any area external to the parent organization selected by faculty for student learning experiences.

(8) "Faculty" means persons who are responsible for the educational program of the school of nursing and who hold faculty appointment in the school.

(9) "Nursing student" is a person currently enrolled in an approved school of nursing.

(10) "Nursing aide" as that phrase is used in RCW 18.88.280 (the Professional Nurse Practice Act) is a nursing student who is employed for the purpose of giving help, assistance and support in the performance of those services which constitute the practice of registered nursing.

(a) "Direction and supervision" - the nursing aide may function only under the "direction and supervision" of the licensed registered nurse. She/he may never function as an independent practitioner or in a supervisory capacity, such as, e.g., head nurse, charge nurse, supervisor, administrator, or private duty nurse. She/he shall not perform duties or functions beyond her/his educational nursing preparation, as determined by the school in which she/he is enrolled. Supervision and direction shall include, but not be limited to, the following:

(i) A delegation of duties with regard to each individual patient, which duties shall be consistent with and shall not be greater than the abilities of the nursing aide, as indicated by her/his level of educational preparation;

(ii) An awareness of the activity of the nursing aide as it occurs; and

(iii) A continuing evaluation of the performance of the nursing aide, and reassignment consistent therewith.

(b) "Responsibilities - employer and nursing aide":

(i) Employer. It is the responsibility of the employer of such a nursing aide to obtain evidence of the aide's preparation from the school of nursing in which this student is enrolled.

(ii) Nursing aide. It is the responsibility of the nursing aide to accept only those assignments which are within the limits of her/his preparation as specified by her/his school of nursing.

(11) "Registered nurse" as used in these rules shall mean a nurse as defined by RCW 18.88.170.

(12) "Nurse administrator" is an individual who meets the qualifications contained in WAC 308-120-555 and who has been designated as the person primarily responsible for the direction of the program in nursing. Titles for this position may include, among others, dean, director, coordinator or chairperson.

(13) "Definition of terms appearing in RCW 18.88.280" - the terms "direction and supervision," "auxiliary services," and "minor nursing services" are defined as follows:

(a) "Minor nursing services." The techniques and procedures used by the nursing profession are extremely difficult to categorize as major or minor nursing services. The important factor with which this law is concerned is the determination of which nursing person and at what level of preparation that person may perform said technique or procedure in relation to the condition of a given patient, and this kind of determination rests with the registered nurse.

(b) "Auxiliary services" are all those nursing services provided to patients by persons other than the registered nurse, the licensed practical nurse and the nursing student.

(c) "Direction and supervision" shall include, but not be limited to the following:

(i) Delegation of duties with regard to each individual patient, which duties shall be consistent with and shall not be greater than the abilities of the auxiliary personnel, as indicated by their level of education preparation.

(ii) An awareness of the activity of auxiliary personnel.

(iii) A continuing evaluation of the performance of the auxiliary personnel.

(iv) It is the responsibility of the auxiliary person to accept only those assignments which are within the limits of his or her preparation.

(14) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illnesses as defined by the board of health by rule.

(15) "Office on AIDS" means a section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

AMENDATORY SECTION (Amending Order PL 387, filed 12/7/81)

WAC 308-120-161 QUALIFICATION/ELIGIBILITY TO WRITE THE LICENSING EXAMINATION. (1) Graduates from Washington state board approved schools of nursing holding a degree/diploma from such a school shall be eligible to write the examination provided all other requirements are met.

(2) Graduates from a nursing school approved by a board of nursing in another U.S. jurisdiction shall be eligible to write the examination provided that:

(a) The nursing school meets the minimum standards approved for state board school of nursing in Washington at the time of the applicant's graduation;

(b) Graduate holds a degree/diploma from the approved school of nursing;

(c) All other requirements ((~~are~~)) of the statute and regulations shall be met.

(3) An interim permit (WAC 308-120-170(2)) and a notice of eligibility for admission to the licensing examination may be issued to all new graduates from board approved schools of nursing after filing of a completed application, payment of the application fee, and official notification from the school certifying that the individual has successfully completed all requirements for the diploma/degree. The results of the licensing examination will not be released until the candidate's official transcript is on file with the board.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-166 APPLICANTS PREVIOUSLY LICENSED IN A FOREIGN COUNTRY. (1) Applicants for licensure educated in a country outside the United States or its territories shall meet the following requirements for licensure:

(a) Satisfactory completion of a basic nursing education program approved in the country of original licensure.

(i) The nursing education program shall be equivalent to the minimum standards prevailing for state board approved schools of nursing in Washington at the time of graduation.

(ii) Any deficiencies in the nursing program (theory and clinical practice in medical, psychiatric, obstetric, surgical and pediatric nursing) shall be satisfactorily completed in a state board approved school of nursing.

(b) Satisfactory passage of the screening examination for foreign nurses. As of May 1, 1981, all applicants from countries outside the United States, and never before licensed in one of the United States jurisdictions shall have passed the commission on graduates of foreign nursing schools (CGFNS) qualifying examination.

(c) Applicants licensed under the laws of a country outside the United States or its territories shall be required to take the current series of the National Council of State Boards of Nursing Registered Nurse Examination (NCLEX) as provided in WAC 308-120-163: PROVIDED, That those persons meeting the requirements of WAC 308-120-168(2) are exempt from this requirement.

(d) All other requirements of the statute and regulation shall be met.

(2) Applicants for examination shall:

(a) File with the board of nursing a completed notarized license application with the required fee prior to May 1 for the July examination and prior to December 1 for the February examination.

(b) Request the school of nursing to submit an official transcript directly to the division of professional licensing.

(c) Applicants shall also file an examination application, along with the required fee directly with the testing service.

(d) Effective January 1, 1989, persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-120-610.

(e) Request the licensing agency in the country of original license to submit evidence of licensure.

((~~(c)~~)) (f) Submit a notarized copy of the certificate issued by the CGFNS.

((~~(f)~~)) (g) If the applicant's original documents (education and licensing) are on file in another state or with the CGFNS, the applicant may request that the state board or the CGFNS send notarized copies in lieu of the originals.

AMENDATORY SECTION (Amending Order PL 370, filed 1/27/81)

WAC 308-120-168 LICENSURE BY INTERSTATE ENDORSEMENT. (1) A license to practice as a registered nurse in Washington may be issued without examination provided the applicant meets all of the following requirements:

(a) The applicant has graduated and holds a degree/diploma from a state board approved school of nursing preparing candidates for licensure as a registered nurse provided such nursing program is equivalent to the minimum nursing educational standards prevailing for state board approved schools of nursing in Washington at the time of the applicant's graduation.

(i) Applicants who were licensed prior to January 1, 1953 shall have scored at least 75% on the state board examination in the state of original licensure.

(ii) Applicants licensed after January 1, 1953 but before June 1, 1982 shall have passed the state board test pool examination for registered nurse licensure with a minimum standard score of 350 in each test.

(iii) Applicants licensed after July 1, 1982 shall have passed with a minimum standard score of 1600 for the total examination.

(b) The applicant holds a valid current license to practice as a registered nurse in another state or territory.

(c) The applicant complies with the education requirements of WAC 308-120-610.

(d) The application shall be completed and notarized, the fee must be filed with the application. The fee is not refundable. A notarized copy of a valid current license shall be filed with the application.

((~~(d)~~)) (e) Verification of licensure by examination shall be obtained from the state or territory of original licensure. Any fee for verification required by the state or territory of original license shall be paid by the applicant.

(2) Applicants from countries outside the United States who were granted a license in another U.S. jurisdiction or territory prior to December 31, 1971, and who were not required to pass the state board test pool examination shall meet the following requirements:

(a) The nursing education program shall meet the minimum approved standards prevailing for schools of nursing in Washington at the time of the applicant's graduation.

(b) The applicant holds a valid current license to practice as a registered nurse in another U.S. jurisdiction or territory.

(c) The applicant shall submit to the board:

(i) A complete notarized application. The nonrefundable fee must be filed with the application.

(ii) Verification of original licensure obtained in the U.S. jurisdiction or territory.

(iii) Notarized copies of educational preparation and licensure by examination submitted directly from the country of original licensure or from the state board or territory of original U.S. licensure.

(iv) Verification of current nursing practice for three years prior to application for Washington licensure.

(v) Evidence to show compliance with the education requirements of WAC 308-120-610.

(d) The applicant shall meet all requirements of chapter 18.88 RCW and regulations of the board.

AMENDATORY SECTION (Amending Order PM 751, filed 7/28/88)

WAC 308-120-180 RENEWAL OF LICENSES. (1) The license renewal date shall coincide with the licensee's birthdate.

(a) Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their birth anniversary date.

(b) Individuals making application for initial license with the state of Washington and under the reciprocity regulations, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(2) Licensees may renew their licenses, at the current renewal fee rate.

(3) The late payment penalty provision will be applied as follows:

Before the expiration date of the individual's license, the director shall mail a notice for renewal of license to every person holding a current license. The licensee must return such notice along with current renewal fees prior to the expiration of said license. Failure of any licensee to receive such notice shall not relieve or exempt such licensee from the requirements of this section. Should the licensee fail to renew his or her license prior to the expiration date, then the individual is subject to the penalty fee. If the licensee fails to renew his or her license within one year from expiration thereof, such individual must apply for licensing under the statutory conditions then in force. If the licensee fails to renew the license within three years from the expiration date, the individual must also meet the requirements of WAC 308-120-185.

(4) Effective January 1, 1989, all persons making application for 1989 license renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-120-610. Persons whose 1989 license expires on or before March 31, 1989, may, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirements.

NEW SECTION

WAC 308-120-610 AIDS EDUCATION AND TRAINING. (1) Acceptable education and training. Effective January 1, 1989, the board will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(2) Implementation. Effective January 1, 1989, the requirement for licensure application, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (1) of this section.

(3) Documentation. The licensee shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that education and training has taken place.

NEW SECTION

WAC 308-120-750 PHILOSOPHY GOVERNING VOLUNTARY SUBSTANCE ABUSE MONITORING PROGRAMS. The board recognizes the need to establish a means of proactively providing early recognition and treatment options for nurses whose competency may be impaired due to the abuse of drugs or alcohol. The board intends that such nurses be treated and their treatment monitored so that they can return to or continue to practice their profession in a way which safeguards the public. To accomplish this the board shall approve voluntary substance abuse monitoring programs and shall refer nurses impaired by substance abuse to approved programs as an alternative to instituting disciplinary proceedings as defined in RCW 18.130.160.

NEW SECTION

WAC 308-120-760 TERMS USED IN WAC 308-12-750 THROUGH 308-120-780. (1) "Approved substance abuse monitoring program" or "approved monitoring program" is a program the board has determined meets the requirements of the law and the criteria established by the board in WAC 308-120-770 which enters into a contract with nurses who have substance abuse problems regarding the required components of the nurse's recovery activity and oversees the nurse's compliance with these requirements. Substance abuse monitoring programs do not provide evaluation or treatment to participating nurses.

(2) "Contract" is a comprehensive, structured agreement between the recovering nurse and the approved monitoring program stipulating the nurse's consent to comply with the monitoring program and its required components of the nurse's recovery activity.

(3) "Approved treatment facility" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to RCW 70.96A.020(2) or 69.54.030 to provide concentrated alcoholism or drug treatment if located within Washington state. Drug and alcohol treatment programs located out-of-state must be equivalent to the standards required for approval under RCW 70.96A.020(2) or 69.54.030.

(4) "Substance abuse" means the impairment, as determined by the board, of a nurse's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

(5) "Aftercare" is that period of time after intensive treatment that provides the nurse and the nurse's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups and ongoing continued support of treatment program staff.

(6) "Nurse support group" is a group of nurses meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced nurse facilitator in which nurses may safely discuss drug diversion, licensure issues, return to work and other professional issues related to recovery.

(7) "Twelve steps groups" are groups such as alcoholics anonymous, narcotics anonymous, and related organizations based on a philosophy of anonymity, belief in a power outside of oneself, peer group association, and self-help.

(8) "Random drug screens" are laboratory tests to detect the presence of drugs of abuse in body fluids which are performed at irregular intervals not known in advance by the person to be tested.

NEW SECTION

WAC 308-120-770 APPROVAL OF SUBSTANCE ABUSE MONITORING PROGRAMS. The board will approve the monitoring program(s) which will participate in the board's substance abuse monitoring program. A monitoring program approved by the board may be contracted with an entity outside the department but within the state, out-of-state, or a separate structure within the department.

(1) The approved monitoring program will not provide evaluation or treatment to the participating nurses.

(2) The approved monitoring program staff must have the qualifications and knowledge of both substance abuse and the practice of nursing as defined in this chapter to be able to evaluate:

(a) Clinical laboratories;

(b) Laboratory results;

(c) Providers of substance abuse treatment, both individuals and facilities;

(d) Nurses' support groups;

(e) The nursing work environment; and

(f) The ability of the nurse to practice with reasonable skill and safety.

(3) The approved monitoring program will enter into a contract with the nurse and the board to oversee the nurse's compliance with the requirements of the program.

(4) The approved monitoring program may make exceptions to individual components of the contract on an individual basis.

(5) The approved monitoring program staff will determine, on an individual basis, whether a nurse will be prohibited from engaging in the practice of nursing for a period of time and restrictions, if any, on the nurse's access to controlled substances in the work place.

(6) The approved monitoring program shall maintain records on participants.

(7) The approved monitoring program will be responsible for providing feedback to the nurse as to whether treatment progress is acceptable.

(8) The approved monitoring program shall report to the board any nurse who fails to comply with the requirement of the monitoring program.

(9) The approved monitoring program shall provide the board with a statistical report on the program, including progress of participants, at least annually.

(10) The approved monitoring program shall receive from the board guidelines on treatment, monitoring, and limitations on the practice of nursing for those participating in the program.

NEW SECTION

WAC 308-120-780 PARTICIPATION IN APPROVED SUBSTANCE ABUSE MONITORING PROGRAM. (1) In lieu of disciplinary action, the nurse may accept board referral into the approved substance abuse monitoring program.

(a) The nurse shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The nurse shall enter into a contract with the board and the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The nurse will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The nurse will agree to remain free of all mind-altering substances including alcohol except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(iii) The nurse must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The nurse must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(v) The nurse will submit to random drug screening as specified by the approved monitoring program.

(vi) The nurse will attend nurses' support groups facilitated by a nurse and/or twelve step group meetings as specified by the contract.

(vii) The nurse will comply with specified employment conditions and restrictions as defined by the contract.

(viii) The nurse shall sign a waiver allowing the approved monitoring program to release information to the board if the nurse does not comply with the requirements of this contract.

(c) The nurse is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, and random drug screens.

(d) The nurse may be subject to disciplinary action under RCW 18-.130.160 if the nurse does not consent to be referred to the approved monitoring program does not comply with specified employment restrictions, or does not successfully complete the program.

(2) A nurse who is not being investigated by the board or subject to current disciplinary action or currently being monitored by the board for substance abuse may voluntarily participate in the approved substance abuse monitoring program without being referred by the board. Such voluntary participants shall not be subject to disciplinary action under RCW 18.130.160 for their substance abuse, and shall not have their participation made known to the board if they meet the requirements of the approved monitoring program:

(a) The nurse shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The nurse shall enter into a contract with the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The nurse will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The nurse will agree to remain free of all mind-altering substances including alcohol except for medications prescribed by an authorized prescriber as defined in RCW 69.41.030 and 69.50.101.

(iii) The nurse must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The nurse must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(v) The nurse will submit to random drug screening as specified by the approved monitoring program.

(vi) The nurse will attend nurses' support groups facilitated by a nurse and/or twelve step group meetings as specified by the contract.

(vii) The nurse will comply with employment conditions and restrictions as defined by the contract.

(viii) The nurse shall sign a waiver allowing the approved monitoring program to release information to the board if the nurse does not comply with the requirements of this contract.

(c) The nurse is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment and random drug screens.

(3) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved monitoring programs shall be confidential, shall be exempt from RCW 42.17.250 through 42.17.450, and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplinary authority for cause as defined in subsections (1) and (2) of this section. Records held by the board under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder.

WSR 88-19-117
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Nursing)
[Filed September 21, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Nursing intends to adopt, amend, or repeal rules concerning the amending of WAC 308-121-030, 308-121-040, 308-121-050 and 308-121-060; new WAC 308-121-055 and 308-121-070; and repealing WAC 308-121-010 and 308-121-020;

that the agency will at 8:45 a.m., Friday, October 28, 1988, in the Shoreline B Room, Cavanaugh's River Inn, North 700 Division, Spokane, WA 99201, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.52A.040, chapter 18.52B RCW, section 604, chapter 206, Laws or 1988.

The specific statute these rules are intended to implement is chapter 18.52B RCW, section 604, chapter 206, Laws of 1988.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 24, 1988.

Dated: September 20, 1988
By: Constance E. Roth, R.N. Ed.D.
Executive Secretary

STATEMENT OF PURPOSE

Title and Number of Rule Sections or Chapters: WAC 308-121-010 Nursing assistance employed in nursing homes on June 7, 1979, or within one year prior to this date—Requirements for obtaining certificate of completion of a nursing assistant training program; 308-121-020 Nursing assistant certificate examination; 308-121-030 Nursing assistant training program curriculum; 308-121-040 Nursing assistant training programs conducted by nursing homes; 308-121-050 Nursing assistants trained in programs not specified in WAC 308-121-040; 308-121-055 Nursing assistants trained in approved programs; 308-121-060 Issuing verification of completion; and 308-121-070 Registration of nursing assistants.

Statutory Authority: RCW 18.52A.040, chapter 18-.52B RCW and section 604, chapter 206, Laws of 1988.

Specific Statute that Rule is Intended to Implement: Chapter 18.52B RCW and section 604, chapter 206, Laws of 1988.

Summary of the Rules and Reasons Supporting the Proposed Actions: WAC 308-121-101 repeals section pertaining to nursing assistants employed prior to implementation of rules in 1979 as outdated information; WAC 308-121-020 repeals section with provision for examination for persons employed prior to implementation of rules in 1979 as outdated information; WAC 308-121-030 amends section to remove outdated information pertaining to educational programs which started classes prior to obtaining board approval. Adds AIDS education and training to required curriculum in compliance with AIDS Omnibus Bill; WAC 308-121-040 amends section to add admission requirement that trainees in nursing homes be registered as nursing assistants in compliance with chapter 18.52B RCW, [AID]S Omnibus Bill; WAC 308-121-050 amends section to remove outdated language and change the term "certificate" of completion to "verification" of completion in accordance with changes made in RCW 18.52A.030 by the 1988 legislature; WAC 308-121-055 adds a section specifying documentation requirements for nursing assistants who have previously been trained in an approved program to inform nursing homes what a nursing assistant may provide in lieu of being enrolled in a nursing assistant training program by the nursing home; WAC 308-121-060 amends section to change the term "certificate" to "verification" in accordance with changes made in RCW 18.52A.030 by the 1988 legislature; and WAC 308-121-070 adds a section relating to the required registration of nursing assistants to inform nursing homes of the requirements of chapter 18.52B RCW and P.L. 100-203, section 4211, the Omnibus Budget Reconciliation Act of 1987.

Responsible Personnel: In addition to members of the Board of Nursing, and the Director of the Department of Licensing, the following individual has knowledge of and responsibility for drafting, implementing, and enforcing these rules: Constance E. Roth, R.N., Ed.D., Executive Secretary, Program Management Division, P.O. Box 9012, Olympia, WA 98504, (206) 586-1923 comm, 321-1923 scan.

Name of the Person or Organization that is Proposing the Rules: Washington State Board of Nursing.

Agency Comments or Recommendations: The Board of Nursing has deemed it appropriate to adopt rules incorporating sections of chapter 18.52B RCW, Nursing assistants registration/certification as these sections relate to the rules pertaining to chapter 18.52A RCW Nursing assistants in nursing homes. WAC 308-121-030 through 308-121-060 of these rules are not necessary to comply with a federal law or a federal or state court decision. WAC 308-121-070 is necessary to comply with P.L. 100-203, section 4211, Laws of the 100th Congress - 1st Session.

Any Other Information that may be of Assistance in Identifying the Rules or Their Purposes: None.

Small Business Economic Impact Statement: Not required and has not been filed since these rules do not impact more than 20 percent of all industries, or more than 10 percent of any one industry as that term is defined by RCW 19.85.020(3).

AMENDATORY SECTION (Amending Order PL-313, filed 9/11/79)

WAC 308-121-030 NURSING ASSISTANT TRAINING PROGRAM CURRICULUM. (1) Board approval of the curriculum as defined herein is required for all nursing assistant training programs.

(a) Evidence that the curriculum as defined herein is included in the nursing assistant training programs shall be submitted to the board ((~~on forms provided by the board~~)).

(b) ((~~For programs conducted in schools and colleges beginning during the months of September, October, and November 1979, board approval may be obtained after the program has begun but in all cases shall be obtained prior to completion.~~

~~(c)~~)) Changes related to the curriculum shall be submitted to the board for approval thirty days prior to their implementation.

(((~~d~~))) (c) Every two years the board shall review with the superintendent of public instruction and the state board for community college education the curricula of nursing assistant training programs conducted by publicly supported schools within the agencies' respective jurisdiction. Upon completion of the review, the board shall approve or disapprove each program.

(2) Curriculum requirements for nursing assistant training program:

(a) The minimum number of contact hours required is ((~~25~~)) 32 in classroom and 50 in clinical practice under the supervision of a registered nurse;

(b) Classroom instruction shall include but not be limited to content areas with minimum hours as listed and clinical practice shall focus on the objectives as listed. Exceptions shall be justified to and approved by the board; and

(c) Specific references shall be made to federal and state laws and regulations affecting nursing assistant practice in nursing homes.

(3) Classroom instruction shall stress total care of the resident and consist of:

(a) Role responsibility - 3 hours:
(i) Ethical;
(ii) Legal;
(iii) Member of the health care team; and
(iv) Resident's rights and responsibilities.
(b) Safety concepts - 4 hours:
(i) Medical aseptic technique including isolation;
(ii) Environment;
(iii) Body mechanics;
(iv) Transfer and ambulation;
(v) Restraints and other protective devices;
(vi) Fire and disaster; and
(vii) Food service.
(c) Communications - 4 hours:

(i) Psychosocial needs:
(A) Verbal and nonverbal communications;
(B) Modifications for the handicapped; and
(C) Overview of programs supporting treatments for mental and physical limitations;
(ii) Medical and nursing terminology; and
(iii) Recording and reporting.
(d) Hygiene and restorative nursing care – 5 hours:
(i) Personal hygiene;
(ii) Activities of daily living;
(iii) Nutrition;
(iv) Excretory system;
(v) Bladder and bowel retraining; and
(vi) Preventive maintenance and rehabilitative measures.
(e) Growth and development – 5 hours:
(i) Basic needs;
(ii) Developmental needs;
(iii) Cultural factors;
(iv) Process of aging including sexuality; and
(v) Death and dying.
(f) Monitoring body functions – 4 hours:
(i) Vital signs;
(ii) Height and weight;
(iii) Intake and output; and
(iv) Specimen collection and testing.
(g) AIDS education and training – 7 hours:
(i) Epidemiology;
(ii) Pathophysiology;
(iii) Infection control guidelines;
(iv) Testing and counseling;
(v) Legal and ethical issues;
(vi) Medical records;
(vii) Clinical manifestations and diagnosis;
(viii) Treatment and disease management; and
(ix) Psychosocial and special group issues.
(4) Objectives of the supervised clinical practice shall describe in measurable terms the competencies of the graduate which include the following:
(a) Incorporation of role responsibilities by:
(i) Utilizing ethical/legal concepts in relation to self, health team members, residents and significant others;
(ii) Maintaining confidentiality of information;
(iii) Identifying administrative lines and reporting problems to the appropriate person;
(iv) Identifying range and limitation of nursing assistant functions:
(v) Accepting responsibility for own actions;
(vi) Demonstrating promptness and dependability;
(vii) Seeking assistance when unsure about appropriate action;
(viii) Participating as a member of the health care team which includes the development and updating of resident care plans; and
(ix) Utilizing the concept of the "Patient's bill of rights and responsibilities" in resident relationships.
(b) Demonstration of knowledge of safety concepts by:
(i) Utilizing principles of medical asepsis and ((~~isolation~~)) infection control techniques;
(ii) Providing adequate ventilation, warmth, light and quiet measures:
(iii) Utilizing measures that relieve pain and/or promote rest and sleep;
(iv) Maintaining equipment and resident space clean and orderly;
(v) Identifying and utilizing measures for accident prevention;
(vi) Applying principles of body mechanics to self;
(vii) Applying principles of body mechanics in transfers and ambulation of residents;
(viii) Demonstrating proper application and release of restraints and other protective devices and care of residents in protective devices;
(ix) Demonstrating knowledge of fire and disaster procedures; and
(x) Applying principles of health and sanitation in the service of food.
(c) Demonstration of appropriate communication skills by:
(i) Listening and responding to verbal and nonverbal communication;
(ii) Recognizing that one's own behavior influences resident's behavior;
(iii) Seeking assistance in understanding resident's behavior;
(iv) Making adjustments for physical or mental limitations;
(v) Using terminology accepted in employing nursing home to record and report observations and pertinent information;
(vi) Recording and reporting observations, activities and communications accurately; and
(vii) Reading and documenting implementation of nursing orders.
(d) Demonstration of knowledge of hygiene and restorative nursing care by:
(i) Providing personal hygiene measures appropriately;
(ii) Utilizing measures that promote good skin care including the use of anti-pressure procedures and devices;
(iii) Carrying out preventive maintenance and rehabilitative measures such as therapeutic ambulation, exercise, range of motion and bed positioning in daily care;
(iv) Recognizing and allowing opportunity for self-care according to resident's capability;
(v) Assisting in the provision of adequate nutrition including fluid intake and progressive self feeding;
(vi) Identifying and monitoring special dietary needs;
(vii) Following correct procedures to aid adequate elimination from bladder and bowel;
(viii) Demonstrating an understanding of the concepts of bladder and bowel retraining; and
(ix) Making adjustments for physical or mental limitations.
(e) Demonstration of knowledge of growth and development concepts by:
(i) Identifying common basic human needs;
(ii) Assisting in the provision for religious needs;
(iii) Recognizing the resident's family as an influence on behavior and care;
(iv) Identifying developmental tasks of aging;
(v) Identifying cultural factors that may influence behavior;
(vi) Describing the body responses, including sexuality, in the normal life cycle;
(vii) Describing responses to loss, dying and death; and
(viii) Demonstrating knowledge of post-mortem care.
(f) Demonstration of accurate monitoring of body functions in:
(i) Taking vital signs, height and weight and measuring intake and output;
(ii) Collecting specimens such as sputum, urine, and stool, and testing where appropriate; and
(iii) Recognizing and reporting deviations from normal limits.

AMENDATORY SECTION (Amending Order PL-313, filed 9/11/79)

WAC 308-121-040 NURSING ASSISTANT TRAINING PROGRAMS CONDUCTED BY NURSING HOMES. (1) Board approval required for noncurriculum matters in nursing assistant training programs conducted by nursing homes.
(a) All nursing homes shall apply to the board for approval before conducting a training program leading to certification. Application forms shall be provided by the board.
(b) Evidence that the requirements for the curriculum as defined in WAC 308-121-030 and the noncurriculum matters as defined herein have been met shall be submitted to the board on forms provided upon request at least ninety days prior to the first day of class.
(c) The nursing home shall be notified of the board action regarding approval or disapproval with deficiencies noted within sixty days of receipt of request for board approval
(d) Board approval must be obtained before the training program begins.
(e) Changes related to the following requirements in an approved program shall be submitted to the board for approval prior to their implementation.
(f) Every two years the board shall review the nursing assistant training programs conducted by nursing homes. Upon completion of the review, the board shall approve or disapprove each program.
(2) Requirements for noncurriculum matters for nursing assistant training programs conducted by nursing homes:
(a) Philosophy, objectives.
(i) The philosophy of the program shall be in writing and shall clearly indicate the belief of the nursing home about education, training and its responsibility to trainees.
(ii) The objectives of the program shall be clearly stated and shall identify in measurable terms the competencies of its trainees completing the program.
(b) Organization.
(i) The program shall be conducted by a licensed nursing home.

(ii) The nursing home conducting the training program shall have an organizational chart showing lines of authority and cooperative relationships of the program with administration, other departments and agencies.

(iii) Where clinical facilities are used outside the nursing home conducting the program, a letter of agreement identifying the responsibilities of the training program and the clinical facility signed by the program director and administrator respectively, shall be kept on file with the nursing home conducting the program.

(c) Facilities and resources.

(i) Physical facilities for teaching shall be provided to meet the needs of the program, the number of trainees and the instructional staff.

(ii) Resources for planned learning experiences shall provide quality and variety to meet the objectives of the program.

(iii) Clinical facilities used for trainees shall meet the requirements contained in WAC 248-14-240 and 248-14-260 as now existing or hereafter amended.

(d) Instructional staff.

(i) The program director shall be a registered nurse licensed by the state of Washington with a minimum of two years of nursing practice within the last five years.

(ii) All nurses on the instructional staff shall be currently licensed in the state of Washington.

(iii) The instructional staff nurses may delegate to other licensed nursing staff selected elements of clinical practice, however, they shall be available on site for supervisory consultation.

(iv) Other instructional staff may include qualified specialists teaching in their area of expertise.

(v) Instructional staff responsibilities shall include:

(A) Creating and maintaining an environment conducive to teaching and learning;

(B) Assisting in the development and implementation of program policies and approved curriculum;

(C) Facilitating teaching and program evaluation and revision.

(vi) Instruction staff/trainee ratio shall have ten as the maximum number of trainees in the clinical practice area for which an instructor shall be responsible at any one time. Exceptions shall be justified to and approved by the board.

(e) Curriculum. The curriculum shall include but not be limited to the content and objectives as listed in WAC 308-121-030.

(f) Trainees.

(i) Requirements for admission:

(A) Trainees must be able to communicate in English.

(B) Trainees shall be registered as nursing assistants with the state of Washington under the provisions of chapter 18.52B RCW.

(ii) Requirements for completion: Trainees complete the program when the competencies as listed in WAC 308-121-030 are satisfactorily demonstrated to the instructional staff and verified by the program director.

(g) Records and reports.

((~~(i)~~)) The nursing home conducting the program shall provide for the safe maintenance of records for a ten-year period which include:

((~~(A)~~)) (i) Program director and instructional staff qualifications;

((~~(B)~~)) (ii) Course outline and schedule;

((~~(C)~~)) (iii) Dates of employment, enrollment, class attendance and completion of program;

((~~(D)~~)) (iv) Teaching methodology including the number of classroom hours and hours in supervised clinical practice;

((~~(E)~~)) (v) Evaluation tool for trainee performance based on the competencies defined in WAC 308-121-030;

((~~(F)~~)) (vi) Documentation of board approval of program; and

((~~(G)~~)) (vii) A copy of the ((~~certificate~~)) verification of completion.

((~~(ii) A roster of nursing assistants issued certificates of completion verified by the program director shall be submitted to the board on forms provided by the board within thirty days of issuance.~~))

AMENDATORY SECTION (Amending Order PL-313, filed 9/11/79)

WAC 308-121-050 NURSING ASSISTANTS TRAINED IN PROGRAMS NOT SPECIFIED IN WAC 308-121-030 AND 308-121-040. (1) Any nursing assistant who has completed a nursing assistant training program not specified in WAC 308-121-030 and 308-121-040 may be issued a ((~~certificate~~)) verification of completion by a nursing home when ((~~the following conditions are met:~~

~~(a)~~)) the curriculum of the training program has been verified as comparable to the curriculum defined in WAC 308-121-030 by the nursing home staff development designee defined in WAC 248-14-245; and

((~~(b) The verification has been submitted to and approved by the board on forms provided by the board.~~))

(2) These programs may include but shall not be limited to:

(a) ((~~Programs conducted or in progress from June 7, 1979 to the effective date of this rule;~~

~~(b)~~)) Basic nursing courses completed ((~~since 1976~~)) in schools of nursing approved pursuant to chapters 18.88 and 18.78 RCW;

((~~(c)~~)) (b) Programs conducted in other states; and

((~~(d)~~)) (c) Apprenticeship programs approved under chapter 49.04 RCW.

NEW SECTION

WAC 308-121-055 NURSING ASSISTANTS TRAINED IN APPROVED PROGRAMS. Any nursing assistant who has previously completed a nursing assistant program specified in WAC 308-121-030 and 308-121-040 must provide documentation of completion of the approved program and registration as a nursing assistant.

AMENDATORY SECTION (Amending Order PL-313, filed 9/11/79)

WAC 308-121-060 ISSUING ((~~CERTIFICATES~~)) VERIFICATION OF COMPLETION. (1) Any nursing assistant employed by a nursing home who has satisfactorily completed a nursing assistant training program or the equivalent as provided in these rules shall be issued a ((~~certificate~~)) verification of completion.

(2) A copy of the ((~~certificate~~)) verification of completion shall be maintained in the employing nursing home.

NEW SECTION

WAC 308-121-070 REGISTRATION OF NURSING ASSISTANTS. All nursing assistants employed by a nursing home after October 15, 1988, shall be registered with the department of licensing. All nursing assistants newly employed by a nursing home after October 15, 1988, shall be required to submit a registration form and fee to the department of licensing within three days of employment. A nursing assistant-registered may assist in the care of patients under the direction and supervision of a licensed registered nurse or licensed practical nurse, provided that a nursing home shall not assign a nursing assistant to provide resident care until the assistant has demonstrated skill necessary to perform assigned duties and responsibilities.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

(1) WAC 308-121-101 NURSING ASSISTANTS EMPLOYED IN NURSING HOMES ON JUNE 7, 1979 OR WITHIN ONE YEAR PRIOR TO THIS DATE—REQUIREMENTS FOR OBTAINING CERTIFICATE OF COMPLETION OF A NURSING ASSISTANT TRAINING PROGRAM.

(2) WAC 308-121-020 NURSING ASSISTANT CERTIFICATE EXAMINATION.

WSR 88-19-118
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed September 21, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning vessel registration and certificate of title, new section WAC 308-93-087;

that the agency will at 9:30 a.m., Wednesday, October 26, 1988, in the Conference Room, 2nd Floor, Highways-Licenses Building, 12th and Franklin, Olympia,

Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 88.020.070 [88.02.070].

The specific statute these rules are intended to implement is RCW 88.02.070 and 46.12.380.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 26, 1988.

Dated: September 21, 1988
By: Sandra Brooks
Administrator

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: The rule is intended to define requirements and circumstances in connection with disclosure of names and addresses of individual vessel owners, consistent with RCW 46.12.380, disclosure of names and addresses of individual vehicle owners.

Statutory Authority: RCW 88.02.070.

Summary of the Rules: WAC 308-93-087 Disclosure of names and addresses of individual vessel owners.

Reason Proposed: To enhance the ability of the Department of Licensing to protect the public health, safety and welfare.

Responsible Departmental Personnel: In addition to the director of the Department of Licensing, the following individuals have knowledge of and responsibility for drafting, implementing, enforcing and repealing these rules: David T. Kirk, Assistant Director, Vehicle Services, Second Floor, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, phone (206) 753-6914 comm or 234-6914 scan; and Sandra Brooks, Administrator, Title and Registration Control, Second Floor, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, phone (206) 753-6920 comm or 234-6920 scan.

Proponents: The state of Washington Department of Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court requirements.

Small Business Economic Impact Statement: Not required for this statement.

NEW SECTION

WAC 308-93-087 DISCLOSURE OF NAMES AND ADDRESSES OF INDIVIDUAL VESSEL OWNERS. (1) The name and/or address of an individual vessel owner shall not be released by the department, county auditor, or other public agency except upon written request which contains:

(a) The signature of the person requesting disclosure; and

(b) The full legal name and address of the person requesting disclosure.

(2) The request for disclosure is a public record and is:

(a) Subject to inspection;

(b) Subject to copying; and

(c) To be retained by the disclosing agency for two years.

(3) Notice that a disclosure request has been honored shall be sent to the affected vessel owner by the disclosing agency indicating:

(a) The name and address of the person requesting disclosure:

(b) Reason for the disclosure request;

(c) Date record information was provided;

(d) Vessel registration number; and

(e) Hull identification number.

(4) This section does not apply to persons who routinely request disclosure of vessel registration information for use in the course of their business or occupation.

WSR 88-19-119
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed September 21, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning cancellation of vehicle registration and license plates, new section WAC 308-96A-490;

that the agency will at 9:15 a.m., Wednesday, October 26, 1988, in the Conference Room, 2nd Floor, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 46.01.110 and 46.16.276.

The specific statute these rules are intended to implement is RCW 46.16.720 through 46.16.750.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 26, 1988.

Dated: September 21, 1988
By: Sandra Brooks
Administrator

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: To clarify that no temporary registration can be issued under RCW 46.16.710 if at the time of arrest the vehicle has no valid registration.

Statutory Authority: RCW 46.01.110 and 46.16.276.

Summary of the Rules: WAC 308-96A-490 Driving without valid license—No valid registration.

Reason Proposed: To enhance the ability of the Department of Licensing to protect the public health, safety and welfare.

Responsible Departmental Personnel: In addition to the director of the Department of Licensing, the following individuals have knowledge of and responsibility for drafting, implementing, and enforcing and repealing these rules: David T. Kirk, Assistant Director, Vehicle Services, Second Floor, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, phone (206) 753-6914 comm or 234-6914 scan; and Sandra Brooks, Administrator, Title and Registration Control, Second Floor, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, phone (206) 753-6920 comm or 234-6920 scan.

Proponents: The state of Washington Department of Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court requirements.

Small Business Economic Impact Statement: Not required for this statement.

NEW SECTION

WAC 308-96A-490 DRIVING WITHOUT VALID LICENSE—NO VALID REGISTRATION. At the time of arrest for violation of RCW 46.20.021, 46.20.342(1), 46.20.420, or 46.65.090 if the vehicle is being operated on vehicle license plates and registration that are invalid, a temporary registration cannot be issued pursuant to RCW 46.16.710.

WSR 88-19-120
PROPOSED RULES
DEPARTMENT OF NATURAL RESOURCES
[Filed September 21, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Natural Resources intends to adopt, amend, or repeal rules concerning rate of interest for repayment, repealing WAC 332-100-060;

that the agency will at 1:30 p.m., Thursday, October 27, 1988, in the Office Building 2 Auditorium, 12th and Franklin, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 79.64.030 and 43.30.160.

The specific statute these rules are intended to implement is RCW 79.64.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 20, 1988.

Dated: September 21, 1988
By: Brian J. Boyle
Commissioner of Public Lands
Chairman
Board of Natural Resources

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): WAC 332-100-060.

Statutory Authority: RCW 79.64.030 and 43.30.160.

Specific Statute that Rule is Intended to Implement: RCW 79.64.030.

Summary of the Rule(s): Repealing of WAC 332-100-060 covering the determination of interest for interfund loan between management funds.

Reasons Supporting the Proposed Rule(s): Recent legislative change has authorized the Board of Natural Resources to establish the rate of interest to be charged on the interfund loan between management funds. This will allow the board to establish a rate specifically for the interfund loan reflective of the nature of this debt.

Agency Personnel Responsible for Drafting: Jim Smego, Revenue Section Supervisor, Division of Financial Services, John Cherberg Building, QW-21, Olympia, Washington, (206) 753-1512; Implementation: Don Hansen, Manager, Division of Financial Services, John Cherberg Building, QW-21, Olympia, Washington, (206) 753-5320; and Enforcement: None, repeal only.

Name of the Person or Organization, Whether Private, Public, or Governmental, that is Repealing the Rule: Department of Natural Resources.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No additional comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

No statement of small business economic impact is required.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 332-100-060 Rate of Interest for Repayment

WSR 88-19-121
PROPOSED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Filed September 21, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Wildlife Commission intends to adopt, amend, or repeal rules concerning domestic animals on department lands, amending WAC 232-12-174;

that the agency will at 9:00 a.m., Friday, October 28, 1988, in the Nordic Inn, 1700 South Boone Street, Aberdeen, WA 98520, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 28, 1988.

The authority under which these rules are proposed is RCW 77.12.210.

The specific statute these rules are intended to implement is RCW 77.12.210.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 26, 1988.

Dated: September 19, 1988
By: Rolf Johnson
for Jack L. Smith, Chief
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-174 Domestic animals on department lands.

Statutory Authority: RCW 77.12.210.

Specific Statute that Rule is Intended to Implement: RCW 77.12.210.

Summary of the Rule: WAC 232-12-174 provides that the director may issue a permit which allows domesticated animals to graze on department owned or controlled lands. It is unlawful to allow domesticated animals to be on department lands without such a permit. The proposed amendment could allow the imposition of a $1.00 penalty per head per day for trespass cattle on department lands.

Reasons Supporting the Proposed Rule: The financial penalty is greater than that normally charged for a grazing lease. The proposed change would discourage repeat offenders and/or those who would attempt to avoid paying for a grazing lease.

Agency Personnel Responsible for Drafting and Implementation: Jack L. Smith, Chief, Wildlife Management Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: Dan Wyckoff, Chief, Wildlife Enforcement Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization, Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Wildlife.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: Not required.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-174 DOMESTIC ANIMALS ON DEPARTMENT LANDS. It is unlawful for any person to allow domesticated animals to be unattended on, or to permit livestock to graze upon land under the control of the department without a written permit from the director. In addition to other penalties provided by law, any such person may be liable to the department for a compensatory fee of one (1) dollar per head of livestock per day.

WSR 88-19-122
PROPOSED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Filed September 21, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Wildlife Commission intends to adopt, amend, or repeal rules concerning interim grazing lease regulation, repealing WAC 232-12-182;

that the agency will at 9:00 a.m., Friday, October 28, 1988, in the Nordic Inn, 1700 South Boone Street, Aberdeen, WA 98520, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 28, 1988.

The authority under which these rules are proposed is RCW 77.12.210.

The specific statute these rules are intended to implement is RCW 77.12.210.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 26, 1988.

Dated: September 19, 1988
By: Rolf Johnson
for Jack L. Smith, Chief
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-182 Interim grazing lease regulation.

Statutory Authority: RCW 77.12.210.

Specific Statute that Rule is Intended to Implement: RCW 77.12.210.

Summary of the Rule: This interim regulation provides that the director may negotiate renewals of existing grazing leases without advertising or public bidding. The regulation ceases to be effective at 11:59 p.m. on December 31, 1988.

Reasons Supporting the Proposed Rule: WAC 232-12-182 was adopted in 1987 as an interim measure of limited duration in order to allow the director to renew grazing leases without going to public auction. The intent of the regulation has been to allow a reasonable leasing process to occur during the period of time in which a new grazing WAC would be developed which would incorporate provisions similar to those in the interim regulation. The amendment of WAC 232-12-181, in concert with policies and procedures developed by the department, incorporates the intent of WAC 232-12-182. Therefore, this change is "housekeeping" in nature.

Agency Personnel Responsible for Drafting and Implementation: Jack L. Smith, Chief, Wildlife Management Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: Dan Wyckoff, Chief, Wildlife Enforcement Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization, Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Wildlife.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: Not required.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-12-182 INTERIM GRAZING LEASE REGULATION

WSR 88-19-123
PROPOSED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Filed September 21, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Wildlife Commission intends to adopt, amend, or repeal rules concerning livestock grazing on Department of Game lands, amending WAC 232-12-181;

that the agency will at 9:00 a.m., Friday, October 28, 1988, in the Nordic Inn, 1700 South Boone Street, Aberdeen, WA 98520, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 28, 1988.

The authority under which these rules are proposed is RCW 77.12.210.

The specific statute these rules are intended to implement is RCW 77.12.210.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 26, 1988.

Dated: September 19, 1988
By: Rolf Johnson
for Jack L. Smith, Chief
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-181 Livestock grazing on Department of Game lands.

Statutory Authority: RCW 77.12.210.

Specific Statute that Rule is Intended to Implement: RCW 77.12.210.

Summary of the Rule: The rule provides that the commission shall have approval authority over all grazing leases without a comprehensive grazing plan and the director shall have such authority when a comprehensive grazing plan is attached to the lease. The department is required to inspect each lease site periodically. Grazing leases may be acquired through public auction or through negotiations. A market fee shall be charged or commensurate exchange of value shall be received for grazing livestock on department lands. The term of the lease is five years, though the director may renew grazing leases on those lands where it has been demonstrated that the grazing program is providing greater benefits to wildlife than the potential monetary payment. A temporary permit may be granted to allow for immediate short-term uses not to exceed two weeks. Leases may be modified or canceled if determined necessary by the department.

Reasons Supporting the Proposed Rule: WAC 232-12-181 as currently written includes administrative detail in the form of lease provisions. The current WAC language is too restrictive regarding authorities, compensation, renewals, and written documentation to provide for the best interests of wildlife and the public. Monetary values received through auction and/or "fair market value," in fact, may provide fewer benefits to wildlife and the public than a commensurate exchange of goods, services, or other protective easements. An additional change specifies that leases shall benefit wildlife and be consistent with the public interest. The proposed amendment provides greater management flexibility yet equal or increased benefits to wildlife.

Agency Personnel Responsible for Drafting and Implementation: Jack L. Smith, Chief, Wildlife Management Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: Dan Wyckoff, Chief, Wildlife Enforcement Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization, Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Wildlife.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: Not required.

AMENDATORY SECTION (Amending Order 177, filed 1/28/82)

WAC 232-12-181 LIVESTOCK GRAZING ON DEPARTMENT OF ((~~GAME~~)) WILDLIFE LANDS. ((~~It is unlawful to graze livestock on lands owned, or managed by the department under lease or agreement without obtaining a land use agreement from the department. It shall be unlawful to fail to follow or carry out any of the requirements or provisions of the land use agreement.~~))

All persons wishing to apply for a ((~~land use agreement~~)) grazing lease should contact the Washington Department of ((~~Game~~)) Wildlife, 600 North Capitol Way, Olympia, Washington 98504.

((~~Policies and general provisions that shall apply to all land use agreements include:~~))

(1) The ((~~Department~~)) director is authorized to ((~~negotiate land use agreements for~~)) enter into grazing leases when the director determines that a grazing lease will benefit wildlife management programs and will be consistent with the public interest. ((~~The department shall advertise and sell the license to use department lands for grazing at public auction to the highest bidder. The department is authorized to reject any and all bids if it is determined to be in the best interest of the department to do so.~~))

(2) The department shall advertise and sell a license to use department lands for grazing at public auction to the highest bidder. The director is authorized to reject any and all bids if it is determined to be in the best interest of the department to do so. The director may negotiate a grazing lease without using the public auction process only when the director determines that benefits to wildlife would be equal to or greater than the cash or monetary payments foregone.

(3) The term of each grazing lease shall be no greater than five years. When an existing lease expires or is about to expire, and the director wishes to continue to permit grazing on the subject parcel, then a modified public auction process shall be used. A minimum bid based on market value shall be established prior to the public auction. The last previous or the existing lessee shall be provided the option of meeting the highest bid made at public auction. The director may grant a term longer than five years or permit exceptions to the public auction process only when the director determines that benefits to wildlife would be equal to or greater than the cash or monetary payment foregone.

(4) A temporary permit may be granted by the director to satisfy an immediate, short-term need where benefits to wildlife management programs and the public interest can be demonstrated. The term of a

temporary permit shall not exceed two weeks and no fee need be charged.

((~~(2)~~)) (5) The director may approve a ((~~land use agreement~~)) grazing lease where a ((~~comprehensive~~)) grazing management plan which includes objectives and site characteristics, pasture rotation schedule, on-off dates, number of AUM's, and a monitoring plan has been developed by the department. The director shall inspect the site of a grazing lease no less than two times each year. The director shall retain the right to alter provisions of the plan to reduce acreage available or the number of animals using the area when such change is, in the judgment of the department, required to benefit fish or wildlife management, public hunting and fishing, or other recreational uses. The director may not enter into any grazing lease not accompanied by a grazing management plan unless the commission has approved it. The commission((;)) may review any ((~~each land use agreement~~)) grazing lease to determine whether the grazing will benefit wildlife or improve public hunting, fishing, or recreation without adverse impact on wildlife.

(6) The director may cancel a lease (1) for non-compliance with the terms and conditions of the lease, or (2) if the area described in the lease is included in a land use plan determined by the department to be a higher and better use, or (3) if the property is sold or conveyed, or (4) if damage to wildlife or wildlife habitat occurs.

((~~(3) While each agreement shall contain terms and conditions peculiar to that use of the land, the following general terms shall be included in all such agreements:~~

~~(a) The term of the agreement shall be limited to five years.~~

~~(b) A full grazing plan shall be part of the land use agreement. That plan shall establish the number and kind of animals that will graze and the area managed under the land use agreement.~~

~~(c) The department shall retain the right to alter provisions of the plan to reduce acreage available or the number of animals using the area when such change is, in the judgment of the department, required to benefit fish or wildlife management, public hunting and fishing, or other recreational uses.~~

~~(d) Holders of agreements shall be required to report monthly to the department the number of animals grazing and the area actually grazed, as well as the expected grazing animals and area for the following month.~~

~~(e) Holders of agreements shall be required to maintain all fences to protect adjacent lands from livestock trespass.~~

~~(f) All lands covered by any agreement shall at all times be open to the public for lawful hunting and fishing, and other approved recreational uses.~~

~~(g) The holder of the agreement shall agree to indemnify the department from liability which may arise out of the exercise of the privileges granted in the agreement.~~

~~(h) Holders of agreements shall forfeit their rights under the agreement if they fail to meet any of the terms and conditions of the agreement. Grazing of animals in excess of allowable amounts will result in forfeiture of the grazing agreement and obligate the responsible agreement holder to pay the department for the excess use.~~

~~(i) The holder of the agreement shall not transfer the rights contained in the agreement to another person without prior approval from the commission.~~

~~(j) The holder of the agreement shall not permit livestock owned by another person to graze upon department lands under the agreement without the approval of the commission.~~))

WSR 88-19-124
PROPOSED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Filed September 21, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Wildlife Commission intends to adopt, amend, or repeal rules concerning 1988-89 Upland game bird and migratory waterfowl seasons, amending WAC 232-28-412;

that the agency will at 9:00 a.m., Friday, October 28, 1988, in the Nordic Inn, 1700 South Boone Street, Aberdeen, WA 98520, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 28, 1988.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 26, 1988.

Dated: September 19, 1988
By: Rolf Johnson
for Jack L. Smith, Chief
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-28-412 1988-89 Upland game bird and migratory waterfowl seasons.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: This notice proposes to amend WAC 232-28-412, 1988-89 Upland game bird and migratory waterfowl seasons. These rules require a change in season and bag limit for pintail ducks. The season will be the same as the general duck season, 8:00 a.m. October 15 - October 23, 1988, and November 12 - December 31, 1988, in Western Washington; and noon October 15 - October 23, 1988, and November 5 - December 31, 1988, in Eastern Washington. The pintail bag limit is proposed to be changed to 1 pintail (either sex)/day and 2 pintail (either sex) in possession as part of the total duck bag limit of 4 ducks/day and 8 in possession.

Reasons Supporting the Proposed Rule: Under authority of the Migratory Bird Treaty Act, the United States Fish and Wildlife Service has the authority to set federal framework regulations for migratory waterfowl hunting seasons. As result of severe drought in the major duck production areas of the continent, the United States Fish and Wildlife Service has made several last minute changes in federal framework regulations. These rules are proposed to bring existing state regulations in compliance with changes in federal regulations and to protect the waterfowl resource.

Agency Personnel Responsible for Drafting and Implementation: Jack L. Smith, Chief, Wildlife Management Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: Dan Wyckoff, Chief, Wildlife Enforcement Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization, Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Wildlife.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: Not required.

AMENDATORY SECTION (Amending Order 318, filed 8/22/77)

WAC 232-28-412 1988-89 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEASONS.

Reviser's note: The text and accompanying pamphlet comprising the 1988-89 Upland game bird and migratory waterfowl seasons proposed by the Department of Wildlife have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Wildlife, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

WSR 88-19-125
PROPOSED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Filed September 21, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Wildlife Commission intends to adopt, amend, or repeal rules concerning classification of game fish, amending WAC 232-12-019;

that the agency will at 9:00 a.m., Friday, October 28, 1988, in the Nordic Inn, 1700 South Boone, Aberdeen, WA 98520, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 28, 1988.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 28, 1988.

Dated: September 21, 1988
By: Jim DeShazo, Division Chief
Fisheries Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section(s): WAC 232-12-019 Classification of game fish.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: WAC 232-12-019 will add the species Tiger Muskellunge to classified game fish.

Reasons Supporting the Proposed Rule(s): WAC 232-12-019, the tiger muskie has been imported for recreational angling. Some of the fingerling being held at our facilities have grown faster than expected and are ready to plant now. The fish must be classified as a game species before planting.

Agency Personnel Responsible for Drafting and Implementation: Jim DeShazo, Division Chief, Fisheries Management Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5713; and Enforcement: Dan Wyckoff, Division Chief, Wildlife Enforcement Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization, Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Wildlife.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rules: [No information supplied by agency.]

The rules are not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: Not required.

AMENDATORY SECTION (Amending Order 218, filed 10/6/83)

WAC 232-12-019 CLASSIFICATION OF GAME FISH. As provided in RCW 77.12.020 and in addition to those species identified in RCW 77.08.020 the following species of the class Osteichthyes are classified as game fish:

Scientific Name	Common Name
Salvelinus confluentus	Bull Trout
Esox lucius	Northern Pike
and hybrids involving genus Esox	Tiger Muskellunge

WSR 88-19-126
PROPOSED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Filed September 21, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Wildlife Commission intends to adopt, amend, or repeal rules concerning:

New	WAC 232-12-083	Emergency rule criteria.
Rep	WAC 232-12-085	Director empowered to alter seasons;

that the agency will at 9 a.m., Friday, October 28, 1988, in the Nordic Inn, 1700 South Boone Street, Aberdeen, WA 98520, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 28, 1988.

The authority under which these rules are proposed is RCW 77.12.150 and 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 27, 1988.

Dated: September 21, 1988
By: Chris Drivdahl
Assistant Director

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-083 Emergency rule criteria.

Statutory Authority: RCW 77.12.040 and 77.12.150.

Specific Statute that Rule is Intended to Implement: RCW 77.12.150.

Summary of the Rule: This regulation is intended to provide director authority for emergency season closures when deemed in the best interest of the wildlife resource to allow the director to reopen (reestablish) a season if the emergency passes and reestablish the bag limits as set forth in the original Wildlife Commission action establishing the season.

Reasons Supporting the Proposed Rule: The current rule (WAC 232-12-085) allows the director to reopen a season and unilaterally (without commission input) establish bag limits different than those originally established by the commission.

Agency Personnel Responsible for Drafting: Chris Drivdahl, Assistant Director, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5720; Implementation and Enforcement: Curt Smitch, Director, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5710.

Name of the Person or Organization, Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Wildlife.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: Not required.

NEW SECTION

WAC 232-12-083 EMERGENCY RULE CRITERIA. (1) The director may close or shorten a season pursuant to RCW 77.12.150 only:

(a) by emergency rule, and

(b) when the director determines from biological data or climatic conditions which were unforeseen by the commission when the season was established, that the population of game fish, game animals, or game birds is in jeopardy with established seasons, and

(c) when the delay necessary to have the issue determined by emergency action of the commission presents a real and immediate threat to wildlife.

(2) Any emergency rule issued by the director pursuant to this rule shall state:

(a) the time and date when it shall be effective, and

(b) the time and date when it shall terminate, and

(c) the justification for its issuance.

(3) If the director has taken emergency action pursuant to this rule, he/she shall, upon determination that the threat to wildlife has abated, thereafter reopen the season limited to the time period originally set by the commission, and reestablish bag limits as originally set by the commission.

(4) Whenever the director takes action to close, shorten, or reopen a season pursuant to (1) or (3) above, he/she shall first take all reasonable steps to notify and discuss with commission members the action contemplated.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-12-085 DIRECTOR EMPOWERED TO ALTER SEASONS

WSR 88-19-127
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Order 364—Filed September 21, 1988]

Be it resolved by the State Wildlife Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to Amendment to the 1988-90 Game fish regulations—Cowlitz River, WAC 232-28-61704.

We, the State Wildlife Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is broodstock needs for sea-run cutthroat at the Cowlitz Hatchery are not being met due to severely reduced smolt production in the past few years. The closure is necessary to provide additional broodstock escapement so that program goals can be achieved.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 21, 1988.
By Curt Smitch
Director

NEW SECTION

WAC 232-28-61704 AMENDMENT TO THE 1988-90 GAME FISH REGULATIONS—COWLITZ RIVER. Notwithstanding the provisions of WAC 232-28-617, effective from 12:01 a.m. July 1, 1988 to 11:59 p.m. December 31, 1988, it is unlawful to possess trout less than 20" in length on the Cowlitz River from its mouth upstream to 400' or the posted deadline below the

barrier dam. All other provisions of WAC 232-28-617 remain in effect.

WSR 88-19-128
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF WILDLIFE
[Filed September 21, 1988]

The Department of Wildlife hereby withdraws the proposed adoption of the following: WAC 232-12-269 Release of wildlife and planting of aquatic plants (Notice No. WSR 88-16-095, filed August 3, 1988); WAC 232-12-083 Emergency rule criteria and repealing WAC 232-12-085 Director empowered to alter seasons (Notice No. WSR 88-16-094, filed August 3, 1988); and WAC 232-12-026 Game farm licenses (Notice No. WSR 88-16-093, filed August 3, 1988).

Chris Drivdahl
Assistant Director

WSR 88-19-129
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed September 21, 1988]

Notice is hereby given that the Department of Ecology will not take further action under WSR Nos. 88-08-067, 88-14-091 and 88-19-005 to amend WAC 173-19-2207 Ocean Shores, city of.

This notice is given pursuant to WAC 1-12-033. The Department of Ecology may, at a later date, file a new notice of intent to amend the program.

Fred Olson
Deputy Director

KEY TO TABLE

Symbols:

AMD = Amendment of existing section
NEW = New section not previously codified
OBJEC = Notice of objection by Joint Administrative Rules Review Committee
RE-AD = Readoption of existing section
REP = Repeal of existing section
REAFF = Order assuming and reaffirming rules
REMOV = Removal of rule pursuant to RCW 34.04.050(5)
RESCIND = Rescind previous emergency rule
REVIEW = Review of previously adopted rule
STMT = Statement regarding previously adopted rule

Suffixes:

-P = Proposed action
-C = Continuance of previous proposal
-E = Emergency action
-W = Withdrawal of proposed action
No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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4-08-090	REP-P	88-17-078
4-08-100	REP-P	88-17-078
4-08-110	REP-P	88-17-078
4-08-120	REP-P	88-17-078
4-08-130	REP-P	88-17-078
4-08-140	REP-P	88-17-078
4-08-150	REP-P	88-17-078
4-08-160	REP-P	88-17-078
4-08-170	REP-P	88-17-078
4-08-180	REP-P	88-17-078
4-08-190	REP-P	88-17-078
4-08-200	REP-P	88-17-078
4-08-210	REP-P	88-17-078
4-08-220	REP-P	88-17-078
4-08-230	REP-P	88-17-078
4-08-240	REP-P	88-17-078
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4-08-260	REP-P	88-17-078
4-08-270	REP-P	88-17-078
4-08-280	REP-P	88-17-078
4-08-290	REP-P	88-17-078
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132E-112-120	REP	88-10-014
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132E-112-130	REP	88-10-014
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132E-112-140	REP	88-10-014
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132E-112-150	REP	88-10-014
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132U-10-170	REP-P	88-07-029
132U-10-170	REP	88-15-005
132U-10-180	REP-P	88-07-029
132U-10-180	REP	88-15-005
132U-10-190	REP-P	88-07-029
132U-10-190	REP	88-15-005
132U-10-200	REP-P	88-07-029
132U-10-200	REP	88-15-005
132U-10-210	REP-P	88-07-029
132U-10-210	REP	88-15-005
132U-10-220	REP-P	88-07-029
132U-10-220	REP	88-15-005
132U-10-230	REP-P	88-07-029
132U-10-230	REP	88-15-005
132U-10-240	REP-P	88-07-029
132U-10-240	REP	88-15-005
132U-36	REP-C	88-12-020
132U-36-010	REP-P	88-07-029
132U-36-010	REP	88-15-005
132U-40	REP-C	88-12-020
132U-40-010	REP-P	88-07-029
132U-40-010	REP	88-15-005
132U-40-020	REP-P	88-07-029
132U-40-020	REP	88-15-005
132U-40-030	REP-P	88-07-029
132U-40-030	REP	88-15-005
132U-40-040	REP-P	88-07-029
132U-40-040	REP	88-15-005
132U-40-050	REP-P	88-07-029
132U-40-050	REP	88-15-005
132U-40-060	REP-P	88-07-029
132U-40-060	REP	88-15-005
132U-40-070	REP-P	88-07-029
132U-40-070	REP	88-15-005
132U-40-080	REP-P	88-07-029
132U-40-080	REP	88-15-005
132U-40-090	REP-P	88-07-029
132U-40-090	REP	88-15-005
132U-40-100	REP-P	88-07-029
132U-40-100	REP	88-15-005
132U-40-110	REP-P	88-07-029
132U-40-110	REP	88-15-005
132U-40-120	REP-P	88-07-029
132U-40-120	REP	88-15-005
132U-40-130	REP-P	88-07-029
132U-40-130	REP	88-15-005
132U-40-140	REP-P	88-07-029
132U-40-140	REP	88-15-005
132U-52-010	NEW-E	88-02-047
132U-52-010	NEW-P	88-04-070
132U-52-010	NEW	88-07-057
132U-80	REP-C	88-12-020
132U-80-010	REP-P	88-07-029
132U-80-010	REP	88-15-005
132U-80-020	REP-P	88-07-029
132U-80-020	REP	88-15-005
132U-80-030	REP-P	88-07-029
132U-80-030	REP	88-15-005
132U-80-060	REP-P	88-07-029
132U-80-060	REP	88-15-005
132U-80-065	REP-P	88-07-029
132U-80-065	REP	88-15-005
132U-80-070	REP-P	88-07-029
132U-80-070	REP	88-15-005
132U-80-080	REP-P	88-07-029
132U-80-080	REP	88-15-005
132U-80-090	REP-P	88-07-029
132U-80-090	REP	88-15-005
132U-80-100	REP-P	88-07-029
132U-80-100	REP	88-15-005
132U-80-105	REP-P	88-07-029
132U-80-105	REP	88-15-005
132U-80-110	REP-P	88-07-029
132U-80-110	REP	88-15-005
132U-80-115	REP-P	88-07-029
132U-80-115	REP	88-15-005
132U-80-125	REP-P	88-07-029
132U-80-125	REP	88-15-005
132U-80-200	REP-P	88-07-029
132U-80-200	REP	88-15-005
132U-80-205	REP-P	88-07-029
132U-80-205	REP	88-15-005
132U-80-210	REP-P	88-07-029
132U-80-210	REP	88-15-005
132U-80-220	REP-P	88-07-029
132U-80-220	REP	88-15-005
132U-80-230	REP-P	88-07-029
132U-80-230	REP	88-15-005
132U-80-235	REP-P	88-07-029
132U-80-235	REP	88-15-005
132U-80-240	REP-P	88-07-029
132U-80-240	REP	88-15-005
132U-80-245	REP-P	88-07-029
132U-80-245	REP	88-15-005
132U-80-250	REP-P	88-07-029
132U-80-250	REP	88-15-005
132U-80-255	REP-P	88-07-029
132U-80-255	REP	88-15-005
132U-80-265	REP-P	88-07-029
132U-80-265	REP	88-15-005
132U-80-300	REP-P	88-07-029
132U-80-300	REP	88-15-005
132U-80-310	REP-P	88-07-029
132U-80-310	REP	88-15-005
132U-80-320	REP-P	88-07-029
132U-80-320	REP	88-15-005
132U-80-330	REP-P	88-07-029
132U-80-330	REP	88-15-005
132U-80-340	REP-P	88-07-029
132U-80-340	REP	88-15-005
132U-80-350	REP-P	88-07-029
132U-80-350	REP	88-15-005
132U-80-360	REP-P	88-07-029
132U-80-360	REP	88-15-005
132U-80-370	REP-P	88-07-029
132U-80-370	REP	88-15-005
132U-104	NEW-C	88-12-020
132U-104-010	NEW-P	88-07-029
132U-104-010	NEW	88-15-005
132U-104-020	NEW-P	88-07-029
132U-104-020	NEW	88-15-005
132U-104-030	NEW-P	88-07-029
132U-104-030	NEW	88-15-005
132U-116-010	NEW-E	88-02-047
132U-116-010	NEW-P	88-04-070
132U-116-010	NEW	88-07-057
132U-116-020	NEW-E	88-02-047
132U-116-020	NEW-P	88-04-070
132U-116-020	NEW	88-07-057
132U-116-030	NEW-E	88-02-047
132U-116-030	NEW-P	88-04-070
132U-116-030	NEW	88-07-057
132U-120	NEW-C	88-12-020
132U-120-010	NEW-P	88-07-029
132U-120-010	NEW	88-15-005
132U-120-020	NEW-P	88-07-029
132U-120-020	NEW	88-15-005
132U-120-030	NEW-P	88-07-029
132U-120-030	NEW	88-15-005
132U-120-040	NEW-P	88-07-029
132U-120-040	NEW	88-15-005
132U-120-050	NEW-P	88-07-029
132U-120-050	NEW	88-15-005
132U-120-060	NEW-P	88-07-029
132U-120-060	NEW	88-15-005
132U-120-070	NEW-P	88-07-029
132U-120-070	NEW	88-15-005
132U-120-080	NEW-P	88-07-029
132U-120-080	NEW	88-15-005
132U-120-090	NEW-P	88-07-029
132U-120-090	NEW	88-15-005
132U-120-100	NEW-P	88-07-029

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WAC #		WSR #
132U-120-100	NEW	88-15-005
132U-120-110	NEW-P	88-07-029
132U-120-110	NEW	88-15-005
132U-120-120	NEW-P	88-07-029
132U-120-120	NEW	88-15-005
132U-120-130	NEW-P	88-07-029
132U-120-130	NEW	88-15-005
132U-120-140	NEW-P	88-07-029
132U-120-140	NEW	88-15-005
132U-120-150	NEW-P	88-07-029
132U-120-150	NEW	88-15-005
132U-120-160	NEW-P	88-07-029
132U-120-160	NEW	88-15-005
132U-120-170	NEW-P	88-07-029
132U-120-170	NEW	88-15-005
132U-120-180	NEW-P	88-07-029
132U-120-180	NEW	88-15-005
132U-120-190	NEW-P	88-07-029
132U-120-190	NEW	88-15-005
132U-120-200	NEW-P	88-07-029
132U-120-200	NEW	88-15-005
132U-120-210	NEW-P	88-07-029
132U-120-210	NEW	88-15-005
132U-120-220	NEW-P	88-07-029
132U-120-220	NEW	88-15-005
132U-120-230	NEW-P	88-07-029
132U-120-230	NEW	88-15-005
132U-120-240	NEW-P	88-07-029
132U-120-240	NEW	88-15-005
132U-120-250	NEW-P	88-07-029
132U-120-250	NEW	88-15-005
132U-120-260	NEW-P	88-07-029
132U-120-260	NEW	88-15-005
132U-120-270	NEW-P	88-07-029
132U-120-270	NEW	88-15-005
132U-120-280	NEW-P	88-07-029
132U-120-280	NEW	88-15-005
132U-120-290	NEW-P	88-07-029
132U-120-290	NEW	88-15-005
132U-120-300	NEW-P	88-07-029
132U-120-300	NEW	88-15-005
132U-120-310	NEW-P	88-07-029
132U-120-310	NEW	88-15-005
132U-120-320	NEW-P	88-07-029
132U-120-320	NEW	88-15-005
132U-120-330	NEW-P	88-07-029
132U-120-330	NEW	88-15-005
132U-122	NEW-C	88-12-020
132U-122-010	NEW-P	88-07-029
132U-122-010	NEW	88-15-005
132U-122-020	NEW-P	88-07-029
132U-122-020	NEW	88-15-005
132U-140	NEW-C	88-12-020
132U-140-010	NEW-P	88-07-029
132U-140-010	NEW	88-15-005
132U-140-020	NEW-P	88-07-029
132U-140-020	NEW	88-15-005
132U-140-030	NEW-P	88-07-029
132U-140-030	NEW	88-15-005
132U-140-040	NEW-P	88-07-029
132U-140-040	NEW	88-15-005
132U-140-050	NEW-P	88-07-029
132U-140-050	NEW	88-15-005
132U-140-060	NEW-P	88-07-029
132U-140-060	NEW	88-15-005
132U-140-070	NEW-P	88-07-029
132U-140-070	NEW	88-15-005
132U-276	NEW-C	88-12-020
132U-276-100	NEW-P	88-07-029
132U-276-100	NEW	88-15-005
132U-276-110	NEW-P	88-07-029
132U-276-110	NEW	88-15-005
132U-276-120	NEW-P	88-07-029
132U-276-120	NEW	88-15-005
132U-276-130	NEW-P	88-07-029
132U-276-130	NEW	88-15-005
132U-276-140	NEW-P	88-07-029
132U-276-140	NEW	88-15-005
132U-276-150	NEW-P	88-07-029
132U-276-150	NEW	88-15-005
132U-276-160	NEW-P	88-07-029
132U-276-160	NEW	88-15-005
132U-276-170	NEW-P	88-07-029
132U-276-170	NEW	88-15-005
132U-276-180	NEW-P	88-07-029
132U-276-180	NEW	88-15-005
132U-276-190	NEW-P	88-07-029
132U-276-190	NEW	88-15-005
132U-276-200	NEW-P	88-07-029
132U-276-200	NEW	88-15-005
132U-276-210	NEW-P	88-07-029
132U-276-210	NEW	88-15-005
132U-276-220	NEW-P	88-07-029
132U-276-220	NEW	88-15-005
132U-276-230	NEW-P	88-07-029
132U-276-230	NEW	88-15-005
132U-276-240	NEW-P	88-07-029
132U-276-240	NEW	88-15-005
132U-280	NEW-C	88-12-020
132U-280-010	NEW-P	88-07-029
132U-280-010	NEW	88-15-005
132U-280-015	NEW-P	88-07-029
132U-280-015	NEW	88-15-005
132U-280-020	NEW-P	88-07-029
132U-280-020	NEW	88-15-005
132U-280-025	NEW-P	88-07-029
132U-280-025	NEW	88-15-005
132U-280-030	NEW-P	88-07-029
132U-280-030	NEW	88-15-005
132U-280-035	NEW-P	88-07-029
132U-280-035	NEW	88-15-005
132U-300	NEW-C	88-12-020
132U-300-010	NEW-P	88-07-029
132U-300-010	NEW	88-15-005
132U-300-020	NEW-P	88-07-029
132U-300-020	NEW	88-15-005
132U-325	NEW-C	88-12-020
132U-325-010	NEW-P	88-07-029
132U-325-010	NEW	88-15-005
132X-10-010	NEW-P	88-17-074
132X-10-020	NEW-P	88-17-074
132X-10-030	NEW-P	88-17-074
132X-10-040	NEW-P	88-17-074
132X-10-050	NEW-P	88-17-074
132X-10-060	NEW-P	88-17-074
132X-10-070	NEW-P	88-17-074
132X-10-080	NEW-P	88-17-074
132X-10-090	NEW-P	88-17-074
132X-10-100	NEW-P	88-17-074
132X-10-110	NEW-P	88-17-074
132X-10-120	NEW-P	88-17-074
132X-10-130	NEW-P	88-17-074
132X-10-140	NEW-P	88-17-074
132X-10-150	NEW-P	88-17-074
132X-20-010	NEW-P	88-17-074
132X-20-020	NEW-P	88-17-074
132X-20-030	NEW-P	88-17-074
132X-20-040	NEW-P	88-17-074
132X-20-050	NEW-P	88-17-074
132X-20-060	NEW-P	88-17-074
132X-20-070	NEW-P	88-17-074
132X-20-080	NEW-P	88-17-074
132X-20-090	NEW-P	88-17-074
132X-20-100	NEW-P	88-17-074
132X-20-110	NEW-P	88-17-074
132X-20-120	NEW-P	88-17-074
132X-20-130	NEW-P	88-17-074
132X-30-010	REP-P	88-17-074
132X-30-020	REP-P	88-17-074
132X-30-030	REP-P	88-17-074
132X-30-040	REP-P	88-17-074
132X-30-050	REP-P	88-17-074
132X-30-060	REP-P	88-17-074
132X-30-070	REP-P	88-17-074
132X-40-010	NEW-P	88-17-074
132X-40-020	NEW-P	88-17-074
132X-40-030	NEW-P	88-17-074
132X-50-010	NEW-P	88-17-074
132X-50-020	NEW-P	88-17-074
132X-50-030	NEW-P	88-17-074
132X-50-040	NEW-P	88-17-074
132X-50-050	NEW-P	88-17-074
132X-50-060	NEW-P	88-17-074
132X-50-070	NEW-P	88-17-074
132X-50-080	NEW-P	88-17-074
132X-50-090	NEW-P	88-17-074
132X-50-100	NEW-P	88-17-074
132X-50-110	NEW-P	88-17-074
132X-50-120	NEW-P	88-17-074
132X-50-130	NEW-P	88-17-074
132X-50-140	NEW-P	88-17-074
132X-50-150	NEW-P	88-17-074
132X-50-160	NEW-P	88-17-074
132X-50-170	NEW-P	88-17-074
132X-50-180	NEW-P	88-17-074
132X-50-190	NEW-P	88-17-074
132X-50-200	NEW-P	88-17-074
132X-50-210	NEW-P	88-17-074
132X-50-220	NEW-P	88-17-074
132X-50-230	NEW-P	88-17-074
132X-50-240	NEW-P	88-17-074
132X-50-250	NEW-P	88-17-074
132X-50-260	NEW-P	88-17-074
132X-50-270	NEW-P	88-17-074
132X-50-280	NEW-P	88-17-074
132X-50-290	NEW-P	88-17-074
132X-50-300	NEW-P	88-17-074
132X-60-010	NEW-P	88-17-074
132X-60-020	NEW-P	88-17-074
132X-60-030	NEW-P	88-17-074
132X-60-040	NEW-P	88-17-074
132X-60-050	NEW-P	88-17-074
132X-60-060	NEW-P	88-17-074
132X-60-070	NEW-P	88-17-074
132X-60-080	NEW-P	88-17-074
132X-60-090	NEW-P	88-17-074
132X-60-100	NEW-P	88-17-074
132X-60-110	NEW-P	88-17-074
132X-60-120	NEW-P	88-17-074
132X-60-130	NEW-P	88-17-074
132X-60-140	NEW-P	88-17-074
132X-60-150	NEW-P	88-17-074
132Y-20-010	REP-P	88-06-023
132Y-140-001	REP-P	88-06-024
132Y-140-001	REP	88-13-013
132Y-140-101	REP-P	88-06-024
132Y-140-101	REP	88-13-013
132Y-140-108	REP-P	88-06-024
132Y-140-108	REP	88-13-013
132Y-140-112	REP-P	88-06-024
132Y-140-112	REP	88-13-013
132Y-140-116	REP-P	88-06-024
132Y-140-116	REP	88-13-013
136-15-010	NEW-P	88-12-079
136-15-010	NEW	88-16-017
136-15-020	NEW-P	88-12-079
136-15-020	NEW	88-16-017
136-15-030	NEW-P	88-12-079
136-15-030	NEW	88-16-017
136-15-040	NEW-P	88-12-079
136-15-040	NEW	88-16-017
136-15-050	NEW-P	88-12-079
136-15-050	NEW	88-16-017
136-15-060	NEW-P	88-12-079
136-15-060	NEW	88-16-017
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136-130-050	AMD	88-12-080
136-130-060	AMD	88-05-040
136-130-070	AMD	88-05-040
136-160-050	AMD	88-05-040
136-160-060	AMD-P	88-12-079

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136-220-020	AMD	88-16-017
136-220-030	AMD-P	88-12-079
136-220-030	AMD	88-16-017
137-60-040	AMD-W	88-04-043
137-78-010	NEW-P	88-12-002
137-78-020	NEW-P	88-12-002
137-78-030	NEW-P	88-12-002
137-78-040	NEW-P	88-12-002
137-78-050	NEW-P	88-12-002
137-78-060	NEW-P	88-12-002
137-78-070	NEW-P	88-12-002
137-78-080	NEW-P	88-12-002
139-05-810	NEW-P	88-15-028
139-25-110	NEW-P	88-15-029
143-06-010	AMD-P	88-18-089
143-06-020	AMD-P	88-18-089
143-06-030	AMD-P	88-18-089
143-06-050	AMD-P	88-18-089
143-06-060	AMD-P	88-18-089
143-06-070	AMD-P	88-18-089
143-06-080	AMD-P	88-18-089
143-06-090	AMD-P	88-18-089
143-06-100	AMD-P	88-18-089
143-06-110	AMD-P	88-18-089
143-06-120	AMD-P	88-18-089
143-06-130	AMD-P	88-18-089
143-06-140	AMD-P	88-18-089
143-06-150	AMD-P	88-18-089
143-10-010	AMD-P	88-18-089
154-04-040	AMD-P	88-09-075
154-04-040	AMD	88-12-028
154-12-015	AMD-P	88-09-075
154-12-015	AMD	88-12-028
154-12-020	AMD-P	88-09-075
154-12-020	AMD	88-12-028
154-12-030	AMD-P	88-09-075
154-12-030	AMD	88-12-028
154-12-110	AMD-P	88-09-075
154-12-110	AMD	88-12-028
154-24-010	AMD-P	88-09-075
154-24-010	AMD	88-12-028
154-110-010	NEW-P	88-07-104
154-110-010	NEW	88-11-028
154-110-015	NEW-P	88-07-104
154-110-015	NEW	88-11-028
154-110-020	NEW-P	88-07-104
154-110-020	NEW	88-11-028
154-110-030	NEW-P	88-07-104
154-110-030	NEW	88-11-028
154-120-010	NEW-P	88-07-104
154-120-010	NEW	88-11-028
154-120-015	NEW-P	88-07-104
154-120-015	NEW	88-11-028
154-120-020	NEW-P	88-07-104
154-120-020	NEW	88-11-028
154-120-025	NEW-P	88-07-104
154-120-025	NEW	88-11-028
154-120-030	NEW-P	88-07-104
154-120-030	NEW	88-11-028
154-120-035	NEW-P	88-07-104
154-120-035	NEW	88-11-028
154-120-040	NEW-P	88-07-104
154-120-040	NEW	88-11-028
154-120-045	NEW-P	88-07-104
154-120-045	NEW	88-11-028
154-120-050	NEW-P	88-07-104
154-120-050	NEW	88-11-028
154-120-055	NEW-P	88-07-104
154-120-055	NEW	88-11-028
154-130-010	NEW-P	88-07-104
154-130-010	NEW	88-11-028
154-130-020	NEW-P	88-07-104
154-130-020	NEW	88-11-028
154-130-030	NEW-P	88-07-104
154-130-030	NEW	88-11-028
154-140-010	NEW-P	88-07-104
154-140-010	NEW	88-11-028
154-140-020	NEW-P	88-07-104
154-140-020	NEW	88-11-028
154-140-030	NEW-P	88-07-104
154-140-030	NEW	88-11-028
154-150-010	NEW-P	88-07-104
154-150-010	NEW	88-11-028
154-150-020	NEW-P	88-07-104
154-150-020	NEW	88-11-028
154-150-030	NEW-P	88-07-104
154-150-030	NEW	88-11-028
154-150-040	NEW-P	88-07-104
154-150-040	NEW	88-11-028
154-150-050	NEW-P	88-07-104
154-150-050	NEW	88-11-028
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154-160-010	NEW	88-11-028
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154-160-020	NEW	88-11-028
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154-200-020	NEW	88-11-028
154-200-030	NEW-P	88-07-104
154-200-030	NEW	88-11-028
154-200-040	NEW-P	88-07-104
154-200-040	NEW	88-11-028
162-18-010	REP-P	88-09-080
162-18-020	REP-P	88-09-080
162-18-030	REP-P	88-09-080
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162-18-050	REP-P	88-09-080
162-18-060	REP-P	88-09-080
162-18-070	REP-P	88-09-080
162-18-080	REP-P	88-09-080
162-18-090	REP-P	88-09-080
162-18-100	REP-P	88-09-080
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162-18-120	NEW-P	88-09-080
162-18-130	NEW-P	88-09-080
162-18-140	NEW-P	88-09-080
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162-19-020	NEW-P	88-09-080
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173-14-030	AMD-W	88-07-006
173-14-030	AMD-P	88-12-067
173-14-030	AMD	88-19-004
173-14-060	AMD-W	88-07-006
173-14-061	NEW-W	88-07-006
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173-19-130	AMD	88-07-009
173-19-210	AMD-P	88-16-104
173-19-220	AMD-P	88-03-069
173-19-220	AMD-P	88-08-063
173-19-220	AMD	88-08-089
173-19-220	AMD-C	88-14-091
173-19-220	AMD	88-19-008
173-19-2201	AMD-P	88-08-064
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173-19-2202	AMD	88-19-008
173-19-2204	AMD-P	88-08-066
173-19-2204	AMD-C	88-14-091
173-19-2204	AMD	88-19-008
173-19-2207	AMD-P	88-08-067
173-19-2207	AMD-C	88-14-091
173-19-2207	AMD-C	88-19-005
173-19-2207	AMD-W	88-19-129
173-19-2208	AMD-P	88-08-068
173-19-2208	AMD-C	88-14-091
173-19-2208	AMD	88-19-008
173-19-2507	AMD-C	88-04-092
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173-19-2516	AMD-C	88-17-125
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173-19-3302	AMD	88-02-064
173-19-3501	AMD-P	88-05-066
173-19-3501	AMD	88-10-059
173-19-3512	AMD-C	88-02-063
173-19-3512	AMD-C	88-04-093
173-19-3512	AMD	88-07-007
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173-19-360	AMD-C	88-13-119
173-19-360	AMD-C	88-19-006
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173-95-010	NEW	88-14-125
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173-95-020	NEW	88-14-125
173-95-030	NEW-P	88-09-076
173-95-030	NEW	88-14-125
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173-95-050	NEW-P	88-09-076
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173-95-110	NEW-P	88-09-076
173-95-110	NEW	88-14-125
173-95-120	NEW-P	88-09-076
173-95-120	NEW	88-14-125
173-95-130	NEW-P	88-09-076
173-95-130	NEW	88-14-125
173-95-140	NEW-P	88-09-076
173-95-140	NEW	88-14-125
173-95-150	NEW-P	88-09-076
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173-110-040	NEW-E	88-14-126
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173-110-050	NEW-E	88-14-126
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173-110-060	NEW-E	88-14-126
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173-110-070	NEW-E	88-14-126
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173-124-06001	REP	88-13-037
173-124-070	NEW-P	88-09-054
173-124-070	NEW	88-13-037
173-124-080	NEW-P	88-09-054
173-124-080	NEW	88-13-037
173-128A-060	NEW-P	88-09-054
173-128A-060	NEW	88-13-037
173-130A-215	NEW-P	88-09-054
173-130A-215	NEW	88-13-037
173-130A-217	NEW-P	88-09-054
173-130A-217	NEW	88-13-037
173-130A-220	AMD-P	88-09-054
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173-134A-150	AMD	88-13-037
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173-136-095	NEW-P	88-09-054
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173-158-040	NEW	88-10-058
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173-158-050	NEW	88-10-058
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173-158-060	NEW	88-10-058
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173-158-080	NEW-P	88-05-042
173-158-080	NEW	88-10-058
173-158-090	NEW-P	88-05-042
173-158-090	NEW	88-10-058
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173-201-100	AMD	88-02-058
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173-220-140	AMD-P	88-13-095
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173-223-090	NEW-P	88-07-103
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173-223-100	NEW-P	88-07-103
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173-223-120	NEW-P	88-07-103
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173-303-170	AMD	88-02-057
173-303-280	AMD	88-02-057
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173-303-283	NEW-P	88-13-116
173-303-283	NEW	88-18-083
173-303-284	NEW	88-07-039
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173-303-901	NEW	88-07-039
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173-304-100	AMD-P	88-14-110
173-304-400	AMD-P	88-04-074
173-304-400	AMD-W	88-14-109
173-304-400	AMD-P	88-14-110
173-304-405	AMD-P	88-04-074
173-304-405	AMD-W	88-14-109
173-304-405	AMD-P	88-14-110
173-304-407	NEW-P	88-04-074
173-304-407	NEW-W	88-14-109
173-304-407	NEW-P	88-14-110
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173-304-430	AMD-P	88-14-110
173-304-450	AMD-P	88-04-074
173-304-450	AMD-W	88-14-109
173-304-450	AMD-P	88-14-110
173-304-460	AMD-P	88-04-074
173-304-460	AMD-W	88-14-109
173-304-460	AMD-P	88-14-110
173-304-467	NEW-P	88-04-074
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173-304-467	NEW-P	88-14-110
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173-306-010	NEW-E	88-12-073
173-306-020	NEW-P	88-12-072
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173-306-040	NEW-P	88-12-072
173-306-040	NEW-E	88-12-073
173-306-050	NEW-P	88-12-072
173-306-050	NEW-E	88-12-073
173-309-010	NEW-P	88-09-049
173-309-010	NEW-E	88-09-050
173-309-010	NEW-C	88-11-067
173-309-010	NEW-E	88-15-057
173-309-010	NEW	88-17-009
173-309-020	NEW-P	88-09-049
173-309-020	NEW-E	88-09-050
173-309-020	NEW-C	88-11-067
173-309-020	NEW-E	88-15-057
173-309-020	NEW	88-17-009
173-309-030	NEW-P	88-09-049
173-309-030	NEW-E	88-09-050
173-309-030	NEW-C	88-11-067
173-309-030	NEW-E	88-15-057
173-309-030	NEW	88-17-009
173-309-040	NEW-P	88-09-049
173-309-040	NEW-E	88-09-050
173-309-040	NEW-C	88-11-067
173-309-040	NEW-E	88-15-057
173-309-040	NEW	88-17-009
173-309-050	NEW-P	88-09-049
173-309-050	NEW-E	88-09-050
173-309-050	NEW-C	88-11-067
173-309-050	NEW-E	88-15-057
173-309-050	NEW	88-17-009
173-309-060	NEW-P	88-09-049
173-309-060	NEW-E	88-09-050
173-309-060	NEW-C	88-11-067
173-309-060	NEW-E	88-15-057
173-309-060	NEW	88-17-009
173-309-070	NEW-P	88-09-049
173-309-070	NEW-E	88-09-050
173-309-070	NEW-C	88-11-067
173-309-070	NEW-E	88-15-057
173-309-070	NEW	88-17-009
173-309-080	NEW-P	88-09-049
173-309-080	NEW-E	88-09-050
173-309-080	NEW-C	88-11-067
173-309-080	NEW-E	88-15-057
173-309-080	NEW	88-17-009
173-309-090	NEW-P	88-09-049
173-309-090	NEW-E	88-09-050
173-309-090	NEW-C	88-11-067
173-309-090	NEW-E	88-15-057
173-309-090	NEW	88-17-009
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173-311-020	NEW-P	88-19-108
173-311-030	NEW-P	88-19-108
173-311-040	NEW-P	88-19-108
173-311-050	NEW-P	88-19-108
173-312-010	NEW	88-17-001
173-312-020	NEW	88-17-001
173-312-030	NEW	88-17-001
173-312-040	NEW	88-17-001
173-312-050	NEW	88-17-001
173-314-010	NEW-P	88-18-106
173-314-100	NEW-P	88-18-106
173-314-200	NEW-P	88-18-106
173-314-210	NEW-P	88-18-106
173-314-220	NEW-P	88-18-106
173-314-300	NEW-P	88-18-106
173-314-310	NEW-P	88-18-106
173-314-320	NEW-P	88-18-106
173-314-330	NEW-P	88-18-106
173-314-340	NEW-P	88-18-106
173-326-010	AMD-P	88-15-071
173-326-010	AMD	88-18-098
173-326-030	AMD-P	88-18-099
173-326-040	AMD-P	88-15-071
173-326-040	AMD	88-18-098
173-335-010	NEW-E	88-12-070
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173-335-020	NEW	88-17-002
173-335-030	NEW-E	88-12-070
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173-335-030	NEW	88-17-002
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173-335-040	NEW	88-17-002
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173-336-010	NEW-P	88-11-072
173-336-010	NEW	88-15-038
173-336-020	NEW-P	88-11-072
173-336-020	NEW	88-15-038
173-336-030	NEW-P	88-11-072
173-336-030	NEW	88-15-038
173-338-010	NEW-P	88-11-073
173-338-010	NEW	88-15-037
173-338-020	NEW-P	88-11-073
173-338-020	NEW	88-15-037
173-338-030	NEW-P	88-11-073
173-338-030	NEW	88-15-037
173-338-040	NEW-P	88-11-073
173-338-040	NEW	88-15-037
173-338-050	NEW-P	88-11-073

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173-340-010	NEW	88-13-036
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173-340-020	NEW-E	88-07-106
173-340-020	NEW-C	88-10-055
173-340-020	NEW	88-13-036
173-340-020	NEW-E	88-13-085
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173-340-030	NEW-E	88-07-106
173-340-030	NEW-C	88-10-055
173-340-030	NEW	88-13-036
173-340-030	NEW-E	88-13-085
173-340-040	NEW-P	88-07-105
173-340-040	NEW-E	88-07-106
173-340-040	NEW-C	88-10-055
173-340-040	NEW	88-13-036
173-340-040	NEW-E	88-13-085
173-340-050	NEW-P	88-07-105
173-340-050	NEW-E	88-07-106
173-340-050	NEW-C	88-10-055
173-340-050	NEW	88-13-036
173-340-050	NEW-E	88-13-085
173-341-010	NEW-P	88-17-115
173-341-020	NEW-P	88-17-115
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173-400-100	AMD-P	88-19-082
173-400-110	AMD-P	88-19-082
173-400-115	AMD-P	88-10-053
173-400-115	AMD-C	88-19-082
173-400-120	AMD-P	88-19-082
173-403-030	AMD-P	88-10-053
173-403-030	AMD-C	88-19-082
173-403-050	AMD-P	88-10-053
173-403-050	AMD-C	88-19-082
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173-405-078	AMD-P	88-19-082
173-410-071	AMD-P	88-19-082
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173-425-030	AMD-P	88-10-053
173-425-030	AMD-C	88-19-082
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173-425-035	REP-C	88-19-082
173-425-036	NEW-P	88-10-053
173-425-036	NEW-C	88-19-082
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173-425-045	AMD-C	88-19-082
173-425-065	AMD-P	88-10-053
173-425-065	AMD-C	88-19-082
173-425-075	AMD-P	88-10-053
173-425-075	AMD-C	88-19-082
173-425-085	AMD-P	88-10-053
173-425-085	AMD-C	88-19-082
173-425-095	AMD-P	88-10-053
173-425-095	AMD-C	88-19-082
173-425-130	AMD-P	88-10-053
173-425-130	AMD-C	88-19-082
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173-433-030	AMD-W	88-19-079
173-433-030	AMD-P	88-19-080
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173-433-100	AMD-P	88-19-080
173-433-120	AMD-P	88-10-052
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173-434-050	AMD-P	88-19-082
173-434-200	AMD-P	88-19-082
173-435-010	AMD-P	88-10-053
173-435-010	AMD-C	88-19-082
173-435-015	NEW-P	88-19-082
173-435-020	AMD-P	88-10-053
173-435-020	AMD-C	88-19-082
173-435-030	AMD-P	88-10-053
173-435-030	AMD-C	88-19-082
173-435-040	AMD-P	88-10-053
173-435-040	AMD-C	88-19-082
173-435-050	AMD-P	88-10-053
173-435-050	AMD-C	88-19-082
173-435-060	AMD-P	88-10-053
173-435-060	AMD-C	88-19-082
173-435-070	AMD-P	88-10-053
173-435-070	AMD-C	88-19-082
173-470-030	AMD-P	88-10-053
173-470-030	AMD-C	88-19-082
173-470-100	AMD-P	88-10-053
173-470-100	AMD-C	88-19-082
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173-500-030	AMD-P	88-09-054
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173-508-095	NEW-P	88-09-054
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173-508-100	AMD	88-13-037
173-509-030	AMD-P	88-09-054
173-509-030	AMD	88-13-037
173-509-080	AMD-P	88-09-054
173-509-080	AMD	88-13-037
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173-510-095	NEW	88-13-037
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173-511-090	AMD	88-13-037
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173-511-100	AMD-P	88-09-054
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173-513-100	AMD-P	88-09-054
173-513-100	AMD	88-13-037
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173-522-090	NEW	88-13-037
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173-530-920	REP-P	88-09-054
173-530-920	REP	88-13-037
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173-530-960	REP-P	88-09-054
173-530-960	REP	88-13-037
173-531A-080	NEW-P	88-09-054
173-531A-080	NEW	88-13-037
173-531A-090	NEW-P	88-09-054
173-531A-090	NEW	88-13-037
173-532-090	NEW-P	88-09-054
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173-555-080	NEW-P	88-09-054
173-555-080	NEW	88-13-037
173-555-090	NEW-P	88-09-054
173-555-090	NEW	88-13-037
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173-559-100	NEW	88-13-037
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173-596-020	REP	88-13-037
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173-596-065	REP-P	88-09-054
173-596-065	REP	88-13-037
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174-107-100	REP-P	88-14-102
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174-107-100	REP	88-17-069
174-107-110	REP-P	88-14-101
174-107-110	REP-P	88-14-102
174-107-110	REP-E	88-17-068
174-107-110	REP	88-17-069
174-107-120	REP-P	88-14-101
174-107-120	REP-P	88-14-102
174-107-120	REP-E	88-17-068
174-107-120	REP	88-17-069
174-107-130	REP-P	88-14-101
174-107-130	REP-P	88-14-102
174-107-130	REP-E	88-17-068
174-107-130	REP	88-17-069
174-107-140	REP-P	88-14-101
174-107-140	REP-P	88-14-102
174-107-140	REP-E	88-17-068
174-107-140	REP	88-17-069
174-107-150	REP-P	88-14-101
174-107-150	REP-P	88-14-102
174-107-150	REP-E	88-17-068
174-107-150	REP	88-17-069
174-107-160	REP-P	88-14-101
174-107-160	REP-P	88-14-102
174-107-160	REP-E	88-17-068
174-107-160	REP	88-17-069
174-107-170	REP-P	88-14-101
174-107-170	REP-P	88-14-102
174-107-170	REP-E	88-17-068
174-107-170	REP	88-17-069
174-107-180	REP-P	88-14-101
174-107-180	REP-P	88-14-102
174-107-180	REP-E	88-17-068
174-107-180	REP	88-17-069
174-107-190	REP-P	88-14-101
174-107-190	REP-P	88-14-102
174-107-190	REP-E	88-17-068
174-107-190	REP	88-17-069
174-107-200	REP-P	88-14-101
174-107-200	REP-P	88-14-102
174-107-200	REP-E	88-17-068
174-107-200	REP	88-17-069
174-107-210	REP-P	88-14-101
174-107-210	REP-P	88-14-102
174-107-210	REP-E	88-17-068
174-107-210	REP	88-17-069
174-107-220	REP-P	88-14-101
174-107-220	REP-P	88-14-102
174-107-220	REP-E	88-17-068
174-107-220	REP	88-17-069
174-107-360	REP-P	88-14-101
174-107-360	REP-P	88-14-102
174-107-360	REP-E	88-17-068
174-107-360	REP	88-17-069
174-107-370	REP-P	88-14-101
174-107-370	REP-P	88-14-102
174-107-370	REP-E	88-17-068
174-107-370	REP	88-17-069
174-107-380	REP-P	88-14-101
174-107-380	REP-P	88-14-102
174-107-380	REP-E	88-17-068
174-107-380	REP	88-17-069
174-107-400	REP-P	88-14-101
174-107-400	REP-P	88-14-102
174-107-400	REP-E	88-17-068
174-107-400	REP	88-17-069
174-107-410	REP-P	88-14-101
174-107-410	REP-P	88-14-102
174-107-410	REP-E	88-17-068
174-107-410	REP	88-17-069
174-107-420	REP-P	88-14-101
174-107-420	REP-P	88-14-102
174-107-420	REP-E	88-17-068
174-107-420	REP	88-17-069
174-107-430	REP-P	88-14-101
174-107-430	REP-P	88-14-102
174-107-430	REP-E	88-17-068
174-107-430	REP	88-17-069
174-107-440	REP-P	88-14-101
174-107-440	REP-P	88-14-102
174-107-440	REP-E	88-17-068
174-107-400	REP	88-17-069
174-107-450	REP-P	88-14-101
174-107-450	REP-P	88-14-102
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174-107-450	REP	88-17-069
174-107-460	REP-P	88-14-101
174-107-460	REP-P	88-14-102
174-107-460	REP-E	88-17-068
174-107-460	REP	88-17-069
174-107-470	REP-P	88-14-101
174-107-470	REP-P	88-14-102
174-107-470	REP-E	88-17-068
174-107-470	REP	88-17-069
174-107-500	REP-P	88-14-101
174-107-500	REP-P	88-14-102
174-107-500	REP-E	88-17-068
174-107-500	REP	88-17-069
174-107-510	REP-P	88-14-101
174-107-510	REP-P	88-14-102
174-107-510	REP-E	88-17-068
174-107-510	REP	88-17-069
174-107-520	REP-P	88-14-101
174-107-520	REP-P	88-14-102
174-107-520	REP-E	88-17-068
174-107-520	REP	88-17-069
174-107-530	REP-P	88-14-101
174-107-530	REP-P	88-14-102
174-107-530	REP-E	88-17-068
174-107-530	REP	88-17-069
174-107-540	REP-P	88-14-101
174-107-540	REP-P	88-14-102
174-107-540	REP-E	88-17-068
174-107-540	REP	88-17-069
174-107-550	REP-P	88-14-101
174-107-550	REP-P	88-14-102
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174-124-050	REP-P	88-14-101
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204-91-080	REP-P	88-13-058
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204-91-100	REP-P	88-13-058
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204-91-120	REP-W	88-16-021
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204-91-130	REP-W	88-16-021
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204-91-160	REP-P	88-13-058
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248-97-050	NEW-P	88-10-005
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248-97-060	NEW-P	88-10-005
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248-97-130	NEW-P	88-10-005
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248-97-150	NEW-P	88-10-005
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296-59-107	NEW	88-14-108
296-59-109	NEW-P	88-09-074
296-59-109	NEW	88-14-108
296-59-115	NEW-P	88-09-074
296-59-115	NEW	88-14-108
296-59-120	NEW-P	88-09-074
296-59-120	NEW	88-14-108
296-59-125	NEW-P	88-09-074
296-59-125	NEW	88-14-108
296-59-130	NEW-P	88-09-074
296-59-130	NEW	88-14-108
296-59-135	NEW-P	88-18-071
296-62-054	AMD-P	88-09-074
296-62-054	AMD	88-14-108
296-62-05403	AMD-P	88-09-074
296-62-05403	AMD	88-14-108
296-62-05405	AMD-P	88-09-074
296-62-05405	AMD	88-14-108
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296-62-05409	AMD	88-14-108
296-62-05411	AMD-P	88-09-074
296-62-05411	AMD	88-14-108
296-62-05413	AMD-P	88-09-074
296-62-05413	AMD	88-14-108
296-62-05415	AMD-P	88-09-074
296-62-05415	AMD-W	88-14-141
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296-62-05417	AMD	88-14-108
296-62-05421	AMD-P	88-09-074
296-62-05421	AMD	88-14-108
296-62-05423	AMD-P	88-09-074
296-62-05423	AMD	88-14-108
296-62-05425	AMD-P	88-09-074
296-62-05425	AMD	88-14-108
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296-62-07115	AMD	88-14-108
296-62-07336	NEW-P	88-06-073
296-62-07336	NEW	88-11-021
296-62-07337	NEW-P	88-06-073
296-62-07337	NEW	88-11-021
296-62-07338	NEW-P	88-06-073
296-62-07338	NEW	88-11-021
296-62-07339	NEW-P	88-06-073
296-62-07339	NEW	88-11-021
296-62-07340	NEW-P	88-06-073
296-62-07340	NEW	88-11-021
296-62-07341	REP-P	88-06-073
296-62-07341	REP	88-11-021
296-62-07342	NEW-P	88-06-073
296-62-07342	NEW	88-11-021
296-62-07343	NEW-P	88-06-073
296-62-07343	NEW	88-11-021
296-62-07344	NEW-P	88-06-073
296-62-07344	NEW	88-11-021
296-62-07345	REP-P	88-06-073
296-62-07345	REP	88-11-021
296-62-07346	NEW-P	88-06-073
296-62-07346	NEW	88-11-021
296-62-07355	AMD-P	88-18-071
296-62-07359	AMD-P	88-18-071
296-62-07361	AMD-P	88-18-071
296-62-07363	AMD-P	88-18-071
296-62-07365	AMD-P	88-18-071
296-62-07367	AMD-P	88-18-071
296-62-07373	AMD-P	88-18-071
296-62-07379	AMD-P	88-18-071
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296-62-07389	AMD-P	88-09-074
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296-62-07515	AMD	88-14-108
296-62-07521	AMD-P	88-09-074
296-62-07521	AMD	88-14-108
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296-62-07523	NEW-P	88-16-092
296-62-07525	NEW-P	88-09-074
296-62-07525	NEW-W	88-14-141
296-62-07525	NEW-E	88-16-044
296-62-07525	NEW-P	88-16-092
296-62-07527	NEW-P	88-09-074
296-62-07527	NEW-W	88-14-141
296-62-07527	NEW-E	88-16-044
296-62-07527	NEW-P	88-16-092
296-62-07529	NEW-P	88-09-074
296-62-07529	NEW-W	88-14-141
296-62-07529	NEW-E	88-16-044
296-62-07529	NEW-P	88-16-092
296-62-07531	NEW-P	88-09-074
296-62-07531	NEW-W	88-14-141
296-62-07531	NEW-E	88-16-044
296-62-07531	NEW-P	88-16-092
296-62-07533	NEW-P	88-09-074
296-62-07533	NEW-W	88-14-141
296-62-07533	NEW-E	88-16-044
296-62-07533	NEW-P	88-16-092
296-62-07540	NEW-P	88-09-074
296-62-07540	NEW-W	88-14-141
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296-62-07540	NEW-P	88-16-092
296-62-07542	NEW-P	88-09-074
296-62-07542	NEW-W	88-14-141
296-62-07542	NEW-E	88-16-044
296-62-07542	NEW-P	88-16-092
296-62-07544	NEW-P	88-09-074
296-62-07544	NEW-W	88-14-141
296-62-07544	NEW-E	88-16-044
296-62-07544	NEW-P	88-16-092
296-62-07546	NEW-P	88-09-074
296-62-07546	NEW-W	88-14-141
296-62-07546	NEW-E	88-16-044
296-62-07546	NEW-P	88-16-092
296-62-07548	NEW-P	88-09-074
296-62-07548	NEW-W	88-14-141
296-62-07548	NEW-E	88-16-044
296-62-07548	NEW-P	88-16-092
296-62-07550	NEW-P	88-09-074
296-62-07550	NEW-W	88-14-141
296-62-07550	NEW-E	88-16-044
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296-62-20009	AMD-P	88-18-071
296-62-300	NEW-P	88-09-074
296-62-300	NEW-W	88-14-141
296-62-300	NEW-E	88-16-044
296-62-300	NEW-P	88-16-092
296-62-3010	NEW-P	88-09-074
296-62-3010	NEW-W	88-14-141
296-62-3010	NEW-E	88-16-044
296-62-3010	NEW-P	88-16-092
296-62-3020	NEW-P	88-09-074
296-62-3020	NEW-W	88-14-141
296-62-3020	NEW-E	88-16-044
296-62-3020	NEW-P	88-16-092
296-62-3030	NEW-P	88-09-074
296-62-3030	NEW-W	88-14-141
296-62-3030	NEW-E	88-16-044
296-62-3030	NEW-P	88-16-092
296-62-3040	NEW-P	88-09-074
296-62-3040	NEW-W	88-14-141
296-62-3040	NEW-E	88-16-044
296-62-3040	NEW-P	88-16-092
296-62-3050	NEW-P	88-09-074
296-62-3050	NEW-W	88-14-141
296-62-3050	NEW-E	88-16-044
296-62-3050	NEW-P	88-16-092
296-62-3060	NEW-P	88-09-074
296-62-3060	NEW-W	88-14-141
296-62-3060	NEW-E	88-16-044
296-62-3060	NEW-P	88-16-092
296-62-3070	NEW-P	88-09-074
296-62-3070	NEW-W	88-14-141
296-62-3070	NEW-E	88-16-044
296-62-3070	NEW-P	88-16-092
296-62-3080	NEW-P	88-09-074
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296-62-3080	NEW-P	88-16-092
296-62-3090	NEW-P	88-09-074
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296-62-3090	NEW-E	88-16-044
296-62-3090	NEW-P	88-16-092
296-62-3100	NEW-P	88-09-074
296-62-3100	NEW-W	88-14-141
296-62-3100	NEW-E	88-16-044
296-62-3100	NEW-P	88-16-092
296-62-3110	NEW-P	88-09-074
296-62-3110	NEW-W	88-14-141
296-62-3110	NEW-E	88-16-044
296-62-3110	NEW-P	88-16-092
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296-62-3130	NEW-W	88-14-141
296-62-3130	NEW-E	88-16-044
296-62-3130	NEW-P	88-16-092
296-62-3140	NEW-P	88-09-074
296-62-3140	NEW-W	88-14-141
296-62-3140	NEW-E	88-16-044
296-62-3140	NEW-P	88-16-092
296-62-3150	NEW-P	88-09-074
296-62-3150	NEW-W	88-14-141
296-62-3150	NEW-E	88-16-044
296-62-3150	NEW-P	88-16-092
296-62-3152	NEW-P	88-09-074
296-62-3152	NEW-W	88-14-141
296-62-3152	NEW-E	88-16-044
296-62-3152	NEW-P	88-16-092
296-62-3160	NEW-P	88-09-074
296-62-3160	NEW-W	88-14-141
296-62-3160	NEW-E	88-16-044
296-62-3160	NEW-P	88-16-092
296-62-3170	NEW-P	88-09-074
296-62-3170	NEW-W	88-14-141
296-62-3170	NEW-E	88-16-044
296-62-3170	NEW-P	88-16-092
296-62-3180	NEW-P	88-09-074
296-62-3180	NEW-W	88-14-141
296-62-3180	NEW-E	88-16-044
296-62-3180	NEW-P	88-16-092
296-62-3190	NEW-P	88-09-074
296-62-3190	NEW-W	88-14-141
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296-81-008	AMD-P	88-04-053
296-81-008	AMD	88-07-101
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296-81-275	NEW	88-19-053
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296-99-095	NEW-P	88-18-071
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296-116-020	AMD	88-09-025
296-116-030	AMD-C	88-05-017
296-116-030	AMD	88-09-026
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296-116-320	REP	88-10-039
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296-116-360	NEW	88-09-015
296-116-370	NEW-P	88-06-069
296-116-370	NEW-C	88-10-035
296-116-370	NEW	88-14-062
296-116-400	NEW-C	88-05-020
296-116-400	NEW	88-09-016
296-116-410	NEW-C	88-05-021
296-116-410	NEW	88-09-017
296-116-420	NEW-P	88-06-070
296-116-420	NEW	88-10-040
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296-127-013	NEW-P	88-16-090
296-127-014	NEW-P	88-16-090
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296-127-022	NEW-E	88-16-013
296-127-022	NEW-C	88-18-008
296-127-022	NEW	88-19-055
296-127-023	NEW-P	88-16-090
296-127-025	NEW-P	88-16-090
296-127-026	NEW-P	88-16-090
296-127-040	AMD-P	88-16-090
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296-130-010	NEW-C	88-18-007
296-130-010	NEW	88-18-044
296-130-010	NEW-E	88-18-045
296-130-020	NEW-P	88-14-105
296-130-020	NEW-C	88-18-007
296-130-020	NEW	88-18-044
296-130-020	NEW-E	88-18-045
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296-130-030	NEW	88-18-044
296-130-030	NEW-E	88-18-045
296-130-035	NEW-E	88-18-045
296-130-035	NEW-P	88-19-110
296-130-040	NEW-P	88-14-105
296-130-040	NEW-C	88-18-007
296-130-040	NEW	88-18-044
296-130-040	NEW-E	88-18-045
296-130-050	NEW-P	88-14-105
296-130-050	NEW-C	88-18-007
296-130-050	NEW	88-18-044
296-130-050	NEW-E	88-18-045
296-130-060	NEW-P	88-14-105
296-130-060	NEW-C	88-18-007
296-130-060	NEW	88-18-044
296-130-060	NEW-E	88-18-045
296-130-065	NEW-P	88-14-105
296-130-065	NEW-E	88-18-045
296-130-070	NEW-P	88-14-105
296-130-070	NEW-C	88-18-007
296-130-070	NEW	88-18-044
296-130-070	NEW-E	88-18-045
296-130-080	NEW-P	88-14-105
296-130-080	NEW-C	88-18-007
296-130-080	NEW	88-18-044
296-130-080	NEW-E	88-18-045
296-130-500	NEW-P	88-14-105
296-130-500	NEW-C	88-18-007
296-130-500	NEW	88-18-044
296-130-500	NEW-E	88-18-045
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296-150B-015	AMD	88-19-010
296-150B-220	AMD-P	88-14-104
296-150B-220	AMD	88-19-010
296-150B-225	AMD-P	88-14-104
296-150B-225	AMD	88-19-010
296-150B-245	AMD-P	88-14-104
296-150B-245	AMD	88-19-010
296-155-160	AMD-P	88-09-074
296-155-160	AMD	88-14-108
296-155-265	AMD-P	88-18-071
296-155-270	AMD-P	88-18-071
296-155-405	AMD-P	88-18-071
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296-155-425	REP	88-11-021
296-155-426	NEW-P	88-06-073
296-155-426	NEW	88-11-021
296-155-428	NEW-P	88-06-073
296-155-428	NEW	88-11-021
296-155-429	NEW-P	88-06-073
296-155-429	NEW	88-11-021
296-155-430	REP-P	88-06-073
296-155-430	REP	88-11-021
296-155-432	NEW-P	88-06-073
296-155-432	NEW	88-11-021
296-155-434	NEW-P	88-06-073
296-155-434	NEW	88-11-021
296-155-435	REP-P	88-06-073
296-155-435	REP	88-11-021
296-155-437	NEW-P	88-06-073
296-155-437	NEW	88-11-021
296-155-440	REP-P	88-06-073
296-155-440	REP	88-11-021
296-155-441	NEW-P	88-06-073
296-155-441	NEW	88-11-021
296-155-444	NEW-P	88-06-073
296-155-444	NEW	88-11-021
296-155-447	NEW-P	88-06-073
296-155-447	NEW	88-11-021
296-155-449	NEW-P	88-06-073
296-155-449	NEW	88-11-021
296-155-450	REP-P	88-06-073
296-155-450	REP	88-11-021
296-155-452	NEW-P	88-06-073
296-155-452	NEW	88-11-021
296-155-455	REP-P	88-06-073
296-155-455	REP	88-11-021
296-155-456	NEW-P	88-06-073
296-155-456	NEW	88-11-021
296-155-459	NEW-P	88-06-073
296-155-459	NEW	88-11-021
296-155-462	NEW-P	88-06-073
296-155-462	NEW	88-11-021
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296-305-06307	REP-P	88-09-074
296-305-06307	REP	88-14-108
296-305-06309	REP-P	88-09-074
296-305-06309	REP	88-14-108
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296-305-06311	REP	88-14-108
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296-305-06313	REP	88-14-108
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296-305-06507	AMD	88-14-108
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296-305-06509	AMD	88-14-108
296-305-07001	AMD-P	88-09-074
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296-305-07003	AMD	88-14-108
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296-305-9901	REP	88-14-108
296-305-9902	REP-P	88-09-074
296-305-9902	REP	88-14-108
296-305-9903	REP-P	88-09-074
296-305-9903	REP	88-14-108
296-305-9904	REP-P	88-09-074
296-305-9904	REP	88-14-108
296-305-9905	REP-P	88-09-074
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296-401-085	NEW	88-16-002
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296-402-190	AMD	88-16-002
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296-402-200	NEW	88-16-002
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296-403-010	AMD	88-16-002
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308-20-105	AMD-P	88-13-130
308-20-105	AMD	88-19-047
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308-20-109	NEW	88-19-047
308-20-110	AMD-P	88-13-130
308-20-110	AMD	88-19-047
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308-25-110	NEW-P	88-15-043
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308-34-090	REP-P	88-15-080
308-34-090	REP-C	88-17-096
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308-51-260	NEW-P	88-15-043
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308-51A-030	NEW-P	88-08-088
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308-51A-040	NEW-P	88-08-088
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308-53-010	AMD	88-07-047
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308-55-105	NEW-P	88-15-043
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308-61-108	AMD-E	88-04-026
308-61-108	AMD	88-06-025
308-61-135	AMD-E	88-04-026
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308-72-508	NEW-P	88-04-029
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308-90-020	REP	88-03-038
308-90-030	AMD-E	88-03-001
308-90-030	AMD	88-03-038
308-90-040	AMD-E	88-03-001
308-90-040	AMD	88-03-038
308-90-050	REP-E	88-03-001
308-90-050	REP	88-03-038
308-90-060	AMD-E	88-03-001
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308-90-070	AMD-E	88-03-001
308-90-070	AMD	88-03-038
308-90-080	AMD-E	88-03-001
308-90-080	AMD	88-03-038
308-90-090	AMD-E	88-03-001
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308-91-030	AMD-P	88-03-067
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308-91-040	AMD-E	88-03-030
308-91-040	AMD-P	88-03-067
308-91-040	AMD	88-06-061
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308-91-060	AMD	88-06-061
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308-91-120	NEW	88-06-061
308-91-130	NEW-E	88-03-030
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308-91-160	NEW	88-06-061
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308-96A-460	NEW-P	88-14-111
308-96A-460	NEW	88-19-017
308-96A-470	NEW-E	88-14-038
308-96A-470	NEW-P	88-14-111
308-96A-470	NEW	88-19-017
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308-115-240	NEW-P	88-08-035
308-115-240	NEW	88-12-040
308-115-250	NEW-P	88-08-035
308-115-250	NEW	88-12-040
308-115-260	NEW-P	88-15-043
308-115-270	NEW-P	88-15-043
308-115-280	NEW-P	88-15-043
308-115-290	NEW-P	88-15-043
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308-115-320	NEW-P	88-15-043
308-115-330	NEW-P	88-15-043
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308-117-040	AMD	88-18-005
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308-117-050	AMD	88-18-005
308-117-080	AMD	88-05-011
308-117-090	AMD-P	88-13-094
308-117-090	AMD	88-18-005
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308-117-095	NEW	88-18-005
308-117-100	AMD-P	88-13-094
308-117-100	AMD	88-18-005
308-117-105	NEW-P	88-13-094
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308-117-410	NEW	88-18-005
308-117-420	NEW-P	88-13-094
308-117-420	NEW	88-18-005
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308-120-164	AMD-P	88-12-042
308-120-164	AMD	88-16-034
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308-120-180	AMD-P	88-12-042
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308-120-185	AMD-P	88-12-042
308-120-185	AMD	88-16-034
308-120-186	AMD	88-05-010
308-120-275	AMD-P	88-15-039
308-120-275	AMD-E	88-15-042
308-120-275	AMD-P	88-15-098
308-120-275	AMD-P	88-16-099
308-120-275	AMD-E	88-16-105
308-120-335	AMD	88-07-049
308-120-338	NEW-P	88-12-042
308-120-338	NEW	88-16-034
308-120-360	AMD-P	88-12-042
308-120-360	AMD	88-18-082
308-120-505	AMD-P	88-12-042
308-120-505	AMD	88-16-034
308-120-506	AMD-P	88-12-042
308-120-506	AMD	88-16-034
308-120-507	REP-P	88-12-042
308-120-507	REP	88-16-034
308-120-508	REP-P	88-12-042
308-120-508	REP	88-16-034
308-120-509	REP-P	88-12-042
308-120-509	REP	88-16-034
308-120-510	REP-P	88-12-042
308-120-510	REP	88-16-034
308-120-511	REP-P	88-12-042
308-120-511	REP	88-16-034
308-120-512	REP-P	88-12-042
308-120-512	REP	88-16-034
308-120-513	REP-P	88-12-042
308-120-513	REP	88-16-034
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308-120-516	REP-P	88-12-042
308-120-516	REP	88-16-034
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308-120-520	REP-P	88-12-042
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308-120-575	NEW-P	88-12-042
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308-120-610	NEW-P	88-19-116
308-120-750	NEW-P	88-19-116
308-120-760	NEW-P	88-19-116
308-120-770	NEW-P	88-19-116
308-120-780	NEW-P	88-19-116
308-121-010	REP-P	88-19-117
308-121-020	REP-P	88-19-117
308-121-030	AMD-P	88-19-117
308-121-040	AMD-P	88-19-117
308-121-050	AMD-P	88-19-117
308-121-055	NEW-P	88-19-117
308-121-060	AMD-P	88-19-117
308-121-070	NEW-P	88-15-039
308-121-070	NEW-E	88-15-042
308-121-070	NEW-P	88-15-098
308-121-070	NEW-P	88-16-099
308-121-070	NEW-E	88-16-105
308-121-070	NEW-P	88-19-117
308-122-005	NEW-P	88-19-115
308-122-006	NEW-P	88-19-115
308-122-200	AMD-P	88-06-007
308-122-200	AMD	88-09-029
308-122-215	AMD-P	88-06-007
308-122-215	AMD	88-09-029
308-122-235	NEW-P	88-06-007
308-122-235	NEW	88-09-029
308-122-280	NEW-P	88-19-115
308-122-350	AMD-P	88-19-115
308-122-640	AMD-P	88-06-007
308-122-640	AMD	88-09-029
308-122-720	NEW-P	88-06-007
308-122-720	NEW	88-09-029
308-124A-020	AMD-P	88-16-109
308-124A-025	AMD-P	88-16-109
308-124A-100	REP-P	88-16-097
308-124A-110	AMD-P	88-16-097
308-124A-115	REP-P	88-16-097
308-124A-120	AMD-P	88-16-109
308-124A-130	AMD-P	88-02-051
308-124A-130	AMD	88-06-039
308-124A-200	AMD-P	88-16-097
308-124A-420	AMD-P	88-16-097
308-124A-425	NEW-P	88-16-097
308-124A-430	AMD-P	88-16-109
308-124A-440	AMD-P	88-16-109
308-124B-010	REP-E	88-02-050
308-124B-010	REP-P	88-02-051
308-124B-010	REP	88-06-039
308-124B-130	AMD-E	88-02-050
308-124B-130	AMD-P	88-02-051
308-124B-130	AMD	88-06-039
308-124B-150	NEW-E	88-02-050
308-124B-150	NEW-P	88-02-051
308-124B-150	NEW	88-06-039
308-124D-040	AMD-P	88-16-097
308-124E-011	REP-P	88-02-049
308-124E-011	REP	88-06-040
308-124E-012	NEW-P	88-02-049
308-124E-012	NEW	88-06-040
308-124E-013	NEW-P	88-02-049
308-124E-013	NEW	88-06-040
308-124E-013	AMD-E	88-10-057
308-124E-013	AMD-P	88-11-089
308-124E-013	AMD-P	88-16-097
308-124E-013	AMD	88-16-102
308-124E-013	AMD-E	88-17-003
308-124E-014	NEW-P	88-02-049
308-124E-014	NEW	88-06-040
308-127-150	REP	88-15-017
308-127-155	NEW	88-15-017
308-128A-010	AMD-P	88-08-087
308-128A-010	AMD	88-19-016
308-128A-020	AMD-P	88-08-087

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308-128A-020	AMD	88-19-016
308-128A-030	AMD-P	88-08-087
308-128A-030	AMD	88-19-016
308-128A-040	AMD-P	88-08-087
308-128A-040	AMD	88-19-016
308-128B-010	AMD-P	88-08-087
308-128B-010	AMD	88-19-016
308-128B-020	AMD-P	88-08-087
308-128B-020	AMD	88-19-016
308-128B-030	AMD-P	88-08-087
308-128B-030	AMD	88-19-016
308-128B-040	REP-P	88-08-087
308-128B-040	REP	88-19-016
308-128B-050	AMD-P	88-08-087
308-128B-050	AMD	88-19-016
308-128B-060	AMD-P	88-08-087
308-128B-060	AMD	88-19-016
308-128B-090	NEW-P	88-08-087
308-128B-090	NEW	88-19-016
308-128C-010	REP-P	88-08-087
308-128C-010	REP	88-19-016
308-128C-040	AMD-P	88-08-087
308-128C-040	AMD	88-19-016
308-128C-050	AMD-P	88-08-087
308-128C-050	AMD	88-19-016
308-128D-010	AMD-P	88-08-087
308-128D-010	AMD	88-19-016
308-128D-020	AMD-P	88-08-087
308-128D-020	AMD	88-19-016
308-128D-020	AMD-P	88-18-084
308-128D-030	AMD-P	88-08-087
308-128D-030	AMD	88-19-016
308-128D-040	AMD-P	88-08-087
308-128D-040	AMD-P	88-18-084
308-128D-060	AMD-P	88-08-087
308-128D-060	AMD-P	88-18-084
308-128D-070	AMD-P	88-08-087
308-128D-070	AMD	88-19-016
308-128D-080	NEW-P	88-08-087
308-128D-080	NEW	88-19-016
308-128E-010	REP-P	88-08-087
308-128E-010	REP-P	88-18-084
308-128E-011	NEW-P	88-08-087
308-128E-011	NEW-P	88-18-084
308-128F-010	AMD-P	88-08-087
308-128F-010	AMD	88-19-016
308-128F-020	AMD-P	88-08-087
308-128F-020	AMD	88-19-016
308-128F-030	REP-P	88-08-087
308-128F-030	REP	88-19-016
308-128F-040	AMD-P	88-08-087
308-128F-040	AMD	88-19-016
308-128F-050	AMD-P	88-08-087
308-128F-050	AMD	88-19-016
308-128F-070	AMD-P	88-08-087
308-128F-070	AMD	88-19-016
308-130-320	NEW-P	88-15-043
308-130-330	NEW-P	88-15-043
308-130-340	NEW-P	88-15-043
308-130-350	NEW-P	88-15-043
308-130-360	NEW-P	88-15-043
308-130-370	NEW-P	88-15-043
308-130-380	NEW-P	88-15-043
308-130-390	NEW-P	88-15-043
308-130-400	NEW-P	88-15-043
308-130-410	NEW-P	88-17-103
308-138-055	AMD-P	88-03-035
308-138-055	AMD	88-09-030
308-138-055	AMD-P	88-11-088
308-138-055	AMD	88-14-113
308-138-320	AMD-P	88-03-035
308-138-320	AMD	88-09-030
308-138-340	NEW-P	88-11-088
308-138-340	NEW	88-14-113
308-138-340	AMD-P	88-17-098
308-138A-020	AMD-P	88-03-035
308-138A-020	AMD	88-09-030
308-138A-020	AMD-P	88-11-088
308-138A-020	AMD	88-14-113
308-138A-025	AMD-P	88-03-035
308-138A-025	AMD	88-09-030
308-138A-030	NEW-P	88-17-098
308-138B-110	AMD-P	88-17-098
308-140-010	REP-P	88-11-027
308-140-010	REP	88-15-031
308-140-020	REP-P	88-11-027
308-140-020	REP	88-15-031
308-140-030	REP-P	88-11-027
308-140-030	REP	88-15-031
308-140-040	REP-P	88-11-027
308-140-040	REP	88-15-031
308-140-070	REP-P	88-11-027
308-140-070	REP	88-15-031
308-140-100	REP-P	88-11-027
308-140-100	REP	88-15-031
308-140-250	REP-P	88-11-027
308-140-250	REP	88-15-031
308-140-270	REP-P	88-11-027
308-140-270	REP	88-15-031
308-140-300	REP-P	88-11-027
308-140-300	REP	88-15-031
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308-150-013	AMD	88-08-033
308-151-080	AMD-P	88-05-041
308-151-080	AMD	88-08-033
308-151-090	AMD-P	88-05-041
308-151-090	AMD	88-08-033
308-153-020	AMD-P	88-05-041
308-153-020	AMD	88-08-033
308-153-030	AMD-P	88-05-041
308-153-030	AMD	88-08-033
308-156-060	AMD-P	88-05-041
308-156-060	AMD	88-08-033
308-156-090	AMD-P	88-05-041
308-156-090	AMD	88-08-033
308-156-100	AMD-P	88-05-041
308-156-100	AMD	88-08-033
308-171-010	AMD-P	88-05-061
308-171-010	AMD	88-09-031
308-171-020	AMD-P	88-05-061
308-171-020	AMD	88-09-031
308-171-103	AMD-P	88-09-048
308-173-010	NEW-P	88-15-043
308-173-020	NEW-P	88-15-043
308-173-030	NEW-P	88-15-043
308-173-040	NEW-P	88-15-043
308-173-050	NEW-P	88-15-043
308-173-060	NEW-P	88-15-043
308-173-070	NEW-P	88-15-043
308-173-080	NEW-P	88-15-043
308-173-090	NEW-P	88-15-043
308-173-100	NEW-P	88-17-103
308-175-080	REP-P	88-14-094
308-175-080	REP	88-17-043
308-175-200	NEW-P	88-17-102
308-177-010	NEW-P	88-15-043
308-177-020	NEW-P	88-15-043
308-177-030	NEW-P	88-15-043
308-177-040	NEW-P	88-15-043
308-177-050	NEW-P	88-15-043
308-177-060	NEW-P	88-15-043
308-177-070	NEW-P	88-15-043
308-177-080	NEW-P	88-15-043
308-177-090	NEW-P	88-15-043
308-177-100	NEW-P	88-17-103
308-180-120	AMD-P	88-02-061
308-180-120	AMD	88-07-031
308-180-210	AMD-P	88-02-061
308-180-210	AMD	88-07-031
308-180-220	AMD-P	88-02-061
308-180-220	AMD	88-07-031
308-180-250	AMD-P	88-02-061
308-180-250	AMD	88-07-031
308-180-260	AMD-P	88-11-026
308-180-260	AMD	88-15-030
308-180-270	NEW-P	88-02-061
308-180-270	NEW	88-07-031
308-180-280	NEW-P	88-02-061
308-180-280	NEW	88-07-031
308-180-290	NEW-P	88-15-043
308-180-300	NEW-P	88-15-043
308-180-310	NEW-P	88-15-043
308-180-320	NEW-P	88-15-043
308-180-330	NEW-P	88-15-043
308-180-340	NEW-P	88-15-043
308-180-350	NEW-P	88-15-043
308-180-360	NEW-P	88-15-043
308-180-370	NEW-P	88-15-043
308-180-400	NEW-P	88-17-103
308-183-010	NEW-P	88-15-043
308-183-020	NEW-P	88-15-043
308-183-030	NEW-P	88-15-043
308-183-040	NEW-P	88-15-043
308-183-050	NEW-P	88-15-043
308-183-060	NEW-P	88-15-043
308-183-070	NEW-P	88-15-043
308-183-080	NEW-P	88-15-043
308-183-090	NEW-P	88-16-071
308-183-100	NEW-P	88-16-071
308-183-110	NEW-P	88-16-071
308-183-120	NEW-P	88-16-071
308-183-130	NEW-P	88-16-071
308-183-140	NEW-P	88-16-071
308-183-150	NEW-P	88-16-071
308-183-160	NEW-P	88-16-071
308-183-170	NEW-P	88-16-071
308-183-180	NEW-P	88-16-071
308-183-200	NEW-P	88-17-103
308-190-030	NEW-P	88-05-059
308-190-030	NEW	88-11-024
308-190-040	NEW-P	88-05-059
308-190-040	NEW	88-11-024
308-190-050	NEW-P	88-05-059
308-190-050	NEW	88-11-024
308-190-060	NEW-P	88-15-043
308-190-070	NEW-P	88-15-043
308-190-080	NEW-P	88-15-043
308-190-090	NEW-P	88-15-043
308-190-100	NEW-P	88-15-043
308-190-110	NEW-P	88-15-043
308-190-120	NEW-P	88-15-043
308-190-130	NEW-P	88-15-043
308-190-140	NEW-P	88-15-043
308-190-200	NEW-P	88-17-103
308-195-020	NEW-P	88-03-034
308-195-020	NEW	88-10-015
308-195-030	NEW-P	88-03-034
308-195-030	NEW	88-10-015
308-195-040	NEW-P	88-03-034
308-195-040	NEW	88-10-015
308-195-050	NEW-P	88-03-034
308-195-050	NEW	88-10-015
308-195-060	NEW-P	88-03-034
308-195-060	NEW	88-10-015
308-195-070	NEW-P	88-03-034
308-195-070	NEW	88-10-015
308-195-070	AMD-P	88-19-114
308-195-080	NEW-P	88-03-034
308-195-080	NEW	88-10-015
308-195-090	NEW-P	88-03-034
308-195-090	NEW	88-10-015
308-195-100	NEW-P	88-03-034
308-195-100	NEW	88-10-015
308-195-110	NEW-P	88-03-034
308-195-110	NEW-P	88-14-006
308-195-110	NEW-E	88-14-008
308-195-110	NEW	88-17-099
308-195-120	NEW-P	88-15-043
308-195-130	NEW-P	88-15-043
308-195-140	NEW-P	88-15-043
308-195-150	NEW-P	88-15-043

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308-195-160	NEW-P	88-15-043
308-195-170	NEW-P	88-15-043
308-195-180	NEW-P	88-15-043
308-195-190	NEW-P	88-15-043
308-195-200	NEW-P	88-17-103
308-210-010	NEW-P	88-05-060
308-210-010	NEW	88-11-025
308-210-020	NEW-P	88-05-060
308-210-020	NEW	88-11-025
308-210-030	NEW-P	88-05-060
308-210-030	NEW	88-11-025
308-210-040	NEW-P	88-05-060
308-210-040	NEW	88-11-025
308-210-050	NEW-P	88-05-060
308-210-050	NEW	88-11-025
308-210-060	NEW-P	88-05-060
308-210-060	NEW	88-11-025
308-210-080	NEW-P	88-15-043
308-210-090	NEW-P	88-15-043
308-210-100	NEW-P	88-15-043
308-210-110	NEW-P	88-15-043
308-210-120	NEW-P	88-15-043
308-210-130	NEW-P	88-15-043
308-210-140	NEW-P	88-15-043
308-210-150	NEW-P	88-15-043
308-210-160	NEW-P	88-15-043
308-210-200	NEW-P	88-17-103
308-220-010	NEW-P	88-05-062
308-220-010	NEW	88-11-079
308-220-020	NEW-P	88-05-062
308-220-020	NEW	88-11-079
308-220-030	NEW-P	88-05-062
308-220-030	NEW	88-11-079
308-220-040	NEW-P	88-05-062
308-220-040	NEW	88-11-079
308-220-050	NEW-P	88-05-062
308-220-050	NEW	88-11-079
308-220-060	NEW	88-11-079
308-220-070	NEW-P	88-05-062
308-220-070	NEW	88-11-079
308-220-080	NEW-P	88-05-062
308-220-090	NEW-P	88-15-043
308-220-100	NEW-P	88-15-043
308-220-110	NEW-P	88-15-043
308-220-120	NEW-P	88-15-043
308-220-130	NEW-P	88-15-043
308-220-140	NEW-P	88-15-043
308-220-150	NEW-P	88-15-043
308-220-160	NEW-P	88-15-043
308-220-170	NEW-P	88-15-043
308-220-200	NEW-P	88-17-103
308-230-010	NEW-P	88-05-063
308-230-010	NEW	88-11-078
308-230-020	NEW-P	88-05-063
308-230-020	NEW	88-11-078
308-230-030	NEW-P	88-05-063
308-230-030	NEW	88-11-078
308-230-040	NEW-P	88-05-063
308-230-040	NEW	88-11-078
308-230-050	NEW-P	88-05-063
308-230-050	NEW	88-11-078
308-230-060	NEW-P	88-15-043
308-230-070	NEW-P	88-15-043
308-230-080	NEW-P	88-15-043
308-230-090	NEW-P	88-15-043
308-230-100	NEW-P	88-15-043
308-230-110	NEW-P	88-15-043
308-230-120	NEW-P	88-15-043
308-230-130	NEW-P	88-15-043
308-230-140	NEW-P	88-15-043
308-230-200	NEW-P	88-17-103
308-310-010	NEW-P	88-16-032
308-310-010	NEW-E	88-16-033
308-310-010	NEW-E	88-16-106
308-310-020	NEW-P	88-18-080
308-310-030	NEW-P	88-18-080
308-310-040	NEW-P	88-18-080
308-310-050	NEW-P	88-18-080
308-400	AMD-E	88-14-044
308-400	AMD-P	88-14-045
308-400-010	AMD-E	88-14-044
308-400-010	AMD-P	88-14-045
308-400-020	AMD-E	88-14-044
308-400-020	AMD-P	88-14-045
308-400-025	REP-E	88-14-044
308-400-025	REP-P	88-14-045
308-400-030	AMD-E	88-14-044
308-400-030	AMD-P	88-14-045
308-400-044	REP-E	88-14-044
308-400-044	REP-P	88-14-045
308-400-047	AMD-E	88-14-044
308-400-047	AMD-P	88-14-045
308-400-048	AMD-E	88-14-044
308-400-048	AMD-P	88-14-045
308-400-050	REP-E	88-14-044
308-400-050	REP-P	88-14-045
308-400-052	AMD-E	88-14-044
308-400-052	AMD-P	88-14-045
308-400-058	AMD-E	88-14-044
308-400-058	AMD-P	88-14-045
308-400-059	AMD-E	88-14-044
308-400-059	AMD-P	88-14-045
308-400-080	REP-E	88-14-044
308-400-080	REP-P	88-14-045
308-400-095	AMD-E	88-14-044
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308-400-120	NEW-E	88-14-044
308-400-120	NEW-P	88-14-045
308-410-010	NEW	88-03-037
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308-410-030	NEW	88-03-037
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360-08-030	REP	88-06-026
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388-24-055	AMD-P	88-18-104
388-24-065	AMD-P	88-18-104
388-24-070	AMD-P	88-18-104
388-24-074	AMD	88-06-084
388-24-074	AMD	88-07-056
388-24-074	AMD-P	88-18-104
388-24-090	AMD	88-06-084
388-24-090	AMD	88-07-056
388-24-107	AMD	88-06-084
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388-24-108	AMD-P	88-18-104
388-24-125	AMD-P	88-04-036
388-24-125	AMD-E	88-04-039
388-24-125	AMD	88-09-039
388-24-125	AMD-P	88-18-104
388-24-137	REP-P	88-18-104
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388-28-365	AMD-P	88-15-078
388-28-365	AMD	88-19-029
388-28-370	AMD-E	88-15-076
388-28-370	AMD-P	88-15-078
388-28-370	AMD	88-19-029
388-28-425	AMD-E	88-15-076
388-28-425	AMD-P	88-15-078
388-28-425	AMD	88-19-029
388-28-435	AMD	88-05-013
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388-28-482	AMD-P	88-16-052
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388-29-001	AMD	88-18-056
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388-29-100	AMD-P	88-14-137
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388-29-125	AMD	88-04-019
388-29-125	AMD-P	88-13-106
388-29-125	AMD-E	88-14-054
388-29-125	AMD	88-16-078
388-29-130	AMD	88-04-019
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388-29-145	REP-E	88-04-040
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388-29-280	AMD-P	88-14-137
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388-33-135	AMD	88-07-117
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388-33-195	AMD-E	88-16-058
388-33-195	AMD	88-19-069
388-33-355	AMD-P	88-18-105
388-33-370	REP-P	88-18-105
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388-33-480	NEW	88-14-061
388-37-110	AMD-E	88-12-086
388-37-110	AMD-P	88-12-094
388-37-110	AMD	88-15-013
388-37-130	AMD-E	88-12-086
388-37-130	AMD-P	88-12-094
388-37-130	AMD	88-15-013
388-37-140	AMD-E	88-12-086
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388-37-140	AMD	88-15-013
388-37-160	AMD-E	88-12-086
388-37-160	AMD-P	88-12-094
388-37-160	AMD	88-15-013
388-37-170	AMD-E	88-12-086
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388-37-190	AMD-E	88-12-086
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388-40-080	AMD-E	88-10-045
388-40-080	AMD	88-13-110
388-40-090	AMD-P	88-07-053
388-40-090	AMD-E	88-07-054
388-40-090	AMD-W	88-08-001
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388-40-095	NEW-E	88-10-045
388-40-095	NEW	88-13-110
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388-40-100	AMD-E	88-07-054
388-40-100	AMD-W	88-08-001
388-40-100	AMD-P	88-10-042
388-40-100	AMD-E	88-10-045
388-40-100	AMD	88-13-110
388-40-110	NEW-P	88-07-053
388-40-110	NEW-E	88-07-054
388-40-110	NEW-W	88-08-001
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388-49-015	AMD	88-18-058
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388-49-020	AMD	88-16-081
388-49-190	AMD-P	88-12-030
388-49-190	AMD	88-16-081
388-49-191	NEW-P	88-14-080
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388-49-410	AMD	88-16-081
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388-49-420	AMD	88-16-081
388-49-470	AMD-P	88-05-005
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388-49-470	AMD	88-08-079
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388-49-550	AMD-E	88-18-059
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388-57-125	AMD	88-07-055
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388-70-013	AMD	88-17-059
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388-77-005	NEW-P	88-09-079
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388-77-005	AMD-E	88-14-082
388-77-005	AMD	88-18-024
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388-77-010	NEW-W	88-08-038
388-77-010	NEW-P	88-09-079
388-77-010	NEW	88-12-093
388-77-015	NEW-P	88-04-089
388-77-015	NEW-W	88-08-038
388-77-015	NEW-P	88-09-079
388-77-015	NEW	88-12-093
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388-77-015	AMD-E	88-14-082
388-77-015	AMD	88-18-024
388-77-020	NEW-P	88-04-089
388-77-020	NEW-W	88-08-038
388-77-025	NEW-P	88-04-089
388-77-025	NEW-W	88-08-038
388-77-030	NEW-P	88-04-089
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388-77-035	NEW-P	88-04-089
388-77-035	NEW-W	88-08-038
388-77-040	NEW-P	88-04-089
388-77-040	NEW-W	88-08-038
388-77-045	NEW-P	88-04-089
388-77-045	NEW-W	88-08-038
388-77-045	NEW-P	88-09-079
388-77-045	NEW	88-12-093
388-77-055	NEW-P	88-04-089
388-77-055	NEW-W	88-08-038
388-77-065	NEW-P	88-04-089
388-77-065	NEW-W	88-08-038
388-77-200	NEW-P	88-04-089
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388-77-200	NEW-P	88-09-079
388-77-200	NEW	88-12-093
388-77-210	NEW-P	88-04-089
388-77-210	NEW-W	88-08-038
388-77-210	NEW-P	88-09-079
388-77-210	NEW	88-12-093
388-77-215	NEW-P	88-04-089
388-77-215	NEW-W	88-08-038
388-77-230	NEW-P	88-09-079
388-77-230	NEW	88-12-093
388-77-240	NEW-P	88-04-089
388-77-240	NEW-W	88-08-038
388-77-240	NEW-P	88-09-079
388-77-240	NEW	88-12-093
388-77-245	NEW-P	88-04-089
388-77-245	NEW-W	88-08-038
388-77-255	NEW-P	88-04-089
388-77-255	NEW-W	88-08-038
388-77-255	NEW-P	88-09-079
388-77-255	NEW	88-12-093
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388-77-275	NEW-W	88-08-038
388-77-280	NEW-P	88-04-089
388-77-280	NEW-W	88-08-038
388-77-285	NEW-P	88-04-089
388-77-285	NEW-W	88-08-038
388-77-285	NEW-P	88-09-079
388-77-285	NEW	88-12-093
388-77-310	NEW-P	88-04-089
388-77-310	NEW-W	88-08-038
388-77-320	NEW-P	88-04-089
388-77-320	NEW-W	88-08-038
388-77-320	NEW-P	88-09-079
388-77-320	NEW	88-12-093
388-77-330	NEW-P	88-04-089
388-77-330	NEW-W	88-08-038
388-77-335	NEW-P	88-04-089
388-77-335	NEW-W	88-08-038
388-77-340	NEW-P	88-04-089
388-77-340	NEW-W	88-08-038
388-77-350	NEW-P	88-04-089
388-77-350	NEW-W	88-08-038
388-77-355	NEW-P	88-04-089
388-77-355	NEW-W	88-08-038
388-77-360	NEW-P	88-04-089
388-77-360	NEW-W	88-08-038
388-77-365	NEW-P	88-04-089
388-77-365	NEW-W	88-08-038
388-77-370	NEW-P	88-04-089
388-77-370	NEW-W	88-08-038
388-77-375	NEW-P	88-04-089
388-77-375	NEW-W	88-08-038
388-77-500	NEW-P	88-04-089
388-77-500	NEW-W	88-08-038
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388-77-505	NEW-W	88-08-038
388-77-510	NEW-P	88-04-089
388-77-510	NEW-W	88-08-038
388-77-515	NEW-P	88-04-089
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388-77-515	NEW-P	88-09-079
388-77-515	NEW	88-12-093
388-77-515	AMD-P	88-14-081
388-77-515	AMD-E	88-14-082
388-77-520	NEW-P	88-04-089
388-77-520	NEW-W	88-08-038
388-77-520	NEW-P	88-09-079
388-77-520	NEW	88-12-093
388-77-525	NEW-P	88-04-089
388-77-525	NEW-W	88-08-038
388-77-525	NEW-P	88-09-079
388-77-525	NEW	88-12-093
388-77-530	NEW-P	88-04-089
388-77-530	NEW-W	88-08-038
388-77-530	NEW-P	88-14-081
388-77-530	NEW-E	88-14-082
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388-77-545	NEW-P	88-04-089
388-77-545	NEW-W	88-08-038
388-77-550	NEW-P	88-04-089
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388-77-555	NEW-P	88-09-079
388-77-555	NEW	88-12-093
388-77-560	NEW-P	88-04-089
388-77-560	NEW-W	88-08-038
388-77-600	NEW-P	88-04-089
388-77-600	NEW-W	88-08-038
388-77-600	NEW-P	88-09-079
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388-77-600	AMD-E	88-14-082
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388-77-605	NEW-W	88-08-038
388-77-605	NEW-P	88-09-079
388-77-605	NEW	88-12-093
388-77-610	NEW-P	88-04-089
388-77-610	NEW-W	88-08-038
388-77-610	NEW-P	88-09-079
388-77-610	NEW	88-12-093
388-77-610	AMD-P	88-14-081
388-77-610	AMD-E	88-14-082
388-77-610	AMD	88-18-024
388-77-615	NEW-P	88-04-089
388-77-615	NEW-W	88-08-038
388-77-615	NEW-P	88-09-079
388-77-615	NEW	88-12-093
388-77-640	NEW-P	88-04-089
388-77-640	NEW-W	88-08-038
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388-77-700	NEW-W	88-08-038
388-77-710	NEW-P	88-04-089
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388-77-735	NEW-P	88-09-079
388-77-735	NEW	88-12-093
388-77-737	NEW-P	88-04-089
388-77-737	NEW-W	88-08-038
388-77-737	NEW-P	88-09-079
388-77-737	NEW	88-12-093
388-77-740	NEW-P	88-04-089
388-77-740	NEW-W	88-08-038
388-77-745	NEW-P	88-04-089
388-77-745	NEW-W	88-08-038
388-77-750	NEW-P	88-04-089
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388-77-760	NEW-P	88-04-089
388-77-760	NEW-W	88-08-038
388-77-765	NEW-P	88-04-089
388-77-765	NEW-W	88-08-038
388-77-770	NEW-P	88-04-089
388-77-770	NEW-W	88-08-038
388-77-780	NEW-P	88-04-089
388-77-780	NEW-W	88-08-038
388-77-810	NEW-P	88-04-089
388-77-810	NEW-W	88-08-038
388-77-810	NEW-P	88-09-079
388-77-810	NEW	88-12-093
388-77-815	NEW-P	88-04-089
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388-77-820	AMD-E	88-14-083
388-77-820	AMD	88-18-025
388-77-825	NEW-P	88-04-089
388-77-825	NEW-W	88-08-038
388-77-830	NEW-P	88-04-089
388-77-830	NEW-W	88-08-038
388-77-835	NEW-P	88-04-089
388-77-835	NEW-W	88-08-038
388-77-870	NEW-P	88-04-089
388-77-870	NEW-W	88-08-038
388-77-880	NEW-P	88-04-089
388-77-880	NEW-W	88-08-038
388-77-900	NEW-P	88-04-089
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388-78-210	NEW	88-12-088
388-78-215	NEW-P	88-06-078
388-78-215	NEW	88-12-088
388-78-220	NEW-P	88-06-078
388-78-220	NEW	88-12-088
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392-164-145	NEW-P	88-07-113
392-164-145	NEW	88-13-089
392-164-150	NEW-P	88-07-113
392-164-150	NEW	88-13-089
392-164-155	NEW-P	88-07-113
392-164-155	NEW	88-13-089
392-164-160	NEW-P	88-07-113
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392-164-170	NEW-P	88-07-113
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392-164-175	NEW-P	88-07-113
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392-164-185	NEW-P	88-07-113
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392-164-205	NEW-P	88-07-113
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392-164-210	NEW-P	88-07-113
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392-164-215	NEW-P	88-07-113
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392-164-225	NEW-P	88-07-113
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392-164-230	NEW-P	88-07-113
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392-164-235	NEW-P	88-07-113
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392-164-250	NEW-P	88-07-113
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392-164-255	NEW-P	88-07-113
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392-164-410	NEW-P	88-07-113
392-164-410	NEW	88-13-089
392-164-415	NEW-P	88-07-113
392-164-415	NEW	88-13-089
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392-165-342	NEW-P	88-17-120
392-165-345	AMD-P	88-17-120
392-166-210	AMD-P	88-17-119
392-168	AMD-P	88-06-094
392-168	AMD	88-09-042
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392-168-005	REP	88-09-042
392-168-105	NEW-P	88-06-094
392-168-105	NEW	88-09-042
392-168-110	NEW-P	88-06-094
392-168-110	NEW	88-09-042
392-168-115	NEW-P	88-06-094
392-168-115	NEW	88-09-042
392-168-120	NEW-P	88-06-094
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392-168-125	NEW-P	88-06-094
392-168-125	NEW	88-09-042
392-168-130	NEW-P	88-06-094
392-168-130	NEW	88-09-042
392-168-135	NEW-P	88-06-094
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392-168-140	NEW-P	88-06-094
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392-168-145	NEW-P	88-06-094
392-168-145	NEW	88-09-042
392-168-150	NEW-P	88-06-094
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392-168-155	NEW-P	88-06-094
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392-168-160	NEW-P	88-06-094
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392-168-165	NEW-P	88-06-094
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392-168-170	NEW-P	88-06-094
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392-168-175	NEW-P	88-06-094
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392-168-180	NEW-P	88-06-094
392-168-180	NEW	88-09-042
392-168-185	NEW-P	88-06-094
392-168-185	NEW	88-09-042
392-168-190	NEW-P	88-06-094
392-168-190	NEW	88-09-042
392-171-761	REP-P	88-07-112
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392-171-761	AMD	88-15-020
392-171-766	REP-P	88-07-112
392-171-766	REP	88-12-017
392-171-771	REP-P	88-07-112
392-171-771	REP	88-12-017
392-171-776	REP-P	88-07-112
392-171-776	REP	88-12-017
392-171-781	REP-P	88-07-112
392-171-781	REP	88-12-017
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392-195-015	AMD	88-03-006
392-196-020	AMD-P	88-15-026
392-196-020	AMD-E	88-15-027
392-196-020	AMD	88-18-038
392-196-045	AMD-P	88-15-026
392-196-045	AMD-E	88-15-027
392-196-045	AMD	88-18-038
392-196-050	AMD-P	88-15-026
392-196-050	AMD-E	88-15-027
392-196-050	AMD	88-18-038
392-196-052	AMD-P	88-15-026
392-196-052	AMD-E	88-15-027
392-196-052	AMD	88-18-038
392-196-055	AMD-P	88-15-026
392-196-055	AMD-E	88-15-027
392-196-055	AMD	88-18-038
392-196-060	AMD-P	88-15-026
392-196-060	AMD-E	88-15-027
392-196-060	AMD	88-18-038
392-196-070	AMD-P	88-15-026
392-196-070	AMD-E	88-15-027
392-196-070	AMD	88-18-038
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392-196-072	AMD-E	88-15-027
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392-220-045	NEW-E	88-03-012
392-220-050	NEW-P	88-03-011
392-220-050	NEW-E	88-03-012
392-220-055	NEW-P	88-03-011
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392-220-060	NEW-P	88-03-011
392-220-060	NEW-E	88-03-012
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392-220-075	NEW-E	88-03-012
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392-220-080	NEW-E	88-03-012
392-220-085	NEW-P	88-03-011
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392-220-090	NEW-P	88-03-011
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392-220-100	NEW-E	88-03-012
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392-220-110	NEW-E	88-03-012
392-220-115	NEW-P	88-03-011
392-220-115	NEW-E	88-03-012
392-220-120	NEW-P	88-03-011
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392-220-145	NEW-E	88-03-012
392-220-150	NEW-P	88-03-011
392-220-150	NEW-E	88-03-012
392-220-155	NEW-P	88-03-011
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392-310-010	NEW	88-06-042
392-310-015	NEW-P	88-03-073
392-310-015	NEW-E	88-04-002
392-310-015	NEW	88-06-042
392-310-020	NEW-P	88-03-073
392-310-020	NEW-E	88-04-002
392-310-020	NEW	88-06-042
392-310-025	NEW-P	88-03-073
392-310-025	NEW-E	88-04-002
392-310-025	NEW	88-06-042
392-315-005	NEW	88-09-044
392-315-010	NEW	88-09-044
392-315-015	NEW	88-09-044
392-315-020	NEW	88-09-044
392-315-025	NEW	88-09-044
392-315-030	NEW	88-09-044
392-315-035	NEW	88-09-044
392-315-040	NEW	88-09-044
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392-315-050	NEW	88-09-044
392-315-055	NEW	88-09-044
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392-315-065	NEW	88-09-044
392-315-070	NEW	88-09-044
392-315-075	NEW	88-09-044
392-315-080	NEW	88-09-044
392-315-085	NEW	88-09-044
392-315-090	NEW	88-09-044
392-315-095	NEW	88-09-044
392-315-100	NEW	88-09-044
392-315-105	NEW	88-09-044
392-315-110	NEW	88-09-044
392-315-115	NEW	88-09-044
392-315-120	NEW	88-09-044
392-315-125	NEW	88-09-044
392-315-130	NEW	88-09-044
392-315-135	NEW	88-09-044
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392-315-155	NEW	88-09-044
392-315-160	NEW	88-09-044
392-315-165	NEW	88-09-044
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400-12-110	NEW	88-06-053
400-12-120	NEW	88-06-053
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400-12-210	NEW	88-06-053
400-12-220	NEW	88-06-053
400-12-300	NEW	88-06-053
400-12-310	NEW	88-06-053
400-12-320	NEW	88-06-053
400-12-400	NEW	88-06-053
400-12-410	NEW	88-06-053
400-12-420	NEW	88-06-053
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400-12-510	NEW	88-06-053
400-12-520	NEW	88-06-053
400-12-530	NEW	88-06-053
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402-80-065	NEW	88-17-060
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415-108-460	NEW	88-11-030
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415-112-330	NEW	88-17-052
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415-112-411	NEW	88-11-031
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419-32-070	REP	88-17-032
419-32-080	REP-P	88-11-049
419-32-080	REP	88-17-032
419-32-090	REP-P	88-11-049
419-32-090	REP	88-17-032
419-32-100	REP-P	88-11-049
419-32-100	REP	88-17-032
419-32-110	REP-P	88-11-049
419-32-110	REP	88-17-032
419-32-120	REP-P	88-11-049
419-32-120	REP	88-17-032
419-32-130	REP-P	88-11-049
419-32-130	REP	88-17-032
419-32-140	REP-P	88-11-049
419-32-140	REP	88-17-032
419-32-150	REP-P	88-11-049
419-32-150	REP	88-17-032
419-32-160	REP-P	88-11-049
419-32-160	REP	88-17-032
419-32-170	REP-P	88-11-049
419-32-170	REP	88-17-032
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419-56-020	NEW	88-02-068
419-56-030	NEW	88-02-068
419-56-040	NEW	88-02-068
419-56-050	NEW	88-02-068
419-56-060	NEW	88-02-068
419-56-070	NEW	88-02-068
419-56-080	NEW	88-02-068
419-56-090	NEW	88-02-068
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419-60-020	NEW	88-02-067
419-60-030	NEW	88-02-067
419-64-010	NEW-P	88-11-050
419-64-020	NEW-P	88-11-050
419-64-030	NEW-P	88-11-050
419-64-040	NEW-P	88-11-050
434-19-010	NEW-P	88-05-054
434-19-010	NEW	88-09-028
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434-19-012	NEW	88-09-028
434-19-013	NEW-P	88-05-054
434-19-013	NEW	88-09-028
434-19-014	NEW-P	88-05-054
434-19-014	NEW	88-09-028
434-19-015	NEW-P	88-05-054
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434-19-016	NEW	88-09-028
434-19-017	NEW-P	88-05-054
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434-19-018	NEW-P	88-05-054
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434-19-061	NEW	88-09-028
434-19-065	NEW-P	88-05-054
434-19-075	NEW-P	88-05-054
434-19-075	NEW	88-09-028
434-19-077	NEW-P	88-05-054
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434-19-078	NEW	88-09-028
434-19-080	NEW-P	88-05-054
434-19-080	NEW	88-09-028
434-19-081	NEW-P	88-05-054
434-19-081	NEW	88-09-028

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434-19-083	NEW	88-09-028
434-19-084	NEW-P	88-05-054
434-19-084	NEW	88-09-028
434-19-086	NEW-P	88-05-054
434-19-086	NEW	88-09-028
434-19-087	NEW-P	88-05-054
434-19-087	NEW	88-09-028
434-19-088	NEW-P	88-05-054
434-19-088	NEW	88-09-028
434-19-090	NEW-P	88-05-054
434-19-090	NEW	88-09-028
434-19-100	NEW-P	88-05-054
434-19-100	NEW	88-09-028
434-19-101	NEW-P	88-05-054
434-19-101	NEW	88-09-028
434-19-102	NEW-P	88-05-054
434-19-102	NEW	88-09-028
434-19-105	NEW-P	88-05-054
434-19-110	NEW-P	88-05-054
434-19-110	NEW	88-09-028
434-19-113	NEW-P	88-05-054
434-19-113	NEW	88-09-028
434-19-114	NEW-P	88-05-054
434-19-114	NEW	88-09-028
434-19-115	NEW-P	88-05-054
434-19-115	NEW	88-09-028
434-19-116	NEW-P	88-05-054
434-19-118	NEW-P	88-05-054
434-19-118	NEW	88-09-028
434-19-190	NEW-P	88-05-054
434-19-190	NEW	88-09-028
434-19-191	NEW-P	88-05-054
434-19-191	NEW	88-09-028
434-19-192	NEW-P	88-05-054
434-19-192	NEW	88-09-028
434-19-193	NEW-P	88-05-054
434-19-193	NEW	88-09-028
434-19-194	NEW-P	88-05-054
434-19-194	NEW	88-09-028
434-19-195	NEW-P	88-05-054
434-19-195	NEW	88-09-028
434-19-230	NEW-P	88-05-054
434-19-230	NEW	88-09-028
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434-40-010	NEW	88-03-019
434-40-020	NEW	88-03-019
434-40-030	NEW	88-03-019
434-40-040	NEW	88-03-019
434-40-050	NEW	88-03-019
434-40-060	NEW	88-03-019
434-40-070	NEW	88-03-019
434-40-080	NEW	88-03-019
434-40-090	NEW	88-03-019
434-40-100	NEW	88-03-019
434-40-110	NEW	88-03-019
434-40-120	NEW	88-03-019
434-40-130	NEW	88-03-019
434-40-140	NEW	88-03-019
434-40-150	NEW	88-03-019
434-40-160	NEW	88-03-019
434-40-170	NEW	88-03-019
434-40-180	NEW	88-03-019
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