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CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: The 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 28B.19 or 34.04 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to noon and from 1 p.m. to 5 p.m. Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

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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 May 1989 pursuant to RCW 19.52.020 is thirteen point three eight percent (13.38%).

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 1989 pursuant to RCW 63.14.130(1)(a) is thirteen and one-half percent (13.50%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is fifteen and one-quarter percent (15.25%) for the second calendar quarter of 1989.

WASHINGTON STATE REGISTER

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The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

Raymond W. Haman
Chairman, Statute Law Committee

Kerry S. Radcliff
Editor

Dennis W. Cooper
Code Reviser

Joyce Matzen
Subscription Clerk

Gary Reid
Chief Assistant Code Reviser

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.

1988 - 1989

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	Count 20 days from—	For hearing/adoption on or after
For Inclusion in—	File no later than—				
88-18	Aug 10	Aug 24	Sep 7	Sep 21	Oct 11
88-19	Aug 24	Sep 7	Sep 21	Oct 5	Oct 25
88-20	Sep 7	Sep 21	Oct 5	Oct 19	Nov 8
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89-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1990

¹All 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.

²A 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.

³No 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 89-09-001
PROCLAMATION NO. 89-02
OFFICE OF THE GOVERNOR

Twin Rivers Corrections Center has been designated as the site of the Department of Corrections' Sex Offender Treatment Program. A change in the capacity is needed in anticipation of the increasing numbers of sex offenders requiring placement at this facility. In order to assist the state in responding to this condition, it is necessary that the Department of Corrections be authorized to increase the population ceiling at Twin Rivers Corrections Center by 10 percent (50 beds) in excess of the rated capacity of the facility.

Now, therefore, I Booth Gardner, Governor of the state of Washington, do hereby declare, pursuant to RCW 72.12.160, that an emergency exists with respect to the classification needs and number of inmates currently in the custody of the Department of Corrections, and further that the Department of Corrections is authorized to increase the population limitation at the Twin Rivers Corrections Center and to house up to 550 prisoners at the facility for a period not to exceed one (1) year from the date the Department exceeds the present rated capacity of the facility, unless this Proclamation shall have been rescinded.

IN WITNESS WHERE-
 OF, I have hereunto set my
 hand and caused the seal of
 the state of Washington to
 be affixed at Olympia this
 5th day of April, nineteen
 hundred and eighty-nine.

Booth Gardner

 Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting

 Assistant Secretary of State

WSR 89-09-002
PROCLAMATION NO. 89-01
OFFICE OF THE GOVERNOR

During the period of March 8-17, 1989, extensive flooding occurred in Eastern Washington. An extraordinarily cold month of February, with temperatures averaging 10 degrees below normal in Eastern Washington, resulted in subsurface freezing conditions. Although rainfall and snowmelt during the month were normal, the frozen ground did not allow normal ground penetration of the runoff, resulting in substantial flooding.

The Department of Community Development has implemented the Comprehensive Emergency Management Plan, coordinating resources to support local officials in alleviating the most immediate threats to people and property and assessing the magnitude of the damage. The severity and magnitude of the destruction and damage are beyond the capabilities of the affected political subdivisions.

NOW, THEREFORE, I, BOOTH GARDNER, Governor of the state of Washington, as a result of the aforementioned situation and under the provisions of Chapter 43.06 RCW and RCW 38.52.060, do hereby proclaim that a State of Emergency exists in the counties of Douglas, Okanogan, Stevens and Whitman, and execute the Washington State Comprehensive Emergency Management Plan. The resources of the state of Washington are authorized to be employed to assist affected political subdivisions in a concerted effort to cope with the emergency. Additionally, the Department of Community Development, Division of Emergency Management is instructed to coordinate all state assistance to the affected areas, including a determination of the need for federal disaster assistance.

IN WITNESS WHERE-
 OF, I have hereunto set my
 hand and caused the seal of
 the state of Washington to
 be affixed at Olympia this
 fifth day of April, Nineteen
 Hundred and Eighty Nine.

Booth Gardner

 Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting

 Assistant Secretary of State

WSR 89-09-003
NOTICE OF PUBLIC MEETINGS
LEGAL FOUNDATION OF WASHINGTON
 [Memorandum—March 27, 1989]

Following is the list of dates and locations of the 1989 Legal Foundation of Washington meetings for publication:

May 11, 1989	11:00 a.m.	Westwater Inn Olympia, WA
September 14, 1989	9:00 a.m.	Whistler Resort Whistler, BC
October 20, 1989	9:30 a.m.	Ridpath Hotel Spokane, WA
November 17, 1989	9:00 a.m.	Sea-Tac Seattle, WA

WSR 89-09-004

ADOPTED RULES

DEPARTMENT OF GENERAL ADMINISTRATION
(Division of Banking)

[Order 77—Filed April 6, 1989]

I, Thomas H. Oldfield, director of the Division of Banking, Department of General Administration, do promulgate and adopt at Olympia, Washington, the annexed rules relating to semi-annual assessments, amending WAC 50-44-020.

This action is taken pursuant to Notice No. WSR 89-06-059 filed with the code reviser on March 1, 1989. 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 30.04.030 and 31.04.150 which directs that the Supervisor of Banking has authority to implement the provisions of RCW 30.04.070 and 31.04.160.

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 April 6, 1989.

By Thomas H. Oldfield
Supervisor of Banking

AMENDATORY SECTION (Amending Order 55, filed 10/3/83)

WAC 50-44-020 SEMIANNUAL ASSET CHARGE—ASSESSMENT. A semiannual charge for assets will be computed upon the asset value reflected in the most recent report of condition. The rate of such charge shall be as set forth in the following schedules:

(1) Commercial banks.

If the bank's total assets are: The assessment is:

Over	But not Over	This Amount	Plus	Of Excess Over
Million	Million			Million
0	1	\$ 500	.0000850	0
1	10	1,000	.0000850	1
10	100	1,000	.0000800	1
100	300	1,000	.0000600	1
300	500	1,000	.0000575	1
500	700	1,000	.0000538	1
700	900	1,000	.0000525	1
900	1,000	1,000	.0000500	1
1,000	—	1,000	.0000450	1

(2) Alien banks.

If the bank's total assets are: The assessment is:

Over	But not Over	This Amount	Plus	Of Excess Over
Million	Million			Million
0	200	\$1,000	.0000625	1
200	300	1,000	.0000600	1
300	500	1,000	.0000575	1
500	700	1,000	.0000550	1
700	1,000	1,000	.0000500	1
1,000	—	1,000	.0000450	1

(3) Mutual savings banks and stock savings banks.

If the bank's total assets are: The assessment is:

Over	But not Over	This Amount	Plus	Of Excess Over
Million	Million			Million
0	100	\$3,000		
100	200	1,000	.0000225	1
200	500	1,000	.0000200	1
500	1,000	1,000	.0000175	1
1,000	3,000	1,000	.00001625	1
3,000	—	1,000	.0000150	1

(4) Industrial loan companies.

If the total assets on a consolidated basis are: The assessment is:

Over	But not Over	This Amount	Plus	Of Excess Over
Million	Million			Million
0	1	\$ 250		
1	—	250	.000075	1

The supervisor's office shall forward by ~~((first-class))~~ United States mail a notice to each ~~((respective))~~ financial institution showing the ~~((total amount of))~~ manner of calculating the asset charge due and a worksheet for such purposes. The notices shall be mailed ~~((during the months of February and August, commencing in February 1982))~~ with the blank June and December report of condition commencing with the December 1988 report of condition applicable to commercial, savings and alien banks and the consolidated annual report and a semiannual notice of assessment applicable to industrial loan companies. The asset charge ~~((must be received by))~~ shall be calculated by the financial institution and forwarded to the office of the supervisor of banking ((within thirty days from the time the supervisor's notice is mailed)) with the applicable report. A completed copy of the worksheet shall be included with the assessment. An additional two hundred dollar penalty shall be assessed if the amount is not paid within the time specified.

WSR 89-09-005

EMERGENCY RULES

DEPARTMENT OF ECOLOGY

[Order 89-20—Filed April 7, 1989]

I, Terry Husseman, assistant director of Waste Management, do promulgate and adopt at Lacey, Washington, the annexed rules relating to phase one-waste reduction and recycling grants, adopting chapter 173-318 WAC.

I, Terry Husseman, assistant director of Waste Management, 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 traditional methods of disposing of solid waste in this state are no longer adequate to meet the ever-increasing problem. There is an imperative need to plan for and accomplish effective recovery and recycling of solid

waste with the subsequent conservation of energy and resources. Communities are demanding that opportunities be provided for recycling of the solid waste stream. Without sufficient planning and sizing of comprehensive systems these services will be provided in an uncoordinated manner, and will not be likely to maximize reduction and recycling of solid waste. It is the responsibility of state government to encourage local communities to provide adequate reduction and source separation opportunities and incentives to all, recognizing the necessity to provide flexibility to accommodate differing population densities, distances to and availability of recycling markets, and collection and disposal costs in each jurisdiction; and to provide communities with the technical resources to accomplish this responsibility. Facilities, systems and programs must be designed to successfully meet the unique needs of each jurisdiction where services will be provided. A lack of financial and planning resources at the local community level renders local government unable to fulfill these obligations. The state is, therefore, not meeting its responsibility of encouraging recycling opportunities. This regulation must be established immediately to allow the Department of Ecology to issue grant moneys to local communities as soon as possible to begin designing comprehensive waste reduction and recycling systems through demonstration projects and program design projects, in order to maximize the conservation of resources and energy.

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

This rule is promulgated pursuant to chapters 43.83A and 43.99F 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 April 7, 1989.

By Terry Husseman
Assistant Director
Waste Management

CHAPTER 173-318 WAC

PHASE ONE

WASTE REDUCTION AND RECYCLING GRANTS

173-318-010	Purpose and Authority
173-318-020	Relation to Other Legislation and Administrative Rules
173-318-030	Definitions
173-318-040	Funding
173-318-050	Procedures
173-318-060	Eligibility and Grantee Match Requirements
173-318-070	Waste Reduction/Recycling Best Management Practices Study Demonstration Project Grants
173-318-080	Preimplementation Program Design Grants for Waste Reduction/Recycling Grants

NEW SECTION

WAC 173-318-010 PURPOSE AND AUTHORITY. The purpose of this chapter is to set forth eligibility criteria and requirements for the first phase of a financial assistance program that provides grants to further the state's waste management priorities. The Department shall provide grants for:

(1) Waste reduction/recycling demonstration projects in urban and rural areas.

(2) Preimplementation program designs for waste reduction and recycling projects.

The authority to provide financial assistance is granted under Chapters 43.83A and 43.99F RCW.

NEW SECTION

WAC 173-318-020 RELATION TO OTHER LEGISLATION AND ADMINISTRATIVE RULES.

(1) Nothing in this chapter shall influence, affect, or modify department programs, regulations, or enforcement of applicable laws relating to hazardous and solid waste management and disposal.

(2) All grants shall be subject to existing accounting and auditing requirements of state laws and regulations applicable to the issuance of grant funds.

NEW SECTION

WAC 173-318-030 DEFINITIONS. For the purposes of this chapter, the following words and phrases shall have the meanings described herein.

(1) "Best Management Practices Study" means the analysis and evaluation of solid waste management in the state of Washington conducted by the Washington State Department of Ecology, as required by RCW 70.95.280.

(2) "Buy-back center" means a facility where source separated recyclable materials are delivered for compensation.

(3) "Collection box" means a container or device used to temporarily hold recyclable material before collection.

(4) "Collection system" means the complete system employed to collect recyclable materials, which may include curbside collection, drop-box recycling facilities, buy-back centers, or other methods or combinations thereof, and includes operations and maintenance, and methods to encourage participation.

(5) "Commercial waste substream" means garbage and recyclable materials generated at places of business except manufacturing.

(6) "Composting" means biological stabilization of organic matter through aerobic digestion.

(7) "Curbside collection" means the collection of source-separated recyclable materials from residences and places of business.

(8) "Department" means the Washington State Department of Ecology.

(9) "Drop-box recycling facility" means a facility accessible to the public to leave recyclable material, without remuneration, consisting of separate receptacles for each recyclable material collected.

(10) "Energy recovery or incineration" means reducing the volume of wastes by use of an enclosed device using controlled flame combustion.

(11) "Equipment" means those items with a life expectancy of one year or more and a cost of over one thousand dollars (\$1,000) that are necessary to implement the waste reduction and recycling system, excluding office equipment such as desks, chairs and bookcases.

(12) "Indirect costs" means costs that are incurred for (a) common or joint purpose benefiting more than one cost objective and (b) not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved.

(13) "In-kind costs" means contributions and services used as a portion of the grantee's matching share of the project costs.

(14) "Intermediate processing center" means a facility where source-separated recyclable materials are prepared for marketing to end users.

(15) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.

(16) "Manufacturing waste substream" means garbage and recyclable materials generated by persons engaged in creating products.

(17) "Market" means an end user for recyclable materials.

(18) "Material recovery facility" means a facility where recyclable materials are extracted from mixed wastes and prepared for marketing to end users.

(19) "Operations costs" means costs associated with implementing a project or program, including but not limited to, staff and associated costs, goods and services and contracted services.

(20) "Operations plan" means a design for system functions, including but not limited to, staffing and maintenance needs and a funding mechanism.

(21) "Organic matter" means material originating from plants or animals, limited to food wastes, food processing wastes, wastes from farming or gardening, sewage sludges, logging and milling residues, pulp and paper products and yard debris that are found in the solid waste stream.

(22) "Organics processing" means the processing of yard debris or other organic matter to produce usable soil conditioners or amendments through composting, fermentation, anaerobic digestion or other processes.

(23) "Preimplementation program design" means a document detailing a waste reduction and/or recycling system unique to the needs of a geographical area that includes, but is not limited to, all information about the system plans and specifications, staffing plans, implementation schedules, operations and maintenance plans and costs, SEPA compliance, and permitting costs.

(24) "Recyclable materials" means those solid wastes that can be diverted for recycling or reuse, which otherwise would be disposed of through landfill, energy recovery or incineration.

(25) "Recycling" means the collection of recyclable material, followed by the transformation of the material into potentially usable materials for use other than landfill disposal, energy recovery or incineration, followed by

consumption by an end-user that transforms the material into a product for consumer use.

(26) "Residential waste substream" means garbage and recyclable materials generated by households.

(27) "Solid waste substream" means garbage, refuse and recyclable materials, and is made up of four substreams including residential, commercial, manufacturing and self-haul.

(28) "Source separation" means separation of recyclable materials and garbage at the point of generation.

(29) "Waste reduction" means all practices that reduce, avoid, or eliminate the amount of toxicity of waste generated, including reuse of materials.

(30) "Yard debris" means vegetation from homes and businesses that can be converted through biological processes into usable soil amendments or other usable products.

NEW SECTION

WAC 173-318-040 FUNDING. For purposes of implementing the Financial Assistance Program under this chapter, \$4,150,000 shall be available and shall be apportioned as follows:

- (a) Grants for waste reduction/recycling demonstration projects. (RCW 43.99F) \$3,112,500
- (b) Grants for preimplementation program design for waste reduction and recycling projects. (RCW 43.83A) \$1,037,500

Based on an internal review of grant applications received, grant obligations and grant fund balances, the Department may reallocate funds by grant category or readjust the amount of funds that may be allocated under any and all grant fund categories.

The obligation of the Department to make grant payments is contingent upon the availability of funds through allotment or appropriation, and such other conditions not reasonably foreseeable by the Department rendering performance impossible.

NEW SECTION

WAC 173-318-050 PROCEDURES. (1) Grant application packages, which include administrative guidelines, application forms, and detailed information, will be provided to all interested parties.

(2) Applicants may seek technical assistance from the Department.

(3) Applications submitted to the Department will be reviewed and scored by the Department. Applications must include all required elements as outlined in the guidelines to be considered for funding. Applications will be ranked competitively.

(4) Award letters will be sent to applicants selected for funding after which final details regarding the scope of work, budget, and other items of concern will be negotiated.

(5) A grant offer is made by the Department to the applicant in the form of a grant agreement when all applicant and project eligibility requirements have been met, funds are available, and the formal application has

been completed to the mutual satisfaction of the applicant and the department.

(6) A grant award is made when a grant offer has been signed by both the applicant and the Department. No costs incurred prior to the effective date of the grant are eligible unless specific provision is made in the grant agreement for such costs.

NEW SECTION

WAC 173-318-060 ELIGIBILITY AND GRANTEE MATCH REQUIREMENTS. (1) Eligible grantees include the state of Washington or any agency, political subdivision, taxing district or municipal corporation thereof, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

(2) The Department will provide up to seventy-five percent of the total eligible project costs for demonstration projects, pursuant to RCW 43.99F.

(3) The Department will provide up to eighty-five percent of the total eligible project costs for preimplementation program designs, pursuant to RCW 43.83A, but will not provide more than \$100,000.

(4) A maximum of fifty percent of the grantee cost share may be from in-kind contributions.

(5) A maximum indirect cost rate of ten percent of direct labor will be allowed unless the grantee has an indirect rate approved by a federal or state audit agency. The Department reserves the right to determine the amount of indirect allowance in each grant agreement.

NEW SECTION

WAC 173-318-070 WASTE REDUCTION/RECYCLING BEST MANAGEMENT PRACTICES STUDY DEMONSTRATION PROJECT GRANTS. (1) Eligible projects include comprehensive waste reduction and recycling systems that test the findings of the Best Management Practices Study related to methods and systems for achieving maximum levels of waste reduction and recycling.

(2) This may include the complete system employed to collect, process and market recyclable materials, including yard debris and organic matter. Eligible project costs include equipment and facilities for curbside collection programs, drop-box recycling programs, buy-back centers, composting, organics processing, material recovery, intermediate processing and marketing, or other methods or combinations thereof. Eligible costs also include operation and maintenance costs as well as methods to encourage participation.

(3) The system will include the participation of private enterprise where it has a demonstrated ability and current capacity to provide needed services. Eligible project costs shall not include the support of solid waste recycling activity or service in a locale if the Department determines that the activity or service is reasonably available to persons within that locale from private enterprise.

(4) Priority for allocation of grants: Grant applications will be ranked according to how each application meets the criteria set forth below. Grants will be awarded, within the limits of available funds, to the highest ranking applications that otherwise meet provisions for completeness and technical adequacy. The demonstration project ranking criteria are as follows:

(a) Extent to which the waste stream will be reduced. Priority will be given to those projects emphasizing reduction and recycling through curbside collection or its equivalent.

(b) The extent to which the project will test the findings of the Best Management Practices Study.

(c) Applicant's degree of compliance with solid waste management planning requirements.

(d) Integration of the project with the existing solid waste system and recycling operations in the geographical area to be served.

(e) Comprehensiveness of the operations, maintenance and implementation plans.

(f) Inclusion of evaluation criteria that, if met, would result in continuation of the project with local funding beyond the demonstration period.

(g) Proposed evaluation methodology.

(h) Transferability of methods and systems to other jurisdictions.

(i) Appropriateness of project size to meet the needs of the area to be served.

(j) Extent to which the project serves more than one geographical area.

NEW SECTION

WAC 173-318-080 PREIMPLEMENTATION PROGRAM DESIGN GRANTS FOR WASTE REDUCTION/RECYCLING PROJECTS. (1) Eligible projects include the design of a waste reduction and/or recycling program or project unique to the needs of a geographical area. It should include the participation of private enterprise where there is a demonstrated ability and current capacity to provide needed services.

(2) Program designs include detailed information about, but are not limited to, the program or project plans and specifications, staffing plans, implementation schedules, operations and maintenance plans and costs, compliance with SEPA, and permitting costs. The program design may also include development of RFPs and RFQs, analysis of specific program elements to determine those that can best meet the needs of the community as identified in the Local Comprehensive Solid Waste Management Plan, and preparation of funding proposals.

(3) Eligible costs shall not include the design of programs that support a solid waste recycling activity or service in a locale if the Department determines that the activity or service is reasonably available from private enterprise to persons within that locale.

(4) Priority for allocation of grants: Grant applications will be ranked according to how each application meets the criteria set forth below. Grants will be awarded, within the limits of available funds, to the highest ranking applications that otherwise meet provisions for

completeness and technical adequacy. The program design project evaluation criteria are as follows:

- (a) Priority will be given to those projects that have a demonstrated financial commitment and ability to support the designed system.
- (b) Integration of program or project with Local Comprehensive Solid Waste Management Plan.
- (c) Ability to carry out the proposed work.
- (d) Approach to project management including management of consultants, if applicable.
- (e) Approach to community involvement.
- (f) Extent to which the program or project will serve the needs of more than one jurisdictional area.

WSR 89-09-006

ADOPTED RULES

DEPARTMENT OF LICENSING

[Order PM 832—Filed April 7, 1989]

I, John Swannack, assistant director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd	WAC 308-195-030	State examination.
New	WAC 308-195-210	Temporary practice.
New	WAC 308-195-220	Definitions—Alternative training—Respiratory care practitioners.
New	WAC 308-195-230	Alternative training requirements.

This action is taken pursuant to Notice No. WSR 89-05-058 filed with the code reviser on February 15, 1989. 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 18.89.050 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 18.89 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 April 4, 1989.

By John Swannack
Assistant Director

AMENDATORY SECTION (Amending Order 724, filed 4/27/88)

WAC 308-195-030 STATE EXAMINATION—EXAMINATION WAIVER—EXAMINATION APPLICATION DEADLINE. (1) The entry level certification examination of the National Board of Respiratory Care, Inc. shall be the official examination for certification as a respiratory care practitioner.

(a) The examination for certification as a respiratory care practitioner shall be conducted three times a year in the state of Washington, in March, July, and November.

(b) The examination shall be conducted in accordance with the National Board of Respiratory Care, Inc.'s security measures and contract.

(c) Examination candidates shall be advised of the results of their examination in writing.

(2) Applicants taking the state examination must submit the application and supporting documents to the department of licensing no later than the first day of December, for the March examination; the first day of April, for the July examination; and the first day of August for the November examination.

(3) An applicant who has passed the certification or registry examination given by the National Board of Respiratory Care, Inc., or an equivalent examination administered by a predecessor organization that is accepted and verified by the National Board of Respiratory Care, Inc. for certification, may be granted a certificate without further examination.

(4) A scaled score of 75 is required to pass the examination.

NEW SECTION

WAC 308-195-210 TEMPORARY PRACTICE. An applicant may practice under supervision of a certified respiratory care practitioner while waiting to complete the examination requirement. The applicant must take the first available examination administered following determination of their eligibility, except in the case of a bona fide emergency. An applicant may engage in temporary practice only prior to taking their first examination.

An individual shall cease practice immediately upon receipt of notice of failure to pass the examination. Resumption of practice may only occur after successfully passing the examination and issuance of a certificate.

NEW SECTION

WAC 308-195-220 DEFINITIONS—ALTERNATIVE TRAINING RESPIRATORY CARE PRACTITIONERS. (1) For the purposes of certifying respiratory care practitioners by alternative training methods the following definitions shall apply:

- (a) "One credit hour" equals "one contact hour";
- (b) "One semester hour" equals sixteen contact hours;
- (c) "One contact hour" is considered to be fifty minutes lecture time or one hundred minutes laboratory time;
- (d) "Direct supervision" shall mean the clinical evaluator is on the premises, quickly and easily available, and has provided sufficient supervision during the practical clinical experience to assure acceptable skills in the course content areas being verified;

(e) "Formal education" shall be obtained in postsecondary vocational/technical schools and institutions, community or junior colleges, and senior colleges and universities accredited by regional accrediting associations or by other recognized accrediting agencies or programs approved by the Committee on Allied Health Education and Accreditation of the American Medical Association.

(2) Clinical practice experience shall be verified by a certified respiratory care practitioner certified in the state of Washington, or certified or registered by the

National Board of Respiratory Care, Inc. who has provided "direct supervision."

NEW SECTION

WAC 308-195-230 ALTERNATIVE TRAINING REQUIREMENTS. An individual must possess the following alternative training qualifications to be certified as a respiratory care practitioner:

(1) Completed a program recognized by the Canadian Society of Respiratory Therapists in their current list, or any previous lists and are eligible to sit for the Canadian Society of Respiratory Therapists registry examination; or

(2) Been registered by the Canadian Society of Respiratory Therapists; or

(3) Obtained a minimum of three thousand hours supervised practical clinical experience within the past five years and meet the following criteria:

(a) The following course content areas of training may be obtained directly by supervised clinical practical experience:

- (i) Physical assessment;
- (ii) Chest percussion/postural drainage;
- (iii) Oxygen administration;
- (iv) Incentive spirometry;
- (v) Aerosol administration via:
 - (A) Pneumatic nebulization;
 - (B) Ultrasonic nebulization.
- (vi) Clearance of secretions via oro- and nasopharyngeal suction devices;
- (vii) Gas metering and analyzing devices;
- (viii) Ventilator care including CMV, IMV, SIMV, and PEEP;

(ix) Artificial airways including oro- and nasopharyngeal airways, oral and nasal endotracheal tubes, tracheostomy tubes and buttons, esophageal obturator airways and intubation equipment;

- (x) IPPB;
- (xi) CPAP;
- (xii) Interpretation of blood gases;
- (xiii) Fundamentals of patient care.

(b) The following course content areas of training must be obtained through formal education:

(i) Anatomy and physiology - Ten quarter or six semester credit hours;

(ii) Microbiology - Five quarter or three semester credit hours;

(iii) Math (college level algebra or higher) - Five quarter or three semester credit hours;

(iv) Chemistry - Five quarter or three semester credit hours;

(v) Biology - Five quarter or three semester credit hours;

(vi) Physics - Five quarter or three semester credit hours;

(vii) Medical terminology - Three quarter or two semester credit hours;

(viii) CPR certification - Basic life support; and

(4) Satisfactorily pass an examination approved or administered by the director.

WSR 89-09-007

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed April 10, 1989]

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:

Amd WAC 296-125-043 Minimum wages for minors.

Amd WAC 296-126-020 Minimum wages—Minors.

The proposed rules are intended to establish a new minimum wage for persons under the age of 18. WAC 296-125-043(1) and 296-126-020(1) establishes a minimum wage of 85% per hour of the minimum wage established for adults, age 18 and over, pursuant to RCW 49.46.020.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 24, 1989.

The authority under which these rules are proposed is chapters 49.12 and 49.46 RCW.

The specific statute these rules are intended to implement is chapters 49.12 and 49.46 RCW.

This notice is connected to and continues the matter in Notice Nos. WSR 89-01-111, 89-06-035 and 89-08-058 filed with the code reviser's office on December 21, 1988, February 24, 1989, and March 3, 1989.

Dated: April 10, 1989

By: Joseph A. Dear
Director

WSR 89-09-008

ADOPTED RULES

LOTTERY COMMISSION

[Order 115—Filed April 10, 1989]

Be it resolved by the Washington State Lottery Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to official end of game, amending WAC 315-10-060.

This action is taken pursuant to Notice No. WSR 89-01-103 filed with the code reviser on December 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 67.70.040 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 April 7, 1989.

By Scott L. Milne
Deputy Director

AMENDATORY SECTION (Amending Order 103, filed 8/10/87)

WAC 315-10-060 OFFICIAL END OF GAME.
 (1) The director shall announce the official end of each instant game. A player may submit a low-tier winning ticket to the lottery retailer from whom the ticket was purchased or the lottery and a high-tier winning ticket to the lottery for prize payment up to one hundred and eighty days after the official end of game. In order to participate in a grand prize drawing in which the entry is the submittal of one or more winning or nonwinning tickets, a player must redeem and submit such a ticket or tickets within the time limits set forth in chapter 315-11 WAC governing the conduct of that specific game.

(2) A lottery retailer may continue to sell tickets for each instant game up to fourteen days after the official end of that game.

(3) At the discretion of the director, ((A)) a lottery retailer ((must)) may return to the lottery unsold lottery tickets for each game. Lottery retailers who are permitted by the director to return tickets within thirty days after the official end of that game ((in order to)) will receive full credit for the tickets returned from the lottery. Lottery retailers who are permitted by the director to return tickets between thirty-one and ninety days after the official end of game will be charged a fifteen percent restocking fee. The lottery has no obligation to grant credit for tickets returned more than ninety days after the official end of game.

(4) Return of tickets by state liquor control board outlets shall be governed by the interlocal cooperative agreement between the lottery and the state liquor control board.

filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 67.70.040 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 April 7, 1989.

By Scott L. Milne
 Deputy Director

AMENDATORY SECTION (Amending Order 81, filed 11/5/85)

WAC 315-30-080 ON-LINE RETAILER SELECTION CRITERIA. (1) The selection and distribution of on-line retailers throughout the state will be based on:

(a) The number of licensed retailers in each of the regions identified in WAC 315-12-030, and then;

(b) The potential for revenue generation, demographics, and public accessibility within that region.

(2) An on-line license endorsement shall be issued only to a person who possesses a valid general license, provided, the director may issue an on-line endorsement to a lottery retailer who possesses a valid provisional license if that retailer is a new owner of a previously established on-line location.

(3) In addition, the director shall consider the following factors in the selection of on-line retailers.

(a) Business and security considerations which include but are not limited to: (i) Instant game accounts receivable record, (ii) criminal history of owners and officers, (iii) history of criminal activity at the business establishment, (iv) past security problems, (v) credit rating as defined in WAC 315-30-090, (vi) licensing requirements, and (vii) history of administrative or regulatory actions.

(b) Marketing considerations which include but are not limited to: (i) Instant ticket sales history, (ii) outside vehicle traffic, (iii) retail customer count, (iv) access to location, and (v) management attitude and willingness to promote lottery products.

(4) The director shall determine the total number of TDM's to be installed throughout the state and shall establish procedures for on-line site selection. In determining the order in which TDMs will be installed within a given geographic area, an on-line site selection survey will be completed in which, the factors considered will include but not be limited to:

- (a) General information;
- (b) Description of proposed site;
- (c) Proposed TDM location;
- (d) Products sold;
- (e) Services available;
- (f) Store's hours;
- (g) Estimated on-line sales;
- (h) Instant sales per week;

WSR 89-09-009

ADOPTED RULES

LOTTERY COMMISSION

[Order 116—Filed April 10, 1989]

Be it resolved by the Washington State Lottery Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to:

Amd	WAC 315-30-080	On-line retailer selection criteria.
New	WAC 315-11-410	Definitions for Instant Game Number 41 ("Three of a Kind").
New	WAC 315-11-411	Criteria for Instant Game Number 41.
New	WAC 315-11-412	Ticket validation requirements for Instant Game Number 41.
New	WAC 315-11-420	Definitions for Instant Game Number 42 ("Zodiac").
New	WAC 315-11-421	Criteria for Instant Game Number 42.
New	WAC 315-11-422	Ticket validation requirements for Instant Game Number 42.
New	WAC 315-11-430	Definitions for Instant Game Number 43 ("7-11-21").
New	WAC 315-11-431	Criteria for Instant Game Number 43.
New	WAC 315-11-432	Ticket validation requirements for Instant Game Number 43.
New	WAC 315-30-075	On-line retailer agreement.

This action is taken pursuant to Notice No. WSR 89-06-084 filed with the code reviser on March 1, 1989. These rules shall take effect thirty days after they are

- (i) Nearest four on-line agents' sales per week;
 - (j) District sales representative's assessment; and
 - (k) Regional sales manager's assessment.
- (5) The director may, after a TDM has been in operation for six months, order the removal of a TDM from a low producing on-line retailer location after considering marketing factors which include but are not limited to:
- (a) Sales volume not increasing at state-wide average;
 - (b) Weekly sales volume below that of similar businesses with similar market potential;
 - (c) Sales volume below \$5,000 per week in metropolitan areas;
 - (d) Public is adequately served by other on-line agent locations; and
 - (e) Failure to generate sufficient sales volume to cover the lottery's administrative costs.
- (6) The director may immediately discontinue a TDM's operation, order removal of a TDM from an on-line retailer location, or take any other action authorized under WAC 315-04-200 in the event that the on-line agent:
- (a) Fails to comply with any rule established by the commission, any instruction issued by the director;
 - (b) Tampers with or attempts to tamper with the TDM or on-line system;
 - (c) Fails to make payment of a prize; ((or))
 - (d) Makes payment with a business check and the check is dishonored for any reason; or
 - (e) Fails to enter into the uniform agreement with the lottery as required in WAC 315-30-075.

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 315-11-410 DEFINITIONS FOR INSTANT GAME NUMBER 41 ("THREE OF A KIND"). (1) Play symbols: The following are the "play symbols": "A", "K", "Q", "J", "10", "9", "8", and "7". One of these play symbols appears under each of the six rub-off spots on the front of the ticket.

(2) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 41, the captions which correspond with and verify the play symbols are:

<u>PLAY NUMBER</u>	<u>CAPTION</u>
A	ACE
K	KNG
Q	QUE
J	JAC
10	TEN
9	NIN
8	EGT
7	SVN

(3) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(4) Pack-ticket number: The ten-digit number of the form 4100001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 41 constitute the "pack number" which starts at 4100001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 and less. For Instant Game Number 41, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00
FIV	\$ 5.00
TEN	\$10.00
TTY	\$20.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

NEW SECTION

WAC 315-11-411 CRITERIA FOR INSTANT GAME NUMBER 41. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) Winning tickets: Having the following play symbols in any 3 of 6 spots beneath the removable covering on the front of the ticket shall win the following prize:

Three	7's - Win \$	1.00
Three	8's - Win \$	2.00
Three	9's - Win \$	5.00
Three	10's - Win \$	10.00
Three	J's - Win \$	20.00
Three	Q's - Win \$	50.00
Three	K's - Win \$	500.00
Three	A's - Win \$	10,000.00

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 41 set forth in WAC 315-11-412, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 41; and/or

(b) Vary the number of tickets sold in Instant Game Number 41 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-412 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 41. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 41 all of the following validation requirements apply.

(a) Exactly one play symbol must appear under each of the six rub-off spots on the main portion of the ticket.

(b) Each of the six play symbols and the prize symbol must have a caption underneath, and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Positive Archer Font
Captions	Positive 5 x 9 Font
Pack-Ticket Number	Positive 9 x 12 Font
Validation Number	Positive 9 x 12 Font
Retail Verification Code	Positive Archer Font

(d) Each of the play symbols and their captions, the validation number, pack-ticket number and retailer verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-410(1) and each of the captions must be exactly one of those described in WAC 315-11-410(2).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11-420 DEFINITIONS FOR INSTANT GAME NUMBER 42 ("ZODIAC"). (1) Play symbols: The following are the "play symbols": "\$2.00"; "\$4.00"; "\$10.00"; "\$50.00"; "\$100"; and "\$500". One of these symbols appears in each of the six blocks under the scratch-off material covering the game play data.

(2) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 42, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
\$ 2.00	TWO DOL
\$ 4.00	FOR DOL
\$ 10.00	TEN DOL

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
\$ 50.00	\$FIFTY\$
\$100	ONE HUN
\$500	FIV HUN

(3) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(4) Pack-ticket number: The ten-digit number of the form 4200001-000 printed on the front of the ticket. The first two digits are the game identifier. The first seven digits of the pack-ticket number for Instant Game Number 42 constitute the "pack number" which starts at 4200001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 and less. For Instant Game Number 42, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of nine locations among the play symbols on the front of the ticket. The agent verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
TWO	\$ 2.00
FOR	\$ 4.00
TEN	\$10.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

NEW SECTION

WAC 315-11-421 CRITERIA FOR INSTANT GAME NUMBER 42. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having the following play symbol in any three of the six spots beneath the removable covering on the front of the ticket shall win the following prize:

Three	\$ 2.00	play symbols -	Win	\$ 2.00
Three	\$ 4.00	play symbols -	Win	\$ 4.00
Three	\$ 10.00	play symbols -	Win	\$ 10.00
Three	\$ 50.00	play symbols -	Win	\$ 50.00
Three	\$100	play symbols -	Win	\$ 100.00
Three	\$500	play symbols -	Win	\$ 500.00

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game

Number 42 set forth in WAC 315-11-422, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 42 and/or

(b) Vary the number of tickets sold in Instant Game Number 42 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-422 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 42. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 42 all of the following validation requirements apply.

(a) Exactly one play symbol must appear under each of the six rub-off spots on the front of the ticket.

(b) Each of the six play symbols must have a caption below and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Positive Archer Font
Captions	Positive 5 x 9 Font
Pack-Ticket Number	Positive 9 x 12 Font
Validation Number	Positive 9 x 12 Font
Retailer Verification Code	Positive Archer Font

(d) Each of the play symbols and their captions, the validation number, pack-ticket number and retailer verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-420(1) and each of the captions must be exactly one of those described in WAC 315-11-420(2).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11-430 DEFINITIONS FOR INSTANT GAME NUMBER 43 ("7-11-21"). (1) Play symbols: The following are the "play symbols": "0"; "1"; "2"; "3"; "4"; "5"; "6"; and "9".

(2) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex.

(3) Pack-ticket number: The ten-digit number of the form 4300001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 43 constitute the "pack number" which starts at 4300001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Captions: The small printed characters appearing below each prize and play symbol which verifies and

corresponds with that symbol. The caption is a spelling out, in full or abbreviated form of the symbol. One and only one of these captions appears under each symbol. For Instant Game Number 43, the captions which correspond with and verify the symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
0	ZRO
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
9	NIN

For Instant Game Number 43, the captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 7.00	SVN DOL
\$ 11.00	ELV DOL
\$ 21.00	TTN ONE
\$ 70.00	\$\$SVNTY\$
\$ 21,000.00	21 THOU

(5) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 and below. For Instant Game Number 43, the retailer verification code is a three-letter code, with each letter appearing in a varying three of four locations beneath the removable covering and among the symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00
SVN	\$ 7.00
ELV	\$11.00
TTN	\$21.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

NEW SECTION

WAC 315-11-431 CRITERIA FOR INSTANT GAME NUMBER 43. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) An instant prize winning ticket shall have an occurrence of three play symbols which total 7, 11 or 21; if the sum of the three play symbols on the ticket is 7, 11 or 21 the player wins the prize specified in the prize box.

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 43 set forth in WAC 315-11-432, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 43 and/or

(b) Vary the number of tickets sold in Instant Game Number 43 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-432 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 43. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 43 all of the following validation requirements apply.

(a) Exactly one play symbol must appear under each of the three rub-off spots on the front of the ticket, and exactly one prize symbol must appear under the prize box rub-off spot.

(b) Each of the three play symbols must have a caption below and each must agree with its caption, and the prize symbol must have a caption below and must agree with its caption.

(c) The display printing and the printed numbers, letters, and play symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and play symbols shall be printed as follows:

Play symbols	Positive Archer Font
Captions	Positive 5 x 9 Font
Pack-Ticket Number	Positive 9 x 12 Font
Validation Number	Positive 9 x 12 Font
Retail Verification Code	Positive Archer Font

(d) Each of the play symbols and their captions, the validation number, pack-ticket number, agent verification code, stub play symbols, and the stub number must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-430(1) and each of the captions must be exactly one of those described in WAC 315-11-430(4).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

NEW SECTION

WAC 315-30-075 ON-LINE RETAILER AGREEMENT. Each on-line retailer shall enter into an agreement with the lottery containing such terms and conditions as the director may require pursuant to WAC

315-30-080. Failure to enter into such an agreement may result in denial of a TDM; immediate discontinuance of a TDM's operation, or removal of a TDM from an on-line location.

WSR 89-09-010
NOTICE OF PUBLIC MEETINGS
OLYMPIC COLLEGE
[Memorandum—April 4, 1989]

The May 23, 1989, meeting of the Olympic College board of trustees will be held at the Orient Express Restaurant in Shelton, Washington. This is a change from the published location of the Board Room, Olympic College, Bremerton, Washington. The day, date, and time remain the same as previously published.

WSR 89-09-011
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed April 10, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning standards for apples marketed within Washington, chapter 16-403 WAC;

that the agency will at 10 a.m., Wednesday, June 7, 1989, in the Red Lion Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, and at 10 a.m., Thursday, June 8, 1989, in the Holiday Inn, 9 North Ninth Street, Yakima, WA 98901, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 16, 1989.

The authority under which these rules are proposed is chapter 15.17 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 8, 1989.

Dated: April 10, 1989
By: J. Allen Stine
Assistant Director

STATEMENT OF PURPOSE

Title: Chapter 16-403 WAC, Standards for apples marketed within Washington.

Description of Purpose: To require minimum levels of firmness of Red Delicious, Delicious and Golden Delicious apples at time of shipment and to eliminate the use of U.S. No. 1 grade as an "escape."

Specific Statute Rule is Intended to Implement: Chapter 15.17 RCW.

Summary of Rule: The rule will require that apple varieties of Red Delicious, Delicious and Golden Delicious shall not be further advanced in maturity than firm ripe at time of shipment. A tolerance of five percent for firm ripe apples is permitted. This requirement applies to all

grades and will eliminate the current exemption for U.S. No. 1 and U.S. No. 1 hail grades.

For informational purposes only, comments regarding inclusion of other varieties under this rule will also be taken. At this time no proposal is made to include other varieties.

Reasons Supporting Proposed Action: The Washington Association of Apple Growers has requested the change to improve the internal or eating quality of Washington state apples. The mandatory firmness requirement will improve shelf life at the retail level and enhance the image and marketability of Washington grown apples. The proposal is intended to eliminate shipment of "soft" apples.

Agency Personnel to Contact: James R. Archer, Fruit and Vegetable Inspection Program Manager, Department of Agriculture, 406 General Administration Building, AX-41, Olympia, WA 98504, phone (206) 753-5054.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: The Department of Agriculture at the request of the Washington Association of Apple Growers.

Agency Comments: Should the proposal be adopted, the agency may find it necessary to adjust fees to effectively implement the required inspections. Assessment of impact to the agency will be made at the earliest possible time.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: Not necessary as a result of federal law, or federal or state court action.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1982, filed 7/6/88, effective 9/1/88)

WAC 16-403-142 RED DELICIOUS, DELICIOUS, AND GOLDEN DELICIOUS—MINIMUM FIRMNESS. At the time of shipment, Red Delicious, Delicious, and Golden Delicious apples of all grades (~~except U.S. No. 1 and U.S. No. 1 hail~~) shall not be further advanced in maturity than firm ripe.

AMENDATORY SECTION (Amending Order 1982, filed 7/6/88, effective 9/1/88)

WAC 16-403-190 TOLERANCES. In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) Defects: Washington extra fancy, Washington fancy and Washington C grade.

Ten percent of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged, including therein not more than one percent for apples affected by decay or internal breakdown.

(2) When applying the foregoing tolerances to combination grades, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the percent of apples of the higher grade required in the combination.

Combinations requiring 80 percent of the higher grade for the lot shall have not less than 65 percent of the higher grade in individual samples.

Combinations requiring 50 percent of the higher grade for the lot shall have not less than 40 percent of the higher grade in individual samples.

(3) Size. When size is designated by the numerical count for a container, not more than 5 percent of the apples in the lot may vary more than 1/4 inch in diameter. When size is designated by minimum or

maximum diameter, not more than 5 percent of the apples in any lot may be smaller than the designated minimum and not more than 10 percent may be larger than the designated maximum.

(4) Firmness. Not more than 5 percent of the apples in any lot of Red Delicious, Delicious, and Golden Delicious varieties shall be further advanced in maturity than firm ripe (~~(- PROVIDED, The U.S. No. 1 and U.S. No. 1 hail grades shall be exempt from this requirement)~~).

AMENDATORY SECTION (Amending Order 1982, filed 7/6/88, effective 9/1/88)

WAC 16-403-280 ADOPTION OF UNITED STATES STANDARDS AS STATE STANDARDS. In addition to the standards for apples prescribed in WAC 16-403-140 through 16-403-275, there are hereby adopted, as additional standards of the state of Washington for apples, the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966, July 25, 1972, and March 25, 1976, adopted by the United States Department of Agriculture, as they apply to U.S. extra fancy, U.S. fancy, U.S. No. 1 and U.S. No. 1 hail, provided, the color requirements specified for U.S. No. 1 and U.S. No. 1 hail must be good shade of red color and the percentage of color required for U.S. No. 1 and U.S. No. 1 hail for delicious shall be 25 percent good shade of red color and provided further, that all the (~~U.S. extra fancy and U.S. fancy~~) United States grades as applied to Red Delicious, Delicious, and Golden Delicious varieties shall meet the firmness requirements of WAC 16-403-142.

WSR 89-09-012

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Order 2002—Filed April 10, 1989]

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 dinoseb on caneberries, chapter 16-228 WAC.

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 in the fall of 1986, the United States Environmental Protection Agency suspended all uses of the herbicide dinoseb. Conditions of the federal cancellation order allow use of certain types of dinoseb by Washington and Oregon state caneberry growers for the 1989 season under restrictions. This emergency order gives the Department of Agriculture authority to enforce these restrictions under state statute.

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 April 10, 1989.

By Michael V. Schwisow
Deputy Director

NEW SECTION

WAC 14-228-400 **DINOSEB—RESTRICTED USE PESTICIDE.** Dinoseb is hereby declared to be a restricted use pesticide. The use or application of dinoseb shall be limited to 5 pound a.i./gallon formulation on caneberries. Only dinoseb products labeled for use on a caneberry crop may be distributed for use or used on caneberries and only for vegetative cane control as a low-pressure directed spray.

NEW SECTION

WAC 16-228-410 **DINOSEB—LABELING.** Applicators of dinoseb shall possess warning labeling specifying that:

- (1) No women of childbearing age may use, mix or load this product;
- (2) The product poses a hazard to unborn children and all reasonable efforts should be made to minimize indirect exposures to women of childbearing age;
- (3) The product also poses hazards to male reproduction;
- (4) It is acutely toxic;
- (5) The product shall be applied only by certified applicators.

NEW SECTION

WAC 16-228-420 **DINOSEB—DISTRIBUTION.** (1) Distribution of dinoseb shall be only by pesticide dealers who are currently licensed with the Washington state department of agriculture and who have obtained a permit from the department to distribute dinoseb.

(2) Dealers shall keep records of every distribution of dinoseb, which shall, at a minimum, contain the following information.

- (a) Purchaser's name, address, and dinoseb license number. If the purchaser is a commercial applicator or another person other than the grower, the name and address of the grower shall also be recorded;
- (b) Number of acres and crop to be treated;
- (c) Product name(s) and EPA registration number(s);
- (d) Quantity of dinoseb distributed;
- (e) Quantity of dinoseb already in the grower's possession;
- (f) Name, address and dinoseb license numbers of the certified applicator(s) to apply the dinoseb and any person(s) who will mix or load the dinoseb.

(3) Dealers shall send a copy of the dinoseb distribution records specified in subsection (2) of this section within five days following distribution to the:

- (a) Washington State Department of Agriculture
Chemical and Plant Division
406 General Administration Building, AX-41
Olympia, Washington 98504; and
- (b) Environmental Protection Agency
Attention: Lyn Frandsen (AT-093)
Region X
1200 Sixth Avenue
Seattle, Washington 98101

(4) Dealers shall retain a copy of dinoseb distribution records specified in subsection (2) of this section for a period of three years and shall furnish a copy immediately upon request to the department.

(5) Dinoseb may be distributed to growers of caneberries in quantities not to exceed that required to treat the grower's acreage of the crop at the maximum application rate stated in WAC 16-228-480.

NEW SECTION

WAC 16-228-430 **DINOSEB—APPLICATOR RECORDS.** (1) Certified applicators applying dinoseb shall keep the following records:

- (a) Name, address, and certification number;
- (b) Name and address of grower;
- (c) Date of application;
- (d) Type of crop and number of acres treated;
- (e) Number of gallons of dinoseb formulation applied;
- (f) EPA registration number of product(s) applied.

(2) This information shall be retained by the certified applicator and the grower for three years. It shall be furnished to the department immediately upon request.

NEW SECTION

WAC 16-228-440 **DINOSEB—AERIAL APPLICATION.** Aerial application of dinoseb is prohibited.

NEW SECTION

WAC 16-228-450 **DINOSEB—MIXING/LOADING OF DINOSEB.** (1) The mixing and/or loading of dinoseb is prohibited except from closed systems.

(2) No person shall mix and/or load in one day more than the quantity of dinoseb required to treat twenty acres of caneberries at the maximum application rate permitted in WAC 16-228-480.

NEW SECTION

WAC 16-228-460 **DINOSEB—GROUND APPLICATION.** Ground application is prohibited except by "barrel sucker"/ground boom/tractor system. Tractor cabs shall be closed and equipped with positive pressure ventilation systems: **PROVIDED**, That spraying of caneberries may be done by open tractor if operators wear chemically resistant disposable coveralls (i.e., Tyvek suits) and chemically resistant gloves and boots: **PROVIDED FURTHER**, That application with backpack sprayers or hand held hoses is specifically prohibited.

NEW SECTION

WAC 16-228-470 **DINOSEB—PROTECTIVE EQUIPMENT.** Mixer/loaders and applicators shall wear chemically resistant, disposable coveralls (i.e., Tyvek suits) and chemically resistant gloves and boots when mixing or loading dinoseb, while adjusting or repairing dinoseb application equipment, and during application of dinoseb from open tractors to caneberries.

NEW SECTION

WAC 16-228-480 **DINOSEB—APPLICATION RATES.** The maximum application rate for dinoseb is: two and one-half pounds a.i./acre for caneberries.

NEW SECTION

WAC 16-228-490 **DINOSEB—MAXIMUM ACREAGE.** No certified applicator may apply dinoseb to more than twenty acres of caneberries per day.

NEW SECTION

WAC 16-228-500 **DINOSEB—CERTIFICATION.** Persons applying, loading, and/or mixing dinoseb are required to have been specially certified by attendance at specific training in the use of dinoseb or passing an examination demonstrating knowledge of the permitted uses, safe handling, and disposal of dinoseb. No person shall apply, load, or mix dinoseb without a currently valid dinoseb certification. Dinoseb certifications issued in 1987 or 1988 shall be valid for 1989 applications on caneberries only. Women of childbearing age (i.e., below the age of 45) shall not be certified to handle or apply dinoseb.

NEW SECTION

WAC 16-228-510 **DINOSEB—REENTRY.** No person shall enter any field treated with dinoseb within one week of application unless that person is within a closed cab, or is wearing chemically resistant coveralls and chemically resistant gloves and boots. Any person permitted or required to enter a field treated with dinoseb within one week of application shall be notified that the field was treated with dinoseb and advised to avoid dermal contact with treated foliage and soil.

NEW SECTION

WAC 16-228-520 **DINOSEB—WEATHER CONDITIONS.** Ground application is prohibited during conditions which will prevent any drift of dinoseb.

WSR 89-09-013

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Order 2003—Filed April 11, 1989]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Grass seed certification fees—Seedling applications, WAC 16-316-350.

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 we are currently going into this year's certification period, and increases in the grass seed

certification fees are necessary to maintain an expanding inspection program. A hearing on these increases has been scheduled for May 2, 1989.

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

This rule is promulgated pursuant to chapter 15.49 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 April 11, 1989.

By Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending Order 1976, filed 5/13/88)

WAC 16-316-350 **GRASS SEED CERTIFICATION FEES—SEEDLING APPLICATIONS.** (1) All fees for seedlings planted from January 1 through June 30 shall be due September 1, and all fees for seedlings planted July 1 through December 31 shall be due April 1 of the following year: **PROVIDED**, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late seedling penalty fee.

(a) Seedling application fee:

Per variety, per grower \$15.00

(b) Late seedling penalty fee: (per kind) (~~(\$15.00)~~)
\$30.00

This additional fee shall be charged for seedling applications received after due date.

(c) Seedling producing application fee:

Per variety, per grower \$15.00

Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees shall be due July 31: **PROVIDED**, That such application may be accepted after due date with ten dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due May 1: **PROVIDED**, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late renewal penalty fee.

(a) Renewal application fee:

Per variety, per grower \$15.00

(b) Late renewal penalty fee: (per kind) (~~(\$15.00)~~)
\$30.00

This additional fee shall be charged for renewal applications received after May 1.

(c) Inspection fee per field \$30.00

(3) Annual grasses inspection fee: (per acre) . \$ 1.75
Applications are due within sixty days after planting.

(4) Reinspection: Other than isolation (each field) \$20.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for

rejection is corrected. Only two reinspections are permitted for each field each year.

(5) Inspection and final certification fees: Inspection and final certification fees shall be based on pounds sampled and billed upon completion of required tests (Option A). Those dealers requesting sampling and tagging privileges and/or participation in Option B shall sign a memorandum of agreement that shall expire on June 30 of each year. Memorandum may be terminated by the director if conditioner violates certification standard or requirements of memorandum.

(a) Option A: When based on pounds sampled, and billed at completion of required laboratory tests, the fees shall be:

(i) Inspection and final certification fee \$ 0.80 per one hundred pounds. (If no seed is tagged, twenty cents of the final certification fee is refundable upon request.)

(ii) Service fee for out-of-state origin \$ 0.30 per one hundred pounds.

(iii) Blend fee shall be as established by blend rule, and in addition to above fees. However, blend fee not applicable to salvage blends.

(iv) Payment of fees shall be the responsibility of the person signing the application. However, conditioner may assume this responsibility.

(b) Option B: When based on pounds tagged after required laboratory tests are completed, the fees shall be:

(i) Inspection and final certification fee \$ 1.10 per one hundred pounds. (Minimum fee per tagging) \$10.00

(ii) Service fee for out-of-state origin \$ 0.65 per one hundred pounds.

(iii) Blend fee (in addition to fee established by blend rule) shall be payable upon completion of blend on total weight of blend, and shall be as follows:

(A) Washington origin certified seed used in blend \$ 1.00 per one hundred pounds.

(B) Out-of-state origin certified seed used in blend \$ 0.60 per one hundred pounds: PROVIDED, That those fees listed in (a) and (b) above are not applicable to certified seed that is tagged and sealed, and on which final fees have been paid.

(C) A refund or credit shall be issued for the percent of blend lot not tagged. (For example, if forty percent of the blend lot is not tagged, forty percent of the fees charged under Option B above is refundable.) Requests for refunds shall be made by June 30 following final disposition of the blend.

(6) Payment of fees shall be the responsibility of the conditioner. A conditioner choosing this

program shall handle all certified grasses in his warehouse under this program for the entire crop year. Upon termination or nonrenewal of Option B memorandum of agreement, conditioner shall be responsible for Option A fees on all certified seed not tagged at termination date.

(7) Fees for services such as O.E.C.D. and sod quality, etc., shall be in addition to the fees listed in these standards.

(8) Purity and germination test fees shall be as established by the director of agriculture.

(9) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(10) Fees for reissue of tags shall be ten cents per tag with a minimum fee of ten dollars.

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 89-09-014
EMERGENCY RULES
DEPARTMENT OF NATURAL RESOURCES
[Order 560—Filed April 11, 1989]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule postponing the starting date of the closed season.

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 current and predicted weather conditions allow for the delay of the start of the closed season, as defined in RCW 76.04.005(2), until May 1, 1989.

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

This rule is promulgated pursuant to RCW 76.04.005 and 76.04.015 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 April 11, 1989.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-080 **CLOSED SEASON.** The start of the Closed Season, as defined in RCW 76.04.005(2), for 1989 shall be May 1.

WSR 89-09-015
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed April 11, 1989]

Please withdraw chapters 173-216 and 173-220 WAC (WSR 89-04-051, filed February 1, 1989) from the process of amendment.

Carol Jolly
 Assistant Director
 Water and Shorelands

WSR 89-09-016
NOTICE OF PUBLIC MEETINGS
BOARD FOR VOLUNTEER FIREMEN
 [Memorandum—April 10, 1989]

The Board for Volunteer Firemen will next meet on April 21, 1989, at 9:00 a.m. in Room 207 of the Olympia Forum Building, 605 11th Avenue S.E., Olympia.

WSR 89-09-017
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
 [Order 2004—Filed April 12, 1989]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the use of dinoseb on caneberries, chapter 16-228 WAC.

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 in the fall of 1986, the United States Environmental Protection Agency suspended all uses of the herbicide dinoseb. Conditions of the federal cancellation order allow use of certain types of dinoseb by Washington and Oregon state caneberry growers for the 1989 season under restrictions. This order amends language in Emergency Order 2002.

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 April 12, 1989.

By C. Alan Pettibone
 Director

NEW SECTION

WAC 16-228-521 **DINOSEB—WEATHER CONDITIONS.** *Ground application is prohibited during conditions which will allow any drift of dinoseb.*

REPEALER

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

WAC 16-228-520 *Dinoseb—Weather Conditions.*

WSR 89-09-018
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
 [Memorandum—April 6, 1989]

The board of trustees of Seattle Community College District has scheduled a special meeting for Tuesday, April 11, 1989, at 9:30 a.m., at the Seattle Central Community College Board Room, in the Broadway Performance Hall, 1701 Broadway, Seattle, WA 98122.

WSR 89-09-019
NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION
 [Memorandum—April 10, 1989]

The Interagency Committee for Outdoor Recreation has cancelled its special meeting of May 18-19, 1989.

The funding session of the agency will take place as scheduled on November 2-3, 1989, location to be announced.

WSR 89-09-020
ADOPTED RULES
BOARD OF PHARMACY
 [Order 224—Filed April 12, 1989]

Be it resolved by the Washington State Board of Pharmacy, acting at Bellingham, Washington, that it does adopt the annexed rules relating to:

Amd	WAC 360-44-010	Purpose.
Amd	WAC 360-44-040	Operations and procedures.
Amd	WAC 360-44-050	Public records available.
Amd	WAC 360-44-060	Public records officer.
Amd	WAC 360-44-080	Requests for public records.
Amd	WAC 360-44-090	Copying.
Amd	WAC 360-44-100	Exemptions.
Amd	WAC 360-44-130	Index of public records available.
Amd	WAC 360-44-140	Address where requests to be directed.
Amd	WAC 360-44-990	Appendix A—Form.

This action is taken pursuant to Notice No. WSR 89-04-058 filed with the code reviser on February 1, 1989. 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 42.17.250 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 March 15, 1989.

By Donald Hobbs
Chair

AMENDATORY SECTION (Amending Order 113, filed 4/27/73)

WAC 360-44-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the Washington state board of pharmacy with the provisions of chapter ~~((1, Laws of 1973 (Initiative 276), Disclosure Campaign finances Lobbying Records,))~~ 42.17 RCW and in particular with the sections ~~((25-32))~~ of that act ~~((;))~~ dealing with public records.

AMENDATORY SECTION (Amending Order 171, filed 12/17/82)

WAC 360-44-040 OPERATIONS AND PROCEDURES. (1) The board of pharmacy consists of ~~((five))~~ seven members, one of whom is designated as a ~~((chairman))~~ chairperson. The members are appointed by the governor for staggered four year terms.

(2) The board meets approximately once a month in various places throughout the state. The time and place of the meeting can be learned by writing or calling the administrative office of the board.

(3) The executive secretary is the board's chief executive. ~~((He))~~ The executive secretary is responsible for carrying out the board's directions and for directing the board's staff.

(4) It is the board's duty to administer the law in chapters 18.64, 18.64A, ~~((18-81;))~~ 69.04, 69.38, 69.40, 69.41, 69.43, 69.45, 69.50, 69.51, and 70.54 RCW.

(a) Chapter 18.64 RCW - Pharmacy Act - creation of board of pharmacy, definition of terms used in pharmacy act, examination and licensing of pharmacists, interns, wholesalers, shopkeepers and vendors, grounds for license suspension or revocation, unlawful practices, prescription labels and records.

(b) Chapter 18.64A RCW - Pharmacy Assistants Law - creation of pharmacy assistants, definition of terms, regulation of classifications and services, limitations on practice, grounds for certificate suspension or revocation, applications, fees, employment of pharmacy assistants, and pharmacists liability and responsibility.

(c) ~~((Chapter 18.81 RCW - Prophylactic Law - regulation and licensing of prophylactics and distributors:))~~

~~((d))~~ Chapter 69.04 RCW - Food, Drug and Cosmetic Act. Board has joint responsibility with director of department of agriculture. Board regulates only the drug and devices portion of the act. DMSO sales and use provisions are contained in this law.

(d) Chapter 69.38 RCW - Poisons-Sales and Manufacturing Act - defines poisons, provides for exemptions, requires a poison register with the identification of purchasers, provides for the inspection of poison registers and penalties for failure to maintain a register or for giving false information and provides for licensing poison manufacturers and sellers.

(e) Chapter 69.40 RCW - Poison Act - labeling of drugs incorrectly and selling poisons without labeling.

(f) Chapter 69.41 RCW - Legend Drug Act - definition of terms, prohibited acts, regulation of sale, delivery, or possession of legend drugs, requirements for prescriptions and labels, search and seizure procedures. Penalties for violations are created and rules regarding legend drugs are authorized. The procedures and requirements for substitution of legend drugs, manufacturing standards and liability of pharmacists are outlined. Requirements for identification and labeling marking of legend drugs are created.

(g) Chapter 69.43 RCW - Precursor Drugs Act - requires certain transactions concerning certain described substances to be reported to the board, provides for the reports of out-of-state receipts, creates exemptions, a reporting form, authorizes the board to adopt rules, requires the report of theft or loss of regulated substances, creates penalties and provides for the issuance of a permit and the refusal, suspension, or revocation of permits.

(h) Chapter 69.45 RCW - Drug Samples Act - defines terms, provides for the registration of drug sample manufacturers and the maintenance of records, the storage and transportation of drug samples, the manner of distribution, the disposal of surplus, outdated or damaged samples, registration fees, penalty for violations and the confidentiality of reports.

(i) Chapter 69.50 RCW - Controlled Substances Act - places all narcotics, barbiturates, amphetamines, hallucinogenics and marihuana into five schedules. Sets standards and definitions for the five schedules. Regulates the manufacture, distribution and dispensing of controlled substances. Sets forth offenses, penalties and prohibited acts. Enforcement and administrative provisions include administrative and criminal search warrants.

~~((th))~~ (j) Chapter 69.51 RCW - Controlled Substance Therapeutic Research Act - defines terms and provides for the board's regulation of controlled substance research programs.

(k) Chapter 70.54 RCW - Laetrile - board given authority to sample and test laetrile and promulgate rules regarding it.

(5) Information concerning all licenses or registrations issued by the board may be obtained by writing or calling the administrative office of the board.

AMENDATORY SECTION (Amending Order 113, filed 4/27/73)

WAC 360-44-050 PUBLIC RECORDS AVAILABLE. All public records of the board, as defined in WAC 360-44-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by ~~((section 31, chapter 1, Laws of 1973 and))~~ RCW 42.17.255, 42.17.310, WAC 360-44-

100, or any other duty to withhold information as imposed by other state or federal law.

AMENDATORY SECTION (Amending Order 113, filed 4/27/73)

WAC 360-44-060 PUBLIC RECORDS OFFICER. The board's public records shall be in the charge of the public records officer designated by the board. The person so designated shall be located in the administrative office of the board. The public records officer shall be responsible for the following: The implementation of the board's rules and regulations regarding release of public records, coordinating the staff of the board in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter ~~((1, Laws of 1973))~~ 42.17 RCW.

AMENDATORY SECTION (Amending Order 113, filed 4/27/73)

WAC 360-44-080 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of chapter ~~((1, Laws of 1973))~~ 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the board which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the board's staff, if the public records officer is not available, at the administrative office of the board during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the board's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

AMENDATORY SECTION (Amending Order 113, filed 4/27/73)

WAC 360-44-090 COPYING. No fee shall be charged for the inspection of public records. The board shall charge a fee of ~~((twenty-five))~~ ten cents per page of copy for providing copies of public records and for the use of the board's copy equipment. This charge is the amount necessary to reimburse the board for its actual

costs incident to such copying. The copy machine will be operated by staff persons only.

AMENDATORY SECTION (Amending Order 113, filed 4/27/73)

WAC 360-44-100 EXEMPTIONS. (1) The board reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 360-44-080 is exempt under provisions of ~~((section 31, chapter 1, Laws of 1973))~~ RCW 42.17.310.

(2) In addition, ~~((pursuant to section 26, chapter 1, Laws of 1973,))~~ the board reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by ~~((chapter 1, Laws of 1973))~~ RCW 42.17.255. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

AMENDATORY SECTION (Amending Order 113, filed 4/27/73)

WAC 360-44-130 INDEX OF PUBLIC RECORDS AVAILABLE. (1) The board has available to all persons:

(a) A current index which provides identifying information concerning all licenses issued by the board;

(b) A current index to all rules and regulations adopted by the board;

~~((c) A current list of the results of all scientific tests of prophylactics conducted by the board)).~~

(2) Final orders in the adjudication of cases are filed in the investigative file of the subject licensee.

(3) Correspondence and materials referred to therein by and with the board relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is about to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party is filed chronologically, with one copy also filed in a licensee's file, if applicable.

(4) The board has determined that it would be unduly burdensome to maintain an index, except as set forth herein, due to fiscal and personnel limitations and to the general nature and large volume of correspondence of the board.

(5) The board shall not give, sell or provide access to lists of individuals requested for commercial purposes except as authorized by RCW 42.17.260(5).

AMENDATORY SECTION (Amending Order 113, filed 4/27/73)

WAC 360-44-140 ADDRESS WHERE REQUESTS TO BE DIRECTED. All communications with the board including but not limited to the submission of materials pertaining to its operations and/or the

administration or enforcement of chapter ((1, Laws of 1973)) 42.17 RCW and these rules; requests for copies of the board's decisions and other matters, shall be addressed as follows: Washington State Board of Pharmacy, c/o Public Records Officer, 319 East 7th Avenue, Olympia, Washington 98504.

AMENDATORY SECTION (Amending Order 113, Appendix A, filed 4/27/73)

WAC 360-44-990 APPENDIX A—FORM.

WASHINGTON STATE BOARD OF PHARMACY
319 East Seventh Avenue — WEA Bldg.
Olympia, Washington 98504

REQUEST FOR PUBLIC RECORDS

1. Name
.....
Street City State Zip
2. day of 19.. at O'clock
Date and Time of Request
3. Nature of Request:
.....
.....
.....
.....
.....
4. Current Index Reference
5. Record Description if not Indexed
6. Signature of Requestor

FOR AGENCY USE ONLY

Received by Staff Time Expended

Request: Time Completed

No. Pages Copied @((25)) 10¢ a copy — Total ...

WSR 89-09-021
ADOPTED RULES
DEPARTMENT OF REVENUE
 [Order PT 89-5—Filed April 12, 1989]

I, William R. Wilkerson, Director of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 458-53-020 Definitions.
- Amd WAC 458-53-030 Stratifications of assessment rolls—Real property.

- Amd WAC 458-53-070 Sales studies.
- Amd WAC 458-53-100 Use of county sales studies.
- Amd WAC 458-53-110 Property values used in the ratio study.
- Amd WAC 458-53-150 Indicated real property ratio—Computation.
- Amd WAC 458-53-163 Mobile homes—Use in study.

This action is taken pursuant to Notice No. WSR 89-05-053 filed with the code reviser on February 15, 1989. 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 84.48.075 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 84.08.010(2) and 84.48.075 which directs that the Department of Revenue has authority to implement the provisions of RCW 84.48.075.

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 April 12, 1989.

By Steven L. Frisch
Assistant Director

AMENDATORY SECTION (Amending Order PT 79-3, filed 10/11/79)

WAC 458-53-020 DEFINITIONS. (1) "Advisory values" mean the true and fair value determinations by department appraisers or auditors made at the request of the county assessor.

(2) "Appraisal" means the determination of the true and fair value of real property by department appraisers or county appraisers certified under RCW 36.21.015.

(3) "Audit" means the determination of true and fair value of taxable personal property through examination of the records of the property owner by department auditors or county auditors of the assessor's staff who are qualified by training and experience in making such examinations.

(4) "Average assessed value" is the total county assessed value of a sample grouping or classification of real or personal property divided by the number of properties in the sample.

(5) "Average true and fair personal property value" is the total value of a sample grouping or classification as determined from personal property audits divided by the number of audits in the sample group.

(6) "Average market value" is the total sales price, less ((five)) one percent, of a sample grouping or classification of real property divided by the number of properties in the sample, or the total appraised value of a sample grouping or classification of real property divided by the number of appraisals in the same group.

(7) "Department" means the department of revenue.

(8) "Director" means the director of revenue.

(9) "Land Use Code" as designated by the department means the identification of each real property parcel by numerical digits as representations of the actual

major use of the property. This Land Use Code is derived from the Standard Land Use Coding Manual as prepared by the Federal Bureau of Public Roads.

(10) "Personal property" for the purpose of the ratio rules means the items of personal property as identified on the county assessment roll, and it shall include all personal property required to be reported by the taxpayer under RCW 84.40.185, but excluding property owned by and assessed to another taxpayer.

(11) "Ratio" is the percentage relationship of real property assessed value to the true and fair value of real property as determined by real property sales, by department appraisals, or by department approved county appraisals; or the percentage relationship of personal property assessed value to the true and fair value of personal property as determined from department audits or from department approved county audits.

(12) "Ratio study" is the department's annual comparison of the relationship between the county assessed values of real and personal property with the true and fair value of that property as determined by the department's analysis of sales, appraisals, and/or audits.

(13) "Sales study" is the comparison of the assessed value of real property with the selling price of the same property.

(14) "Stratification" means the grouping of the real or personal property assessment records into specific assessed value classes and/or use code classes for measurement purposes.

(15) "Stratum" refers to a single class of property with a given range of assessed value or having the same use code.

(16) "Strata" refer to classes of property grouped by assessed value and/or use codes.

(17) "Taxable real property parcels" means all real property parcels shown as subject to taxation on the county assessment record.

(18) "Trending" consists of adjusting the sales price of a property or the appraisal value from the time of sale or appraisal to a specific point in time which is the January 1 assessment date of the study. Trending will be for time only and developed from market data only.

(19) "True and fair value" means market value and has the same meaning as defined by WAC 458-12-300.

AMENDATORY SECTION (Amending Order PT 86-6, filed 10/2/86)

WAC 458-53-030 STRATIFICATION OF ASSESSMENT ROLLS—REAL PROPERTY. (1) The stratification process is the grouping of data into meaningful classifications for informational or analytical purposes. Stratification is used in determining the number of appraisals or audits needed for ratio study purposes and also is used in actual ratio computation. The latest available official county assessment roll values are used in ratio study stratification procedures.

Assessed valuation presently forms the basis for stratification of assessment rolls and is used because the nature of most assessors' records provides a state-wide uniformity for this characteristic. Also, the values in this classification generally are indicative of property types.

By not later than the 1982 assessment year a land use classification system will replace the value stratification as assessors' records uniformly reflect properties according to their use.

(2) The stratification of the real property assessment rolls will include a parcel count of the taxable real property parcels less forest lands, current use properties in those counties where a separate study is conducted pursuant to WAC 458-53-110(4), and state assessed properties. For the real property ratio study, the assessment roll will be stratified for individual counties according to the following assessed value strata, including an upper limit ((strata)) stratum containing a representative number of parcels.

\$	0 - \$ 19,999
	20,000 - 39,999
	40,000 - 59,999
	60,000 - 99,999
	100,000 - 199,999
	200,000 - and over

Upper value strata((s)):

\$ 40,000—and over —	Columbia, Ferry, Garfield, Pend Oreille, Wahkiakum.
\$ 60,000—and over —	Asotin, Lincoln, Pacific, Skamania.
\$ 100,000—and over —	Adams, Douglas, Island, Jefferson, Kittitas, Klickitat, Mason, Okanogan, Stevens, Whitman.
\$ 200,000—and over —	Benton, Chelan, Clallam, Cowlitz, Franklin, Grant, Grays Harbor, Lewis, San Juan, Skagit, Thurston, Walla Walla.

The strata((s)) listed below will apply to those counties indicated.

\$	0 - \$ 19,999
	20,000 - 39,999
	40,000 - 59,999
	60,000 - 99,999
	100,000 - 299,999
	300,000 - and over

Clark, Kitsap, Whatcom, Yakima

\$	0 - \$ 19,999
	20,000 - 39,999
	40,000 - 59,999
	60,000 - 99,999
	100,000 - 199,999
	200,000 - 999,999
	1,000,000 - and over

King, Pierce, Snohomish, Spokane

(3) In counties with the ability to stratify by land use classification under standards set by the department, the assessed value strata will be \$0 and over for each type of property summarized in WAC 458-53-050, excluding forest lands, current use properties and state assessed properties.

(4) The stratification process will be performed by the department or by the county with data processing capability adequate to meet the standards as provided by the department.

(5) A count of taxable real property parcels, less forest lands, current use properties in those counties where a separate study is conducted pursuant to WAC 458-53-110(4), and state assessed properties, in each value stratification is necessary for computation of the county ratio. Multiplying an average sample sales value, an average sample appraisal value, or an average assessed value by the number of taxable parcels in the county produces an estimated total market value or total estimated assessed value used in ratio computation.

(6) In the stratification of county taxable real property parcels to be used in the ratio study, the count of these parcels shall exclude designated and classified timber or forest lands, open space (current use) lands and improvements in those counties where a separate study is conducted pursuant to WAC 458-53-110(4) ~~((, and mobile homes as provided for in WAC 458-53-163(2)))~~. These are deleted from use in the sales study and will be considered separately and included in ratio determinations after computations of sales data have been completed.

AMENDATORY SECTION (Amending Order PT 83-2, filed 8/1/83)

WAC 458-53-070 SALES STUDIES. (1) Real property sales data obtained from the real estate excise tax sales affidavits will form the basis of the sales study in each county. Validation of these sales as arms-length transactions will follow department criteria as provided in WAC 458-53-080.

(2) The department's sales study will be used as the basis for the real property ratios. In addition, the department will supplement the sales study results with appraisals in any assessed value stratum or Land Use Code classification where sales are judged to be insufficient to represent all properties in that stratum or land use class according to criteria set out in these rules.

(3) ~~((Five))~~ One percent will be deducted from the sales price shown on the affidavit on all valid real property sales as an adjustment for values transferred that are not assessable as real property.

(4) Sales not deemed representative for use in the study, as defined by the deletion list in WAC 458-53-080 will be eliminated from consideration in ratio computation. Sales used in the study will include only those which occurred over an eight month period between August 1 preceding January 1 of the assessment year and March 31 of the assessment year.

(5) Individual valid sales having a resultant assessment sales ratio under twenty-five percent or over one hundred seventy-five percent shall be excluded from consideration in the study: PROVIDED, That this subsection shall not apply if the number of sales meeting this criteria exceeds ten percent of the total number of sales that would be used in the study subject to the provisions of this subsection: PROVIDED FURTHER,

That this subsection shall not apply to any type of property not properly valued and subject to the provisions of WAC 458-53-165.

AMENDATORY SECTION (Amending Order PT 84-2, filed 6/29/84)

WAC 458-53-100 USE OF COUNTY SALES STUDIES. (1) If agreed upon by the department and the assessor, the department will use a county sales study, providing it is made according to the standards specified in these rules. Any such agreement shall provide that counties generating their own sales studies will use all or an agreed upon percentage of sales validated by department standards, and that the county shall furnish the department with data from sales deemed invalid as well as those deemed valid and give the reason for deeming invalid any particular sale. All such county studies shall be subject to department audit.

(2) The county-generated sales study will include the following:

(a) All agreed to real property transactions occurring in a county shall be used in the study and shall be for a period of eight consecutive months. Sales transactions used will include only those which occur between August 1 preceding January 1 of the assessment year and March 31 of the assessment year.

(b) Sales of properties identified on the published department of revenue deletion list (WAC 458-53-080) will be removed from the sales analysis study and separately will be produced on a data processing machine listing. This listing will display for each deleted sale an appropriate parcel identification, the sales price, the assessed value, and a numerical code or narrative designation of the reason for deletion of the property from the study. The numerical code used shall coincide with the department of revenue published deletion list (WAC 458-53-080) unless an agreement has been made with the department to use another code. Any numerical code 27 (miscellaneous) shall be accompanied by a narrative reason for deletion.

(c) Sales remaining in the sales analysis study will be stratified and printed by assessed value strata. Necessary data for each sale property remaining in the study will be:

(i) Excise tax sales affidavit number, parcel number, or other file identification number.

(ii) The sales price of the transaction, lowered ~~((five))~~ one percent to ~~((ninety-five))~~ ninety-nine percent of its original value. ~~((Further adjustment of any individual sale may be made only if personal property is identified and its value is in excess of five percent of the sale price.))~~

(iii) The current assessed value on the assessors' rolls for the property described on the sales affidavit.

(iv) A computed ratio based on the percent that the assessed valuation is to the adjusted sales price figure.

(3) As soon as practicable following the close of the assessors' rolls on May 31st, and prior to July 1st, the county sales-assessment ratio study shall be submitted to the department of revenue. Adjustments for new construction will be made following the August 31st deadline for adding new construction values to the assessment

rolls. This will allow time for departmental analysis, field review, and insertion of appraisal data, where appropriate, for preliminary ratio determination by the first Monday in August.

(4) Individual valid sales having a resultant assessment sales ratio under twenty-five percent or over one hundred seventy-five percent shall be excluded from consideration in the study: PROVIDED, That this subsection shall not apply if the number of sales meeting this criteria exceeds ten percent of the total number of sales that would be used in the study subject to the provisions of this subsection: PROVIDED FURTHER, That this subsection shall not apply to any type of property not properly valued and subject to the provisions of WAC 458-53-165.

AMENDATORY SECTION (Amending Order PT 87-5, filed 5/29/87)

WAC 458-53-110 PROPERTY VALUES USED IN THE RATIO STUDY. The following property values will be included in the ratio study as provided in these rules:

(1) Values established by law or required to be determined by the department by law, but excluding property valued under chapters 84.08, 84.12, and 84.16 RCW.

(2) Values determined by county assessors according to the provisions of chapter 84.41 RCW.

(3) Values of land classified under chapter 84.33 RCW.

(4) Values of land and improvements classified under chapter 84.34 RCW will be included in determination of the indicated real property ratios as a separate element for counties whose current use land values are fifteen percent or greater in proportion to the total county locally assessed real property value.

(5) Advisory values supplied to the assessor by the department shall not be included in the ratio study unless the property falls within the sales study provided for in WAC 458-53-070 or 458-53-100 or is selected in the appraisal or audit study in accordance with WAC 458-53-130 and 458-53-140.

(6) Values of individual real properties which equal or exceed twenty percent of the total of all locally assessed real property.

(7) Values of individual assessments of personal property which equal or exceed twenty percent of the total of all locally assessed personal property.

(8) (~~Values of mobile homes which are identified in WAC 458-53-163(2).~~)

(9) Before values in subsections (6) and (7) of this section can be included, a request in writing identifying the properties, must be submitted to the department prior to October 1st of each ratio study period.

AMENDATORY SECTION (Amending Order PT 86-6, filed 10/2/86)

WAC 458-53-150 INDICATED REAL PROPERTY RATIO—COMPUTATION. (1) For each real property value or land use stratum within a county average sample assessed value and average sample true

and fair value will be determined from the results of selected sales and appraisal studies. Average sample assessed value and average sample true and fair value for each stratum will be multiplied by the total number of real property parcels in each corresponding stratum to derive an estimated total assessed value and a total estimated true and fair value for each stratum. Stratum estimated totals will be added to derive county estimated total assessed value and county estimated total true and fair value. When the ratio relationship between these two estimated values is applied to the actual county assessed value, as provided by the assessor in his current assessors' certificate of assessment rolls to the county board of equalization, and forest land and current use values in those counties where a separate study is conducted pursuant to WAC 458-53-110(4) are added to the actual assessed value and ratio-related market value, the totals will represent the county real property indicated ratio.

(2) Valid arms-length sales occurring in each county will be the basis for determining individual stratum ratios unless a (~~representative number~~) lack of samples for any (~~one~~) stratum requires the addition of department appraisals. In all strata where both sales and appraisal samples are present, assessment and market values for all valid appraisal samples will be combined with assessment and market values for all valid sales samples to derive a stratum ratio.

(3) Department current use appraisals will be the basis for the assessment-to-appraisal values from which current use ratios are determined. The current use ratio shall be the mean of the individual (~~sample~~) ratios.

(4) Values from each county's assessor's certificate of assessment rolls to county board of equalization will be used in the computation of each county's indicated real property ratio except as provided in subsection (6) of this section.

(a) The county preliminary real property ratio, calculated from estimated totals of county sales and appraisal study results, will be applied to each county's certificate listing of total real property assessed value (excluding those properties identified in WAC 458-53-110 (1), (3), (4), and (6)(~~and~~(~~8~~))) and 458-53-165) to determine an estimated true and fair value which relates to the actual assessed real property value of a county.

(b) To the actual real property assessed value and ratio-related true and fair value totals for a county (a) of this subsection) are added certificate assessed values of those properties identified in WAC 458-53-110 (1), (3), (4), and (6)(~~and~~(~~8~~))) and 458-53-165, and related true and fair values calculated by the ratio relationships determined for those same properties.

(c) The sum of the total real property assessed and true and fair forest land assessed and true and fair values, as determined by (a) and (b) of this subsection shall be the basis for a county's indicated real property ratio. The sum total of assessed values will be divided by the sum total of true and fair values to derive the ratio.

(5) The following illustration, using simulated values and ratios, indicates simplified ratio study computation procedures for real property.

Step 1 – Determination of Average Sample Values

	(1)	(2)	(3)	(4)	(5)
Stratum	Number of Samples	Total Assessed Value of Samples	Average Assessed of Samples (Col. 2 ÷ Col. 1)	Total Market Value of Samples	Average Market Value of Samples (Col. 4 ÷ Col. 1)
\$ 0 – 19,999	10	\$120,000	\$12,000	\$160,000	\$ 16,000
20,000 – 39,999	20	520,000	26,000	600,000	30,000
Over 39,999	5	400,000	80,000	500,000	100,000

Average values for real property sales samples, average real property appraisal samples, and average personal property audit samples all are determined in the same manner.

Step 2 – Weighting of Average Sample Values

	(1)	(2)	(3)	(4)	(5)	(6)
Stratum	Total Property Listings	Average Sample Assessed Value	Total Estimated Assessed Value (Col. 2 × Col. 1)	Average Sample Market Value	Total Estimated Market Value (Col. 4 × Col. 1)	Ratio (Col. 3 ÷ Col. 5)
\$ 0 – 19,999	105	\$12,000	\$ 1,260,000	\$ 16,000	\$ 1,680,000	.7500
20,000 – 39,999	211	26,000	5,486,000	30,000	6,330,000	.8667
Over 39,999	51	80,000	4,080,000	100,000	5,100,000	.8000
Outriders	2		2,000,000		2,403,600	.8321
			12,826,000		15,765,800	.8267

Sample study weighted ratio

82.67%

Average values for real property sales samples, average real property appraisal samples, and average personal property audit samples all are weighted in the same manner.

Step 3
Application of Sample Weighted Relationship to Actual Real
Property Assessed Value and Additional Values as Indicated.

	(1)	(2)	(3)
	Actual County Real Property Assessed Value (From Assessor's Certificate)	Determined Assessment to Market Ratio	County Real Property Market Value Related to Actual Assessed Value (Col. 1 ÷ Col. 2)
	\$ 14,108,600	.8267 (from Step 2)	\$ 17,066,167
Add:			
Timber and Forest Land	1,520,000	1.0000	1,520,000
Open Space	400,000	.9000	444,444
Open Space Improvements	100,000	.9500	105,263
Mobile Homes	50,000	.9900	50,505
Other			
(WAC 458-53-110(6) or WAC 458-53-165 Properties)	100,000	1.0000	100,000
<hr/>			
Totals	\$16,278,600	÷	\$19,286,379 = .844
County Indicated Real Property Ratio			84.4%

(6) If a copy of the certification of current values is not received from an assessor in a timely manner for inclusion in ratio computation, the assessors abstract of assessed values from the previous year will be used as the information source for ratio computation.

(7) A copy of each county's certification of values to the county board of equalization (FORM REV 64-0051) will be filed with the department on or before the second Monday in July. The certification form will be properly completed with all required information.

(8) Valid ratio study individual assessed or true and fair values which either exceed or fall below the mean assessed or true and fair value by more than three times the average deviation of other values in a stratum, will be classified as "outriders" and shall be considered separately in average sample computation. Outriders are so treated to prevent the application of excess weight by nontypical ((sample)) values in determining average sample values and resulting total estimated assessed and total estimated true and fair values.

(9) The department may consider the relationship between the market value trends of real property and the assessed value increases or decreases made by the assessor during the year in each county as validity checks of the result of the sales and appraisal studies. The director may authorize modification of the results of the sales and appraisal study in any county where there is a demonstrable showing to the director that the sales and appraisal study is inconclusive or does not result in a reasonable and factual determination of the relationship of assessed values to true and fair value such that a significant variation results from the rates of the previous

year not deemed by the director comparable with general trends in property values. Such modification shall be made only after notice to all assessors that information other than the sales and appraisal studies are being considered, and opportunity for a meeting has been made available for the director (or the director of property tax) and a representative committee authorized and appointed by the assessors to review the results of the sales and appraisal study and the proposal to modify the study results.

AMENDATORY SECTION (Amending Order PT 87-5, filed 5/29/87)

WAC 458-53-163 MOBILE HOMES—USE IN STUDY. (1) Sales and appraisals of mobile homes, ((properly stratified, shall be included in the ratio study in the following manner:

(1) ~~Mobile homes which are assessed as other real property and are intermixed with other real property on the real property rolls shall be included with all other real property in the study;~~

(2) ~~Mobile homes which meet the definition of real property contained in RCW 84.04.090 shall be included in the real property study as provided in WAC 458-53-150 (4)(b);~~

(3)) meeting the definition of real property contained in RCW 84.04.090, shall be included in the real property ratio study in the same manner as other real property in WAC 458-53-070.

(2) Sales of mobile homes which meet the criteria of the sales exclusion list contained in WAC 458-53-080(2) shall be excluded from the mobile home study.

WSR 89-09-022
NOTICE OF PUBLIC MEETINGS
OIL AND GAS
CONSERVATION COMMITTEE

[Memorandum—April 4, 1989]

The April 18, 1989, meeting of the Oil and Gas Conservation Committee has been cancelled due to lack of agenda items.

The next regularly scheduled meeting will be July 18, 1989.

WSR 89-09-023
EMERGENCY RULES
STATE PATROL
(Commission on Equipment)
[Order 89-01-ESR—Filed April 13, 1989]

I, George B. Tellevik, director of the Washington State Patrol, do promulgate and adopt at the General Administration Building, Olympia, Washington, the annexed rules relating to display of electronic messages from motor vehicles.

I, George B. Tellevik, 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 recent development of message boards capable of displaying lighted advertising signs on motor vehicles endangers the public by confusing and distracting motorists and pedestrians unnecessarily.

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 Washington State Patrol as authorized in RCW 46.37.005.

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 April 13, 1989.

By George B. Tellevik
 Chief

AMENDATORY SECTION (Amending Order 86-2, filed 2/4/87)

WAC 204-65-010 AUTHORITY. This chapter is promulgated pursuant to RCW 46.37.005 ((RCW)).

AMENDATORY SECTION (Amending Order 86-2, filed 2/4/87)

WAC 204-65-020 PURPOSE. The purpose of this ((rule is to prevent the display of electrically powered

~~messages from privately owned vehicles while traveling)) section is to limit the confusion that lighted signs on vehicles can create by preventing the display of digital or lighted signs that convey personal or commercial messages, from motor vehicles, while on the public roadways of this state.~~

AMENDATORY SECTION (Amending Order 86-2, filed 2/4/87)

WAC 204-65-030 ELECTRONIC MESSAGES. ((Electrically powered signing or message boards will not be allowed to be displayed on or from privately owned vehicles while traveling on or occupying public roadways. This will include any type of electronically displayed letter, number, sign or symbol or any combination thereof that displays a message that may be observed from outside of the vehicle.)) Signs or message boards, affixed to or displayed from motor vehicles on any public right of way may not be lighted or electrically powered except as noted below.

AMENDATORY SECTION (Amending Order 86-2, filed 2/4/87)

WAC 204-65-040 EYE LEVEL BRAKE LIGHT. Eye level brake lights shall meet ((the present or future)) existing requirements of the Code of Federal Regulations, Federal Motor Vehicle Safety Standard 49, Section 571.108. ((Eye level brake)) Such lights shall not be combined with any type of letter, number, sign ((or))₂ symbol or combination thereof. No function other than red reflex reflectors shall be combined in ((the supplemental high mounted stop lamp)) eye level brake lights.

AMENDATORY SECTION (Amending Order 86-2, filed 2/4/87)

WAC 204-65-050 TRAFFIC CONTROL VEHICLES. Vehicles that are publicly or privately owned and used in conjunction with officially sanctioned or sponsored motor vehicle traffic control or movement ((are allowed to display electrically powered messages or signs that are utilized)) may display lighted, digital or electrically powered signs to assist in the efficient control of traffic movement on public roadways. Such signs shall be designed, worded and directed so as to limit misinterpretation and confusion by the motoring public.

AMENDATORY SECTION (Amending Order 86-2, filed 2/4/87)

WAC 204-65-060 TAXICABS AND PUBLIC TRANSPORTATION VEHICLES. Electronic signing that is normally utilized to identify taxi(=)cabs ((will not be effected by this rule)) and the destinations of mass transportation vehicles are permitted. Such signs shall not contain any commercial or personal message and shall be located, designed, and so displayed as to clearly differentiate them from other required motor vehicle lights.

WSR 89-09-024
PROPOSED RULES
STATE PATROL
(Commission on Equipment)
 [Filed April 13, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Patrol intends to adopt, amend, or repeal rules concerning display of electronic messages from motor vehicles;

that the agency will at 9:00 a.m., Tuesday, May 30, 1989, in the Supply Facility Conference Room, 4242 Martin Way, Olympia, 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 46.37.005.

The specific statute these rules are intended to implement is RCW 46.37.005.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 30, 1989.

Dated: April 13, 1989
 By: George B. Tellevik
 Chief

STATEMENT OF PURPOSE

Title: Amending chapter 204-65 WAC, Display of electronic messages.

Description of Purpose: To clarify wording and to specifically prohibit the display of all digital or lighted signs that convey personal or commercial messages from all motor vehicles while on the public roadways of this state.

Statutory Authority: RCW 46.37.005.

Specific Statute Rule is Intended to Implement: RCW 46.37.005.

Summary of Rule: Rule clarifies existing wording. Further, rule extends to all major vehicles and the existing prohibition against private vehicles displaying digital or lighted signs that convey personal or commercial messages.

Reasons Supporting Proposed Action: The use of lighted commercial or personal signs or messages will add to the distraction and confusion of motorists and pedestrians and will result in increased danger to persons and property.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lieutenant LaVere E. Klewin, phone 438-7218.

Person or Organization Proposing Rule: Washington State Patrol, governmental.

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: As this is new technology, there will be no impact in existing economic conditions. Advertising and manufacturing

firms will need to direct the technology at nonmotor vehicle markets.

AMENDATORY SECTION (Amending Order 86-2, filed 2/4/87)

WAC 204-65-010 AUTHORITY. This chapter is promulgated pursuant to RCW 46.37.005 ((RCW)).

AMENDATORY SECTION (Amending Order 86-2, filed 2/4/87)

WAC 204-65-020 PURPOSE. The purpose of this ~~((rule is to prevent the display of electrically powered messages from privately owned vehicles while traveling))~~ section is to limit the confusion that lighted signs on vehicles can create by preventing the display of digital or lighted signs that convey personal or commercial messages, from motor vehicles, while on the public roadways of this state.

AMENDATORY SECTION (Amending Order 86-2, filed 2/4/87)

WAC 204-65-030 ELECTRONIC MESSAGES. ~~((Electrically powered signing or message boards will not be allowed to be displayed on or from privately owned vehicles while traveling on or occupying public roadways. This will include any type of electronically displayed letter, number, sign or symbol or any combination thereof that displays a message that may be observed from outside of the vehicle.))~~ Signs or message boards, affixed to or displayed from motor vehicles on any public right of way may not be lighted or electrically powered except as noted below.

AMENDATORY SECTION (Amending Order 86-2, filed 2/4/87)

WAC 204-65-040 EYE LEVEL BRAKE LIGHT. Eye level brake lights shall meet ~~((the present or future))~~ existing requirements of the Code of Federal Regulations, Federal Motor Vehicle Safety Standard 49, Section 571.108. ~~((Eye level brake))~~ Such lights shall not be combined with any type of letter, number, sign ((or)), symbol or combination thereof. No function other than red reflex reflectors shall be combined in ((the supplemental high mounted stop lamp)) eye level brake lights.

AMENDATORY SECTION (Amending Order 86-2, filed 2/4/87)

WAC 204-65-050 TRAFFIC CONTROL VEHICLES. Vehicles that are publicly or privately owned and used in conjunction with officially sanctioned or sponsored motor vehicle traffic control or movement ~~((are allowed to display electrically powered messages or signs that are utilized))~~ may display lighted, digital or electrically powered signs to assist in the efficient control of traffic movement on public roadways. Such signs shall be designed, worded and directed so as to limit misinterpretation and confusion by the motoring public.

AMENDATORY SECTION (Amending Order 86-2, filed 2/4/87)

WAC 204-65-060 TAXICABS AND PUBLIC TRANSPORTATION VEHICLES. Electronic signing that is normally utilized to identify taxi(=)cabs ~~((will not be effected by this rule))~~ and the destinations of mass transportation vehicles are permitted. Such signs shall not contain any commercial or personal message and shall be located, designed, and so displayed as to clearly differentiate them from other required motor vehicle lights.

WSR 89-09-025
PROPOSED RULES
STATE PATROL
(Commission on Equipment)
 [Filed April 13, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Patrol intends to adopt, amend, or repeal rules concerning standards for bolt clamp and wedge type brake adjustments.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 30, 1989.

The authority under which these rules are proposed is RCW 46.37.005.

The specific statute these rules are intended to implement is RCW 46.37.360(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 30, 1989.

Dated: April 13, 1989
 By: George B. Tellevik
 Chief

STATEMENT OF PURPOSE

Title: Chapter 204-76 WAC, Standards for brake systems.

Description of Purpose: To amend the wording of adjustment limits for bolt, clamp, and wedge type brakes.

Statutory Authority: RCW 46.37.005.

Specific Statute Rule is Intended to Implement: RCW 46.37.360(1).

Summary of Rule: Bring existing rule into conformance with federal regulations.

Reasons Supporting Proposed Action: Consistency with federal regulations will avoid confusion and ease enforcement.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lieutenant LaVere E. Klewin, phone 438-7219.

Person or Organization Proposing Rule: Washington State Patrol, governmental.

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: Yes, federal law change, Federal Register, Department of Transportation, 49 CFR Parts 393 and 396.

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order 87-04-ESR, filed 12/8/87)

WAC 204-76-99001 BOLT TYPE BRAKE CHAMBER DATA.

BOLT TYPE BRAKE CHAMBER DATA
 ((Dimensions in inches))

Type	Effective Area (Square Inches)	*Outside Diameter	Maximum Stroke	Maximum Stroke With Brakes Adjusted	Maximum stroke shall not be more than
A	12	6 5/16	1 3/4	Should be	1 3/8
B	24	9 3/16	2 1/4	as short as	1 3/4
C	16	8 1/16	2 1/4	possible	1 3/4
D	6	5 1/4	1 5/8	without	1 1/4
E	9	6 3/16	1 3/4	brakes	1 3/8
F	36	11	3	dragging	2 1/4
**G	30	9 7/8	2 1/2		2

Type	Effective Area (Square Inches)	Outside Diameter	Maximum Stroke With Brakes Adjusted	Maximum Stroke At Which Brakes Shall Be Readjusted
A	6	5 1/4	Should be	1 1/4
B	9	6 3/16	as short as	1 3/8
C	12	6 15/16	possible	1 3/8
D	16	8 1/16	without	1 3/4
E	24	9 3/16	brakes	1 3/4
*F	30	9 7/8	dragging	2
G	36	11		2 1/4

*Most common types.

AMENDATORY SECTION (Amending Order 87-04-ESR, filed 12/8/87)

WAC 204-76-99002 CLAMP TYPE BRAKE CHAMBER DATA.

CLAMP TYPE BRAKE CHAMBER DATA
 ((Dimensions in inches))

Type	Effective Area (Square Inches)	*Outside Diameter	Maximum Stroke	Maximum Stroke With Brakes Adjusted	Maximum stroke shall not be more than
6	6	4 1/2	1 5/8	Should be	1 1/4
9	9	5 1/4	1 3/4	as short as	1 3/8
12	12	5 11/16	1 3/4	possible	1 3/8
16	16	6 3/8	2 1/4	without	1 3/4
20	20	6 25/32	2 1/4	brakes	1 3/4
24	24	7 7/32	2 1/4	dragging	1 3/4
**30	30	8 3/32	2 1/2		2
36	36	9	3		2 1/4

*Dimensions listed do not include capscrew head projections for bolt clamp projections for clamp type brake chambers.0p (**Most common types:))

Type	Effective Area (Square Inches)	* Outside Diameter	Maximum Stroke With Brakes Adjusted	Maximum Stroke At Which Brakes Shall Be Readjusted
6	6	4 1/2	Should be	1 1/4
9	9	5 1/4	as short as	1 3/8
12	12	5 11/16	possible	1 3/8
16	16	6 3/8	without	1 3/4
20	20	6 25/32	brakes	1 3/4
24	24	7 7/32	dragging	1 3/4
**24LS	24	7 7/32		2
30	30	8 3/32		2
36	36	9		2 1/4

* Dimensions listed do not include capscrew head projections for bolt clamp projections for clamp type brake chambers.

** Long stroke.

WSR 89-09-026
PROPOSED RULES
COUNCIL ON HEARING AIDS
 [Filed April 13, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Council on Hearing Aids intends to adopt, amend, or repeal rules concerning examination review and appeal procedures, amending WAC 308-50-035;

that the agency will at 10:00 a.m., Wednesday, May 31, 1989, in the Testing Center, 1300 Quince Street S.E., 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 18.35.161.

The specific statute these rules are intended to implement is RCW 18.35.161.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 24, 1989.

Dated: April 12, 1989
 By: Amanda L. Tomlinson
 Assistant Attorney General

STATEMENT OF PURPOSE

Name of Agency: Washington State Council on Hearing Aids.

Title: WAC 308-50-035 Examination review and appeal procedures.

Description of Purpose: To amend the rule relating to examination review and appeal procedures.

Statutory Authority: RCW 18.35.161.

Summary of Rule: WAC 308-50-035(1) is amended to provide for appeals from all failed parts of the examination.

Responsible Personnel: The Washington State Council on Hearing Aids and the executive secretary for the council have the responsibility for drafting, implementing and enforcing this rule. The executive secretary is Cynthia Jones, 1300 Quince Street S.E., Olympia, WA 98504, phone (206) 753-2494 comm, 234-2494 scan.

Proponents: The Washington State Council on Hearing Aids.

Federal Law or Federal or State Court Requirements: Not necessitated as a result of federal or state court action.

Small Business Economic Impact Statement: Not required and not provided in that these amendments do not impact small businesses as that term is defined in RCW 19.85.020.

AMENDATORY SECTION (Amending Order PM 818, filed 1/23/89)

WAC 308-50-035 EXAMINATION REVIEW AND APPEAL PROCEDURES. (1) Each applicant who is administered the examination for licensure and does not pass ((both)) any part((s)) of the examination will be provided information indicating the area of the examination in which the applicant was deficient with the notice of the examination results.

(2) Any applicant who does not pass a part of the examination may request an informal review by the council of his or her examination results. This request must be in writing and must be received by the

department within thirty days of the postmark of the notice of examination results.

(3) The procedure for the informal review is as follows:

(a) An applicant submitting a written request for an informal review by the deadline described in subsection (2) of this section will be contacted by the department to arrange an appointment to appear personally in the Olympia office to review the part or parts of the examination failed.

(b) The applicant will be provided a form to complete in the Olympia office in defense of examination answers and/or examination performance.

(c) The applicant will be identified only by applicant number for the purpose of this procedure. Letters of reference or requests for special consideration will not be read or considered by the council.

(d) That applicant may bring textbooks or published material for use in completing the informal review, but such material must be retained by the Olympia office until the council has completed the informal review request submitted by the applicant.

(e) The applicant will not be allowed to take any notes or materials from the office upon leaving.

(f) The information submitted to the council for its consideration in the informal review must state the specific reason or reasons why the results of the examination should be changed. The council will not modify examination results unless the applicant can prove or show conclusive evidence of error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The council will not consider a challenge to the examination unless the total revised score including the questions or sections to be reviewed could result in a passing score in the examination.

(g) The council will schedule a closed session meeting to conduct the informal review of the material submitted by the applicant.

(h) The applicant will be notified in writing of the results of the informal review.

(4) Any applicant who is not satisfied with the result of the examination review may request that a formal hearing be held before the council pursuant to the Administrative Procedure Act. Such a hearing request must be received by the department within thirty days of postmark of the notification of the result of the council's informal review of the applicant's examination results. The request must be in writing and must state the specific reasons why the results of the examination should be changed. The council will not modify examination results unless the applicant can prove or show conclusive evidence of error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The council will not consider a challenge to the examination unless the total revised score including the questions or sections to be reconsidered could result in a passing score in the examination.

(5) The hearing will not be scheduled until the applicant and the state's attorney have appeared before an administrative law judge for a prehearing conference to consider the following:

(a) The simplification of issues;

(b) The necessity of amendments to the notice of specific reasons for the examination result modification;

(c) The possibility of obtaining stipulations, admission of facts and documents;

(d) The limitation of the number of expert witnesses;

(e) A schedule for completion of all discovery; and,

(f) Such other matters as may aid in the disposition of the proceeding.

(6) The administrative law judge shall enter an order which recites the actions taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.

(7) Applicants will receive at least twenty days notice of the time and place of the formal hearing. The hearing will be restricted to the specific reasons the applicant has identified as the basis for a change in the examination score.

WSR 89-09-027

ADOPTED RULES

DEPARTMENT OF LICENSING

(Board of Optometry)

[Order 833—Filed April 13, 1989]

Be it resolved by the Board of Optometry, acting at Seattle, Washington, that it does adopt the annexed rules relating to AIDS prevention and information education requirements, new section WAC 308-53-400.

This action is taken pursuant to Notice No. WSR 89-06-066 filed with the code reviser on March 1, 1989. 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 section 604, chapter 206, 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 April 6, 1989.

By Jack Hale, O.D.
Chairman

NEW SECTION

WAC 308-53-400 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 July 1, 1989 persons who submit an application for licensure shall submit, prior to being granted a license and in addition to the other requirements, evidence to show compliance with the educational requirements of subsection (4).

(3) 1989 renewal of licenses. Effective with the renewal period beginning September 1, 1989, through August 31, 1990, 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). Renewal applicants who have documented hardship which prevents obtaining the required education on AIDS may petition the board for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The board will accept education and training that is consistent with the topical outline supported by the Office on AIDS. Such education and training shall be a minimum of four (4) clock hours regarding the prevention, transmission and treatment of AIDS, and may 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 September 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 or applicant for licensure 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 89-09-028

EMERGENCY RULES

BOARD OF PILOTAGE COMMISSIONERS

[Order 89-4, Resolution No. 89-4—Filed April 14, 1989]

Be it resolved by the Board of Pilotage Commissioners, acting at the Colman Dock, Pier 52, Seattle, Washington, that it does adopt the annexed rules relating to limitation of new pilots, WAC 296-116-082.

We, the Board of Pilotage Commissioners, 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 board was under the mistaken belief that this rule was already adopted as a permanent rule.

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

This rule is promulgated pursuant to RCW 88.16.105 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 April 13, 1989.

By Marjorie T. Smitch
Assistant Attorney General

AMENDATORY SECTION (Amending Order 79-6, Resolution No. 79-6, filed 3/4/80)

WAC 296-116-082 LIMITATIONS ON NEW PILOTS. *The initial license issued by the board to a pilot applicant shall not authorize such pilot to perform pilotage services on any vessel of a size of 25,000 gross*

tons (International) or more, or of over 660 feet in length for the first year that such licensee becomes an active pilot. During this first year the licensee will not be authorized to pilot loaded petroleum tankers. During the second year of piloting under an initial license the pilot may perform pilotage on vessels in excess of 25,000 gross tons (International) and up to 35,000 gross tons (International) if such pilotage does not include the docking or undocking of the vessel. During the third year of piloting under an initial license the pilot may perform pilotage on vessels not over 35,000 gross tons (International), however, the pilot may perform pilotage on vessels in excess of 35,000 gross tons (International) if such pilotage does not include the docking or undocking of the vessel. The initial license shall contain the above limitations and the date of the commencement and expiration of such periods of limitation. The board may also prescribe required familiarization trips before a newly licensed pilot may pilot a larger or different type of vessel.

WSR 89-09-029

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed April 14, 1989]

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 resources, amending WAC 388-95-395;

that the agency will at 10:00 a.m., Tuesday, May 23, 1989, 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 May 24, 1989.

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 May 23, 1989.

Correspondence concerning this notice and proposed rules shown below 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 May 9, 1989. The meeting site is in a location which is barrier free.

Dated: April 13, 1989
 By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.
 Re: New WAC 388-95-395.

Purpose: To add rules for transferring resources.

Reason: To incorporate the changes in the rules caused by changes in the state and federal laws.

Statutory Authority: RCW 74.08.090.

Summary: Effective July 1, 1989, transfer of resources rules only apply to institutionalized individuals. After July 1, 1989, an institutional Medicaid client may transfer their home without penalty to a spouse or blind, disabled or minor child; or a sibling who has equity and has resided in the home for at least a year prior to the client's institutionalization; or an adult child who has lived in the home for at least two years and who has cared for the Medicaid client prior to the client's institutionalization. An institutionalized client may transfer resources without penalty to his or her blind or disabled child or children or spouse as long as the spouse does not transfer the resource for less than fair market value. If an institutionalized client transfers a resource during the 30 month period prior to Medicaid eligibility for less than fair market value, the period of ineligibility will be the lesser of 30 months or the uncompensated value of the transferred assets divided by the statewide average monthly cost of private pay for nursing home care. Definitions of terms pertaining to transfers are incorporated in this section.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Bobbe Anderson, Program Manager, Division of Medical Assistance, mailstop HB-41, phone 753-0529.

Rules are proposed by DSHS.

These rules are necessary as a result of a new state and federal law, sections 1917, 1613 and 1924 of the Social Security Act, 42 U.S.C. §1396p, 42 U.S.C. §1382b and 42 U.S.C. §1396r-5.

No economic impact statement is required under the Regulatory Fairness Act.

NEW SECTION

WAC 388-95-395 TRANSFER OF RESOURCES. (1) The terms in this section shall have the following definitions:

- (a) "Institutionalized individual" means an individual who is:
 - (i) An inpatient in a nursing facility;
 - (ii) An inpatient in a medical institution where the payment is made for a level of care provided in a nursing facility; or
 - (iii) In need of the level of care provided in a nursing facility or medical institution, but receiving home or community-based services under WAC 388-83-200 or 388-83-210; and
 - (iv) Expected to be in the nursing facility, medical institution, or receiving home or community-based services under WAC 388-83-200 and 388-83-210 for thirty consecutive days or more.
- (b) "Community spouse" means the person married to an institutionalized individual;
- (c) "Transfer" means any act or an omission to act whereby title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person, including but not limited to delivery of personal property, bills of sale, deeds, mortgages, pledges, or any other instrument conveying or relinquishing an interest in property;
- (d) "Fair market value" means the reasonable value of a resource at the time of transfer or assignment;

(e) "Uncompensated value" means the fair market value of a resource at the time of transfer minus the value of compensation the individual receives in exchange for the resource;

(f) "Value of compensation received" means the consideration the purchaser pays or agrees to pay. Compensation includes:

(i) All money, real or personal property, food, shelter, or services the individual receives under a legally enforceable agreement whereby the eligible individual shall transfer the resource; and

(ii) The payment or assumption of a legal debt the individual owes in exchange for the resource.

(g) "Undue hardship" means the client's inability to meet shelter, food, clothing, and health care needs.

(2) The department shall consider nonexempt resource transfers made on or before June 30, 1989 under WAC 388-92-043.

(3) The department shall consider resource transfers made on or after July 1, 1989 under WAC 388-95-395 and shall consider interspousal transfers made on or after October 1, 1989, under subsection (8)(d) of this section.

(4) The department shall not impose any penalty for transfer for less than fair market value of any exempt resource except for the home as provided under subsections (7) and (8) of this section.

(5) The department shall find an otherwise eligible individual ineligible for nursing facility services, equivalent nursing facility services in a medical institution, and services described under WAC 388-83-200 and 388-83-210, if the individual transfers a home or nonexempt resource for less than fair market value at any time during or after the thirty-month period immediately before the date:

(a) The individual becomes an institutionalized individual, if eligible for medical assistance on such date; or

(b) If not eligible as of the date of institutionalization, the date an institutionalized individual applies for such services.

(6) The department shall establish a period of ineligibility beginning on the first day of the month in which the individual transfers the home or nonexempt resource. The number of months of ineligibility shall equal the lesser of:

(a) Thirty months; or

(b) The number of months found by dividing the total uncompensated value of the transferred resource by the statewide average monthly cost of nursing facility services to a private patient at the time of the application; and

(c) The period of ineligibility shall not include a partial month.

(7) The department shall not find the individual ineligible for medical assistance if the resource transferred was a home and the home was transferred to the individual's:

(a) Spouse; or

(b) Child who is:

(i) Blind or permanently and totally disabled; or

(ii) Twenty years of age or under.

(c) Sibling who has:

(i) Equity in the home; and

(ii) Lived in the home for one year immediately before the individual became institutionalized.

(d) Child, other than described under subsection (7)(b) of this section, who:

(i) Lived in the home for two years or more immediately before the individual became institutionalized; and

(ii) Provided care to the individual to permit the individual to remain at home.

(8) The department shall not find the individual ineligible for medical assistance if the nonexempt resource other than the home was transferred to:

(a) The community spouse; or

(b) Another person for the sole benefit of the community spouse; or

(c) The individual's blind or permanently and totally disabled child; or

(d) The individual's spouse unless such spouse transfers the resource to another person for less than fair market value at any time during the thirty-month period defined under subsection (5) of this section.

(9) The department shall not find the individual ineligible if the individual can satisfactorily show the department that:

(a) He or she intended to transfer the home or nonexempt resource at fair market value or other valuable consideration; or

(b) He or she transferred the home or nonexempt resource exclusively for a purpose other than to qualify for medical assistance; or

(c) The denial of eligibility would cause an undue hardship.

(10) A person, the department determines ineligible under this section, has the right to request a hearing to appeal the determination. The procedure for the hearing is under chapter 388-08 WAC.

WSR 89-09-030
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed April 14, 1989]

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 acronyms, amending chapter 388-07 WAC;

that the agency will at 10:00 a.m., Tuesday, May 23, 1989, in the Auditorium, 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 May 24, 1989.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapters 74.08 and 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 23, 1989.

Correspondence concerning this notice and proposed rules shown below 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 May 9, 1989. The meeting site is in a location which is barrier free.

Dated: April 13, 1989
 By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Chapter 388-07 WAC, Acronyms.

Purpose of this Rule Amendment: To update the acronyms chapter of WAC.

These Rules are Necessary: To provide an up-to-date alphabetical listing of acronyms used in Title 388 WAC, Social and Health Services—Public Assistance.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Unused acronyms have been deleted and newly acquired and used acronyms have been added.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Linda Zacharias, Office of Issuances, 234-2377 scan, 753-2377 off-scan, mailstop OB-33H.

These rules are not necessary as a result of federal law, federal court decision, or state court decision.

AMENDATORY SECTION (Amending Order 1572, filed 12/8/80)

WAC 388-07-005 ((ABBREVIATIONS)) ACRONYMS.

- ~~((AAC))~~ Actual acquisition cost)
- AB Aid to the blind
- ~~((ADL))~~ Activities of daily living))
- ADATSA Alcohol and Drug Addiction Treatment and Support Act
- AFDC Aid to families with dependent children (includes both regular and employable)
- ~~((AFDC-E))~~ Aid to families with dependent children—employable))
- AFDC-FC Aid to families with dependent children—foster care
- ~~((AFDC-R))~~ Aid to families with dependent children—regular
- ARENA Adoption resource exchange of North America))
- AICPA American institute of certified public accountants
- AJE Adjusting journal entries
- APTD Aid to the permanently and totally disabled
- ARTF Adult residential treatment facility
- ATP Authorization to participate
- BEOG Basic education opportunity grant
- BNHA Bureau of nursing home affairs
- ~~((CAT))~~ Computerized axial tomographic))
- CAP community alternative program
- CCF Congregate care facility
- CCS Crisis counseling services
- CEAP Consolidated emergency assistance program
- CETA Comprehensive Employment and Training Act
- CFR Code of federal regulations
- Ch Chapter
- CO County office (now CSO)
- COPEP Community options program entry system
- COSMOS Community services management and operations system
- CPI Clothing, personal incidentals
- CPR Cardio-pulmonary resuscitation
- ~~((CR))~~ Superior court civil rules))
- CRN Certified registered nurse
- CSO Community services office
- CWEP Community work experience program
- CWS Child welfare services
- DA Disability assistance
- DAC Disaster assistance center
- DCFS Division of children and family services
- DD Developmental disabilities
- DES Department of employment security
- ~~((DNS))~~ Director of nursing services))
- DFO Disaster field offices
- DOE Department of education
- DSHS Department of social and health services
- ~~((ECF))~~ Extended care facility))
- DVR Division of vocational rehabilitation
- EIC Earned income tax credit
- ~~((ENT))~~ Ear, nose and throat))
- EITC Earned income tax credits
- EPP Employment partnership program
- EPSDT Early and periodic screening, diagnosis and treatment
- ESSO Economic and social services office (now CSO)
- E&T Employment and training
- FAMCO Federal aid medical care only
- FASB Financial accounting standards board
- FCA Food coupon authorization
- FCO Federal coordinating officer
- FDAF Federal disaster assistance administration
- FEMA Federal emergency management agency
- ~~((FFA))~~ Future farmers of America))
- FHA Farmers home administration
- FICA Federal Insurance Contributions Act
- FIP Family independence program
- FMHA Farmers home administration
- FNS Food and nutrition service
- GA General assistance
- GAN General assistance—noncontinuing
- GA-S General assistance for pregnant women
- GAU General assistance—continuing
- GA-U General assistance—unemployable
- GCO Grant coordinating officer

GED	General education equivalency degree
HEW	United States Department of Health, Education and Welfare (now HHS)
HHS	United States Department of Health and Human Services
HIO	Health insuring organization
HMO	Health maintenance organization
HUD	United States Department of Housing and Urban Development
IAS	Intake/assessment services
ICD	Internal classification of diseases
ICF	Intermediate care facility
ICF/MR	Intermediate care facility/mentally retarded (see IMR)
ICPC	Interstate compact on the placement of children
ID	Identification
IFG	Individual and family grant program
IMR	Institution for the mentally retarded
((IMU	Income maintenance unit))
INS	Immigration and naturalization service
((IPPB	Intermittent positive pressure breathing
IRAP	Indochinese refugee assistance program))
IQ	Intelligence quotient
IRCA	Immigration Reform and Control Act
IRS	Internal revenue service
ITA	Involuntary Treatment Act
JCAH	Joint committee on accreditation of hospitals
JSC	Job service center
JTPA	Job Training Partnership Act
LCP—MI	Limited casualty program—Medically indigent
LCP—MN	Limited casualty program—Medically needy
LICWAC	Local indian child welfare advisory committee
LO	Local office (now CSO)
LTAP	Lifeline telephone assistance program
MA	Medical assistance
MAC	Maximum allowable cost
((MCFO	Medical care field office
MDTA	Manpower Development and Training Act
MO	Medical only
MS	Medical care services))
MNIL	Medically needy income level
NDC	National drug code
OAA	Old age assistance
((OEO	Office for equal opportunity
OJT	On-the-job training
ONHA	Office of nursing home affairs (now BNHA)
OTC	Over-the-counter))
OASDI	Old age survivors disability insurance
OSE	Office of support enforcement
PA	Public assistance
PAS	Professional activity study
PBX	Private branch exchange
PCP	Primary care physicians
PEP	Progressive evaluation process
PL	Public Law
PORTAL	Program offering rehabilitation, training, and adult living
PPO	Preferred provider organization
PRS	Permanent resident status
PSE	Public service employment
PSRO	Professional standards review organization
RA	Regional administrator
RCW	Revised Code of Washington
RN	Registered nurse
RR	Railroad retirement
RRLS	Residential rates and licensure services
RSDI	Retirement survivors and disability insurance
RSI	Retirement and survivor's insurance
((RV	Recreational vehicle))
SBA	Small business administration
SCO	State coordinating officer
((SDPA	State department of public assistance))
SES	State employment service
SF	State form
SMI	See SMIAFS
SMIAFS	State median income adjusted for family size
SMIB	Supplementary medical insurance benefit
SNF	Skilled nursing facility
SO	State office of department of social and health services

SSA	Social security administration
SSADO	Social security administration district offices
SSDI	Social security disability insurance
SSI	Supplemental security income
SSN	Social security number
SSP	State supplementary payment
TB	Tuberculosis
TRE	Transportation and related expense
TRS	Temporary resident status
UC	Unemployment compensation
URES	Uniform Reciprocal Enforcement of Support Act
US	United States
USC	United States Code
USDHEW	United States Department of Health, Education, and Welfare (now United States Department of Health and Human Services)
VA	Veterans administration
VISTA	Volunteers in service to America
VOLAG	Voluntary agency
WA	Washington
WAC	Washington Administrative Code
WARE	Washington adoption resource exchange
WIC	Women, infants and children
WIN	Work incentive program
((WSES	Washington state employment services))
WSPRO	Washington state professional standards review organization

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 89-09-031
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed April 14, 1989]

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 aid to families with dependent children, amending chapter 388-24 WAC;

that the agency will at 10:00 a.m., Tuesday, May 23, 1989, 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 May 24, 1989.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.08 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 23, 1989.

Correspondence concerning this notice and proposed rules shown below 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 May 9, 1989. The meeting site is in a location which is barrier free.

Dated: April 10, 1989
By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

Re: WAC 388-24-042, 388-24-052, 388-24-074, 388-24-200; and repealing WAC 388-24-114 and 388-24-190.

Reason These Rules are Necessary: WAC 388-24-042, changes are editorial; 388-24-052, clients are now technically ineligible if they do not provide a newly received Social Security Number (SSN), to the local office within 20 days of receipt; 388-24-074, to remove language requiring registration with employment security as condition of eligibility; and 388-24-200, to incorporate into one section, WAC 388-24-114 and 388-24-190, which reflects changes in state law and department organization since the rules were first codified.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Clarifies current language; eliminates the 20 day limit to provide a SSN. We will instruct, through procedure, that the local office must review client enumeration eligibility at the next regular review; allows DSHS to determine when it is best to refer a client to employment security, and is consistent with universal WIN registration; and codify current department policy regarding protection of children receiving AFDC, reflecting current state statutes.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Rita Jefferson, Program Manager, Division of Income Assistance, mailstop OB-31C, phone 753-0471.

These rules are not necessary as a result of federal law, or court decision.

AMENDATORY SECTION (Amending Order 2033, filed 11/2/83)

WAC 388-24-042 AID TO FAMILIES WITH DEPENDENT CHILDREN—ELIGIBILITY OF STRIKERS. (~~Effective August 23, 1983:~~)

(1) (~~Eligibility for AFDC or refugee assistance does not exist when any parent or stepparent with whom the child lives is, on the last day of the month, participating in a strike:~~

~~(2) Eligibility for AFDC or refugee assistance does not exist when the only child or all children in an AFDC assistance unit is/are, on the last day of the month, participating in a strike:~~

~~(3) Eligibility for the eligible parent or stepparent and siblings will be determined without regard to the needs of a child in the home who, on the last of the month, is participating in a strike:~~

~~(4) (~~The term~~) "Strike" (~~includes~~) shall mean any (~~strike or other~~) concerted stoppage, slowdown, or other interruption of work by employees (~~(f)~~), including a stoppage by reason of the expiration of a collective-bargaining agreement(~~(f)~~) and any concerted slowdown or other concerted interruption of operations by employees).~~

~~(2) The department shall determine:~~

~~(a) As ineligible, any AFDC or refugee assistance unit in which the parent(s) or only eligible child participates in a strike on the last day of the month; or~~

~~(b) As eligible, only the otherwise eligible parent and sibling(s) of a child in the home who participates in a strike on the last day of the month.~~

AMENDATORY SECTION (Amending Order 2275A, filed 8/30/85)

WAC 388-24-052 PROVISION OF SOCIAL SECURITY NUMBERS. (1) As a condition of eligibility, the department shall require each applicant for or recipient of assistance ((shall be required)) to:

(a) Furnish a Social Security number ((for all persons whose needs are considered in determining the amount of assistance)); or

(b) Apply for a Social Security number((s)) if ((they are)) the number is unknown or ((have)) has not been issued((-)); and

~~((2)) (c) ((The applicant/recipient has the responsibility to)) Report ((promptly and accurately)) any new or previously unknown Social Security number ((within twenty days of)) following its receipt ((per WAC 388-38-255)).~~

~~((3)) (2) ((Assistance will not be denied, delayed, or terminated)) The department shall not deny, delay, or terminate assistance pending issuance of Social Security numbers ((if the applicant/recipient provides verification that he or she has met the requirement in subsection (1)(b) of this section)).~~

~~((4)) (3) If any person in the ((applicant or recipient)) assistance unit fails to ((comply with the requirement to)) furnish or apply for a Social Security number((s for each person included in the assistance unit)), ((eligibility for)) the department shall determine such person ((or persons cannot be determined and they shall be excluded from the assistance unit)) to be ineligible.~~

~~((5)) (4) If a client needs help in obtaining a Social Security number, the department shall ((assist the applicant in obtaining a Social Security number by referring him or her)):~~

~~(a) Refer the client to the nearest Social Security office; and ((by furnishing to the client))~~

~~(b) Furnish requested verification from department records ((any verification requested by the Social Security administration.~~

~~(6) These rules shall be effective September 1, 1985)).~~

AMENDATORY SECTION (Amending Order 2731, filed 11/30/88)

WAC 388-24-074 AID TO FAMILIES WITH DEPENDENT CHILDREN—EMPLOYABLE—DEPRIVATION DUE TO UNEMPLOYMENT OF A PARENT. (1) The department shall consider a child to be deprived of parental care and support due to the unemployment of a parent when the child lives with two parents, one of which meets all the requirements in this section.

(2) The department shall designate the qualifying parent as that parent who earned the greater amount of income in the twenty-four-calendar-month period immediately preceding the month the application for assistance is filed. The department shall:

(a) (~~The department shall~~) Designate the qualifying parent using the best evidence available(;-); and

(b) Consider the earnings of both parents regardless of when the relationship began(~~(- and)~~);

(c) Continue the designation for each consecutive month the family remains on assistance based on the current application(;-); and

(d) If both parents earned an identical amount of income, the department shall designate the qualifying parent.

(3) The department shall consider a parent to be unemployed when the parent:

(a) Is employed less than one hundred hours a month; (~~or~~)

(b) Exceeds this standard for a particular month if the excess is of a temporary nature evidenced by being under the one hundred hour standard for the two prior months and is expected to be under the standard during the next month; or

(c) Participates in institutional and work experience training or in public service employment under the OPPORTUNITIES program and is not otherwise employed over one hundred hours.

(4) The qualifying parent shall be unemployed as defined in subsection (3) of this section for at least thirty days prior to the date AFDC-E is authorized except when:

(a) AFDC-E is terminated due to employment of the qualifying parent; and

(b) The full-time employment ends within thirty days of termination; and

(c) The qualifying parent reapplies and is found otherwise eligible for AFDC-E.

(5) (~~The qualifying parent shall not have,~~) During the same thirty-day period, or subsequently, the qualifying parent shall not have:

(a) Refused a bona fide offer of employment; or

(b) Refused training for employment; or

(c) Voluntarily left a job without good cause; or
 (d) If eligible, refused to apply for or accept unemployment compensation.

(6) The qualifying parent shall:

(a) ~~((Shall be registered))~~ Register for the WIN program; and
 (b) ~~((If exempt from OPPORTUNITIES participation due to remoteness, shall be registered for employment with the local DES office, and~~
 (c) ~~Shall not be ineligible due to participation in institutional and work experience training or in public service employment under))~~ Participate, as required in the OPPORTUNITIES program.

(7) The qualifying parent shall have:

(a) ~~((Shall have))~~ Six or more quarters of work within any thirteen calendar quarter period ending within one year prior to the application for assistance.

(i) A "quarter of work" means a calendar quarter in which the parent earned income of at least fifty dollars, or participated in the ~~((work incentive (WIN) program or community work experience))~~ OPPORTUNITIES program ~~((CWEPP))~~.

(ii) A "calendar quarter" means three consecutive months ending March 31st, June 30th, September 30th, or December 31st; or

(b) Within one year prior to the application ~~((the qualifying parent))~~, received, or had such a work history to be eligible to receive, unemployment compensation.

AMENDATORY SECTION (Amending Order 530, filed 3/31/71, effective 5/1/71)

WAC 388-24-200 REPORTING CHILD NEGLECT OR ABUSE ((TO JUVENILE COURT))—COORDINATION OF DEPARTMENT SERVICES. (1) When ~~((the LO has knowledge that a child receiving public assistance is being neglected, abused or in danger of becoming delinquent, and when other reasonable efforts in conjunction with other persons or agencies to correct such a condition have failed, the following action shall be taken:~~

(a) ~~If the condition is not critical, the LO shall notify the juvenile court in writing of the child's situation, requesting the aid of the court for the child by whatever method the court may be able to use in this respect:~~

(b) ~~If the condition is critical or if prior notice(s) have not been productive of results, and if a parent or relative of the child, or other agency of the community is unwilling to take such action, the LO shall file a petition with the court for removal of the child from the parent or other person responsible for him)) a department employee has reason to believe a child is neglected or abused, that employee shall report, or cause a report to be made, to the proper department staff or law enforcement agency as provided under RCW 26.44.040.~~

(2) ~~((This policy applies in all categories of public assistance.~~

(3) ~~When, according to the above criteria, the child is endangered emotionally or physically, the difficulty shall be discussed frankly with the parents. If conditions cannot be improved to the extent that the child is properly cared for, court action should be taken so that the child can be placed in an atmosphere conducive to his welfare)) The department shall determine the social service needs for dependent, neglected, and abused children.~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-24-114 PROCEDURES AFFECTING ABANDONED CHILD.

WAC 388-24-190 COORDINATION OF PUBLIC ASSISTANCE AND CHILD WELFARE SERVICES—RESPONSIBILITY FOR PROTECTIVE CARE FOR CHILDREN.

WSR 89-09-032
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed April 14, 1989]

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 Intentional program violations—Disqualification penalties, amending WAC 388-49-670;

that the agency will at 10:00 a.m., Tuesday, May 23, 1989, 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 May 24, 1989.

The authority under which these rules are proposed is RCW 74.04.510.

The specific statute these rules are intended to implement is chapter 74.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 23, 1989.

Correspondence concerning this notice and proposed rules shown below 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 May 9, 1989. The meeting site is in a location which is barrier free.

Dated: April 10, 1989

By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-49-670.

Purpose of the Rule Change: To conform with federal regulation language (7 CFR 273.16 (g)(2)(i)) and to clarify that the department shall initiate the disqualification period for currently eligible persons within 45 days of the date the court finds such persons guilty if the court specifies a disqualification date. Subsection (2)(d)(ii) has been revised.

Statutory Authority: RCW 74.04.510.

Summary of Rule Change: Clarifies that the department shall initiate the disqualification period for currently eligible persons within 45 days of the date the court finds such persons guilty if the court specifies a disqualification date.

Person Responsible for Rule Drafting and Implementation: Joan Wirth, Community Services Program Manager, Division of Income Assistance, 234-5401 scan, OB-31C.

This rule change is necessary to conform with federal regulations, 7 CFR 273.16 (g)(2)(i).

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-670 INTENTIONAL PROGRAM VIOLATIONS—DISQUALIFICATION PENALTIES. (1) The department shall disqualify the person or persons committing an intentional program violation, but not the entire household, as defined in WAC 388-49-020.

(2) The department shall apply disqualification penalties as follows:

(a) If the violation occurred in whole or in part after the household was notified of the following penalties, these disqualification periods shall apply:

- (i) Six months for the first disqualification,
- (ii) Twelve months for the second disqualification, and
- (iii) Permanently for the third disqualification.

(b) The department shall disqualify the person or persons for three months:

(i) If the violation ended prior to the household being notified of the penalties in subsection (2)(a) of this section, and

(ii) If the disqualification was determined in an administrative hearing.

(c) The department shall consider multiple violations occurring prior to the household being notified of the penalties in subsection (2)(a) of this section as only one disqualification.

(d) Court-ordered disqualifications are for the length of time specified by the court. The department shall:

(i) Recommend that a disqualification penalty, as provided in subsection (2)(a) of this section, be imposed in addition to any civil or criminal intentional program violation penalties;

(ii) Initiate the disqualification period for the currently eligible person or persons within forty-five days of the:

(A) Date the disqualification is ordered if the court does not specify a date; or

(B) Date the court finds such person or persons guilty if the court specifies a disqualification date.

(iii) Impose a disqualification period as specified in subsection (2)(a) of this section if the court fails to address or specify a disqualification period; and

(iv) Not initiate or continue an intentional program violation disqualification period contrary to a court order.

(3) The department shall provide written notice of disqualification to the person or persons prior to disqualification. The notice shall inform the:

(a) Participating person or persons of the disqualification and the effective date of the disqualification, or

(b) Nonparticipating person or persons that the disqualification period shall be deferred until such time as the person or persons applies for and is found eligible for benefits.

(4) The department shall provide written notice to the remaining household member or members, if any, of:

(a) The allotment the household will receive during the period of disqualification; or that

(b) The household must reapply because the certification period has expired.

(5) The department shall recognize an intentional program violation determined in another state or political jurisdiction.

WSR 89-09-033
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed April 14, 1989]

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 388-77-230 Family independence program—Incapacity criteria.

Amd WAC 388-77-240 FIP—Eligibility for qualifying a parent;

that the agency will at 10:00 a.m., Tuesday, May 23, 1989, 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 May 24, 1989.

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 May 23, 1989.

Correspondence concerning this notice and proposed rules shown below 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 May 9, 1989. The meeting site is in a location which is barrier free.

Dated: April 13, 1989

By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

Re: Chapter 388-77 WAC, The family independence program (FIP).

Purpose of the Rule Filing: To add work quarter and unemployment compensation requirements to FIP; to clarify the meaning of "unemployed" as it relates to the qualifying parent; and to clarify that medical documentation is not necessary to establish incapacity for households that receive certain disability payments.

Statutory Authority: RCW 74.50.010.

Summary of Rules: WAC 388-77-230(3) is amended to clarify that the department shall not require medical documentation to establish incapacity for a parent who is receiving: Social Security Administration (SSA) disability benefits; or Veteran's Administration (VA) benefits based on a 50 percent or more disability. This change is being made to make FIP consistent with the aid to families with dependent children (AFDC) program; WAC 388-77-240 (1)(b) is amended to clarify that a qualifying parent who has been employed less than one hundred hours per month except for intermittent temporary jobs is considered unemployed. This change is being made to make FIP consistent with AFDC; WAC 388-77-240 (1)(c) adds work quarter and unemployment compensation requirements to the FIP-O program. The work quarter and unemployment compensation requirements are the same as those included in the AFDC-Employable program and are to be effective July 1, 1989, for initial applications and reapplications, following a one month or more break in assistance. The

work quarter and unemployment compensation requirements are as adopted by the FIP executive committee; WAC 388-77-240(3) is amended to provide the detail of the work quarter and unemployment compensation requirements; and other changes to WAC 388-77-230 and 388-77-240 are editorial in nature only.

Person Responsible for Drafting, Implementation and Enforcement of this Rule Change: Jay Emry, Program Manager, Office of Policy and Program Development, Division of Income Assistance, phone (206) 753-4371 or 234-4371 scan, mailstop OB-31C.

The rules are not necessary as a result of a change in federal or state law or a court decision.

AMENDATORY SECTION (Amending Order 2630, filed 6/1/88)

WAC 388-77-230 FAMILY INDEPENDENCE PROGRAM—INCAPACITY CRITERIA. (1) The department shall consider a child denied of parental support and care by reason of parental incapacity when ~~(he or she)~~ the child lives with two natural, adoptive, or stepparents when:

- (a) One or both parents are incapacitated; and
- (b) The incapacity is expected to last for a period of thirty days or more from the date of application or redetermination.
- (2) The department shall deem an incapacity to exist when the impairment and the prognosis are supported by evidence from a qualified medical professional, including, but not limited to:
 - (a) A licensed physician;
 - (b) A licensed clinical psychologist;
 - (c) A certified registered nurse (RN) if within the area of certification;
 - (d) The chief of medical administration or ~~(his or her)~~ the chief's designee of the Veteran's Administration (VA) as authorized by federal law;
 - (e) A mental health professional designated by the local community mental health agency ~~(as)~~ (m) under RCW 71.05.020; or
 - (f) A certified substance abuse counselor.
- (3) The department shall not require medical documentation to establish an incapacity for a parent receiving:
 - (a) VA benefits based on fifty percent or more disability; or
 - (b) Social Security Administration (SSA) disability benefits.
- (4) The department shall:
 - (a) Reduce the applicant/enrollee incapacitated when competent medical testimony confirms the existence of the incapacitating condition;
 - (b) Make a decision confirming or denying the existence of incapacity within thirty days of the date of application, except in circumstances beyond the control of the agency, such as a delay on the part of the applicant, the qualified medical professional, or other source of documentation;
 - (c) Request additional information when necessary; and
 - (d) Confirm probable duration of incapacity. The probable duration shall be related to the prognosis for the condition as predicted by the medical evidence, but shall not exceed twelve months without a redetermination of incapacity.
- ~~((4))~~ (5) The department shall consider an individual incapacitated if the impairment:
 - (a) Reduces substantially or eliminates the parent's ability to care for the child;
 - (b) Is the reason employers refuse to employ the parent for work ~~(he or she)~~ the parent could do. This includes behavioral disorders and other impairments interfering with the securing and maintaining of employment;
 - (c) Prevents the parent from working full time:
 - (i) At a job ~~(in which he or she)~~ the parent has customarily engaged; and
 - (ii) On another job ~~(for which he or she)~~ the parent is equipped by education, training, or experience; or
 - (iii) On a job ~~(which can be)~~ learned by on-the-job training.
 - (d) Prevents the parent from accomplishing as much on a job as a regular employee and is the reason ~~(he or she)~~ the parent is paid on a reduced basis even though working full time; or
 - (e) Qualifies the parent for placement in a job which is rehabilitative, therapeutic, or in a sheltered workshop not considered to be a

competitive full-time job and ~~(he or she)~~ the parent is placed in such a job.

~~((5))~~ (6) Eligibility cannot be established if an applicant or enrollee fails to cooperate in obtaining information documenting incapacity.

~~((6))~~ (7) The department shall pay the cost of necessary medical reports to determine incapacity (shall be paid by the department). Payment for such reports shall not be made to DSHS agencies.

AMENDATORY SECTION (Amending Order 2630, filed 6/1/88)

WAC 388-77-240 FIP—ELIGIBILITY FOR QUALIFYING A PARENT. (1) A child residing with two parents, when neither is incapacitated, shall be categorically eligible for FIP when the qualifying parent:

- (a) Is not employed more than one hundred hours a month except for intermittent temporary jobs; and
- (b) Has been unemployed as defined by subsection (1)(a) of this section for ((at least)) thirty days or more prior to the date FIP is authorized; and
- (c) Meets the work quarter or unemployment compensation requirement in subsection (3) of this section. The work quarter and unemployment requirements shall only apply to:
 - (i) Initial applications filed on or after July 1, 1989; or
 - (ii) Reapplications following a one-month break or more in assistance, filed on or after July 1, 1989; and
 - (d) Has not refused a bona fide offer of employment or employment training ((for employment)); or
 - ~~((d))~~ (e) Has not voluntarily left a job without good cause during the thirty days prior to the date FIP is authorized; or
 - ~~((e))~~ (f) Has not refused to apply for or accept unemployment compensation, if eligible.
- (2) The qualifying parent is that parent earning the greater amount of income in the twenty-four-month period immediately preceding the month in which the application for FIP assistance is filed.
 - (a) The household shall designate the qualifying parent if both parents earned an identical amount of income, or had no earnings.
 - (b) The designated qualifying parent remains the qualifying parent for each consecutive month the family remains on assistance.
- (3) The qualifying parent shall meet the work quarter or unemployment compensation requirement if:
 - (a) Within one year prior to application, the qualifying parent:
 - (i) Received, or was eligible to receive, unemployment compensation had the parent applied; or
 - (ii) For noncovered employment, had a work history such that had the employment been covered the parent would have been eligible for unemployment compensation; or
 - (b) The qualifying parent had six or more quarters of work within any thirteen calendar quarter period ending within one year prior to the request for benefits:
 - (i) A quarter of work means a calendar quarter in which the qualifying parent earned income of not less than fifty dollars, or participated in the work incentive (WIN) program or community work experience program (CWEP); and
 - (ii) A calendar quarter means a period of three consecutive calendar months ending March 31st, June 30th, September 30th, or December 31st.
 - (4) The department shall consider the following conditions good cause for refusal of an offer of employment or refusal to continue employment:
 - (a) Physical, mental, or emotional inability of the qualifying parent to satisfactorily perform the work required;
 - (b) Inability of the qualifying parent to get to and from the job without undue cost or hardships ~~((to them));~~
 - (c) The nature of the work would be hazardous to the qualifying parent;
 - (d) The wages do not meet any applicable minimum wage requirements and are not customary for such work in the community;
 - (e) The job is available because of a labor dispute; or
 - (f) Adequate child care is not available.
 - ~~((4))~~ (5) The child shall be residing with both parents except that one parent may be temporarily absent for up to ninety days to search for employment with the expectation of continuing to reside with the family.
 - ~~((5))~~ (6) FIP shall not be denied or terminated solely because the qualifying parent works over one hundred hours while participating in:
 - (a) Institutional work experience training; or
 - (b) A public service employment and training program.

WSR 89-09-034
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Order 2786—Filed April 14, 1989]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to boarding homes, amending chapter 248-16 WAC.

This action is taken pursuant to Notice No. WSR 88-21-086 filed with the code reviser on October 19, 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 18.20.090.

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 April 10, 1989.

By Leslie F. James, Director
 Administrative Services

Reviser's note: The material contained in this filing will appear in the 89-10 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 89-09-035
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—April 11, 1989]

Following is the revised meeting schedule for regular meetings to be held by the University of Washington's GPSS Executive Committee:

Spring Quarter Executive Committee Meeting Dates

April 6	11:30 a.m.	HUB 204N
April 18	1:30 p.m.	HUB 204N
May 4	11:30 a.m.	HUB 204N
May 16	1:30 p.m.	HUB 204N
June 1	11:30 a.m.	HUB 204N

Senate Meetings

April 19	3:30 p.m.	HUB 106B
May 24	3:30 p.m.	HUB 309A

WSR 89-09-036
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE
 [Memorandum—April 12, 1989]

There will be a special study session scheduled by the board of trustees of South Puget Sound Community

College District 24. It will be held April 26, 1989, in the Boardroom at South Puget Sound Community College beginning at 2:00 p.m.

WSR 89-09-037
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
 [Memorandum—April 14, 1989]

Board of Trustees
 Tuesday, April 18, 1989
 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 89-09-038
ADOPTED RULES
SKAGIT VALLEY COLLEGE
 [Order 89-03—Filed April 14, 1989]

Be it resolved by the board of trustees of Skagit Valley College, Community College District No. 4, acting at Mt. Vernon, Washington, that it does adopt the annexed rules relating to petition for promulgation, amendment, or repeal of rule, repealing chapter 132D-12 WAC.

This action is taken pursuant to Notice No. WSR 89-05-047 filed with the code reviser on February 15, 1989. 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 trustees of Community College District No. 4 as authorized in RCW 28B.50.140.

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 April 11, 1989.

By Mary Ann Funk
 Chairman

Chapter 132D-12 WAC
PETITION FOR PROMULGATION,
AMENDMENT OR REPEAL OF RULE

REPEALER

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

(2) WAC 132D-12, PETITION FOR PROMULGATION, AMENDMENT OR REPEAL OF RULE.

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

WSR 89-09-039
ADOPTED RULES
SKAGIT VALLEY COLLEGE
[Order 89-04—Filed April 14, 1989]

Be it resolved by the board of trustees of Skagit Valley College, Community College District No. 4, acting at Mt. Vernon, Washington, that it does adopt the annexed rules relating to withholding services for outstanding debt, new chapter 132D-122 WAC.

This action is taken pursuant to Notice No. WSR 89-05-006 filed with the code reviser on February 7, 1989. 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 trustees of Community College District No. 4 as authorized in RCW 28B.50.140.

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 April 11, 1989.

By Mary Ann Funk
Chairman

Chapter 132D-122 WAC
Withholding Services for Outstanding Debts

NEW SECTION

WAC 132D-122-010 POLICY. If any person, including faculty, staff, student or former student, is indebted to the institution for an outstanding overdue debt, the institution need not provide any further services of any kind to such individual, including but not limited to transmitting files, records, transcripts or other services which have been requested by such person.

NEW SECTION

WAC 132D-122-020 NOTIFICATION. (1) Upon receiving a request for services where there is an outstanding debt due the institution from the requesting person, the institution shall notify the person by first-class mail that the services will not be provided since there is an outstanding debt due. The person shall be told that until the debt is satisfied, no such services as are requested will be provided. (2) The letter of notification shall also state that the person has a right to a brief adjudicative proceeding before a person designated by the president of the institution. The proceeding must be requested within twenty days of the date of mailing notification of refusal to provide services.

NEW SECTION

WAC 132D-122-030 PROCEDURE FOR BRIEF ADJUDICATIVE PROCEEDING. Upon receipt of a timely request for a hearing, the person designated by the president shall have the records and files of the institution available for review and shall hold an informal hearing concerning whether the individual in fact owes or owed any outstanding debts to the institution. The hearing must be conducted within ten (10) days of the request for a hearing. After the informal hearing, a decision shall be rendered by the president's designee indicating whether in fact the institution is correct in withholding services for the outstanding debt. If the outstanding debt is owed by the individual involved, no further services shall be provided. Notification of this decision shall be sent to the individual within five (5) days after the hearing. This hearing shall constitute a brief adjudicative proceeding established by the Administrative Procedures Act at RCW 34.05.482-.494.

WSR 89-09-040
EMERGENCY RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Order 316—Filed April 14, 1989]

Be it resolved by the State Personnel Board, acting at the Personnel Board Room, Department of Personnel, 521 South Capitol Way, Olympia, WA, that it does adopt the annexed rules relating to:

Amd WAC 356-18-050 Sick leave credit—Purpose—Accrual—Conversion.
Amd WAC 356-18-090 Vacation leave—Accrual.

We, the State Personnel Board, 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 state computer system was not compatible with the rule changes adopted in February 1989. Therefore, this change was necessary for this month's payroll period.

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

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 April 13, 1989.

By M. F. Welch
for Robert A. Boysen
Acting Director

AMENDATORY SECTION (Amending Order 314, filed 2/24/89)

WAC 356-18-050 SICK LEAVE CREDIT—PURPOSE—ACCRUAL—CONVERSION. (1) Sick leave credits are granted as a form of insurance to minimize loss of compensation to employees due solely to reasons specified in WAC 356-18-060.

~~(2) (Eight hours of sick leave credit shall be granted for each month in which a full-time employee is in pay status for fifteen or more calendar days or eighty nonovertime or nonstandby hours during the month.) Full-time employees shall be credited with eight hours of sick leave under the following conditions:~~

~~(a) The employee must be in pay status during the month for the equivalent number of scheduled hours required for full-time (Monday-Friday) employees during the first 15 calendar days of the month.~~

~~(b) Overtime and standby hours do not count toward the minimum requirement.~~

~~(c) Holidays that fall within the qualifying 15 days count toward the minimum requirement.~~

~~(d) Employees may be credited with only one sick leave accrual per month.~~

Sick leave credit for other than full-time employees shall be computed and accrued in an amount proportionate to the time the employee is in pay status during the month to that required for full-time employment.

(3) Employees shall be eligible to receive monetary compensation for accrued sick leave as follows:

(a) In January of each year, and at no other time, an employee whose sick leave balance at the end of the previous year exceeds four hundred eighty hours may elect to convert the sick leave hours earned in the previous calendar year, minus those hours used during the year, to monetary compensation.

(i) No sick leave hours may be converted which would reduce the calendar year-end balance below four hundred eighty hours.

(ii) Monetary compensation for converted hours shall be paid at the rate of twenty-five percent and shall be based upon the employee's current salary.

(iii) All converted hours will be deducted from the employee's sick leave balance.

(b) Employees who separate from state service on or after September 1, 1979, due to retirement or death shall be compensated for their total unused sick leave accumulation at the rate of twenty-five percent. Compensation shall be based upon the employee's salary at the time of separation. For the purpose of this subsection, retirement shall not include "vested out-of-service" employees who leave funds on deposit with the department of retirement systems (DRS).

(c) No contributions are to be made to the department of retirement systems (DRS) for such payments in (a) or (b) of this subsection, nor shall such payments be reported to DRS as compensation.

(4) Employees who separate for any reason other than retirement or death shall not be paid for their accrued sick leave.

(5) Former employees who are again employed within five years of their separation from service shall be

granted all unused sick leave credits, if any, to which they were entitled at time of separation for the purpose of using sick leave for the reasons prescribed in WAC 356-18-060. Upon any subsequent retirement or death of a reemployed retiree, only that unused sick leave accrued since the original retirement minus that taken within the same period may be compensated per the conversion provisions of WAC 356-18-050 (3)(b).

(6) Employees coming under the jurisdiction of the state personnel board from the jurisdiction of the higher education personnel board by the provisions of WAC 356-49-040 shall be credited with their sick leave accumulated with the higher education system.

AMENDATORY SECTION (Amending Order 314, filed 2/24/89)

WAC 356-18-090 VACATION LEAVE—ACCRUAL. (1) ~~((Full-time employees who were in pay status for 15 or more calendar days or 80 nonovertime or nonstandby hours during the month including holidays shall be credited one accrual monthly with the following rates of vacation leave for each year of employment.)) Full-time employees shall be credited with the appropriate rate of vacation leave specified in (3)(a) through (k) below under the following conditions:~~

~~(a) The employee must be in pay status during the month for the equivalent number of scheduled hours required for full-time (Monday-Friday) employees during the first fifteen calendar days of the month.~~

~~(b) Overtime and standby hours do not count toward the minimum requirement.~~

~~(c) Holidays that fall within the qualifying fifteen days count toward the minimum requirement.~~

~~(d) Employees may be credited with only one vacation leave accrual per month.~~

(2) Vacation leave credit for other than full-time employees shall be computed and accrued in an amount proportionate to the time the employee is in pay status during the month to that required for full-time employment.

(3) The following rates of vacation leave shall be credited for each year of employment:

(a) During the first year of current continuous employment — Ninety-six hours (twelve days) per annum.

(b) During the second year of current continuous employment — One hundred four hours (thirteen days) per annum.

(c) During the third and fourth years of current continuous employment — One hundred twelve hours (fourteen days) per annum.

(d) During the fifth, sixth, and seventh years of current continuous employment — One hundred twenty hours (fifteen days) per annum.

(e) During the eighth, ninth, and tenth total years of employment — One hundred twenty-eight hours (sixteen days) per annum.

(f) During the eleventh year of total employment — One hundred thirty-six hours (seventeen days) per annum.

(g) During the twelfth year of total employment — One hundred forty-four hours (eighteen days) per annum.

- (h) During the thirteenth year of total employment — One hundred fifty-two hours (nineteen days) per annum.
- (i) During the fourteenth year of total employment — One hundred sixty hours (twenty days) per annum.
- (j) During the fifteenth year of total employment — One hundred sixty-eight hours (twenty-one days) per annum.
- (k) During the sixteenth year of total employment and after — One hundred seventy-six hours (twenty-two days) per annum.

~~((2))~~ (4) Vacation leave is cumulative to a maximum of two hundred forty hours (30 working days) unless the employee's request for leave is deferred by the agency and a statement of necessity filed with the Director of Personnel. Such deferred leave may be credited in excess of the 30-day maximum until such leave is granted by the employing agency.

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 89-09-041
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 89-18—Filed April 14, 1989]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fisheries 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 insufficient numbers of herring are predicted to be present to allow a traditional commercial herring fishery. A limited amount of harvest can be allowed. There is inadequate time to promulgate permanent regulations.

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 April 14, 1989.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-49-02000Y SEASONS—HERRING.
Notwithstanding the provisions of WAC 220-49-020,

effective immediately until further notice it is unlawful to fish for or possess herring taken for commercial purposes from Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B and 21B, except those persons authorized to do so by special fishing permit issued by the director.

WSR 89-09-042
ADOPTED RULES
SKAGIT VALLEY COLLEGE
 [Order 89-02—Filed April 14, 1989]

Be it resolved by the board of trustees of Skagit Valley College, Community College District No. 4, acting at Mt. Vernon, Washington, that it does adopt the annexed rules relating to:

- Rep ch. 132D-36 WAC Implementation of State Environmental Policy Act.
- New ch. 132D-325 WAC State Environmental Policy Act rules.

This action is taken pursuant to Notice No. WSR 89-05-048 filed with the code reviser on [February 15, 1989]. 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 trustees of Community College District No. 4 as authorized in RCW 28B.50.140.

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 April 11, 1989.

By Mary Ann Funk
Chairman

Chapter 132D-325
STATE ENVIRONMENTAL POLICY ACT RULES

NEW SECTION

WAC 132D-325-010 IMPLEMENTATION OF STATE ENVIRONMENTAL POLICY ACT. (1) It shall be the policy of Community College District No. 4 that all actions taken by the district shall comply with the provisions of Chapter 43.21C RCW (the State Environmental Policy Act), chapters 197-10 and 132-24 WAC, as presently enacted or hereafter amended.

(2) The president of Community College District No. 4 or his or her designee shall be responsible for administering and implementing this policy.

REPEALER

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

(1) WAC 132D-36, IMPLEMENTATION OF STATE ENVIRONMENTAL POLICY ACT.

WSR 89-09-043

PROPOSED RULES

UNIVERSITY OF WASHINGTON

[Filed April 14, 1989]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the University of Washington intends to adopt, amend, or repeal rules concerning parking and traffic regulations, chapter 478-116 WAC;

that the institution will at 11:30 a.m., Tuesday, May 23, 1989, in the Student Union Building, HUB 200 A-B-C, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 9, 1989.

The authority under which these rules are proposed is RCW 28B.10.300 and 28B.10.560.

The specific statute these rules are intended to implement is RCW 28B.10.300 and 28B.10.560.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before May 23, 1989.

Dated: April 14, 1989

By: Elsa Kircher Cole

Assistant Attorney General

STATEMENT OF PURPOSE

Statutory Authority and Specific Statutes Intended to be Implemented: RCW 28B.10.300 and 28B.10.560.

Purpose of the Rules: To amend the parking and traffic regulations.

Summary of the Rule: The amendments add parking court procedures, increase certain parking fees and include numerous housekeeping amendments.

Reasons Which Support the Proposed Action: To clarify ambiguities in current regulations or to respond to changed conditions.

Name of Person or Organization Proposing the Rules: University of Washington, governmental.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rules: Tallman Trask III, Executive Vice-President, phone (206) 543-6410.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rules: None.

The rules are not necessary as the result of federal law, federal court action or state court action.

Small Business Economic Impact Statement: Not required for this amendment.

AMENDATORY SECTION (Amending Order 78-3, filed 6/15/78)

WAC 478-116-020 OBJECTIVES OF PARKING AND TRAFFIC REGULATIONS. (1) The objectives of these regulations are:

- (a) To protect and control traffic and parking.
- (b) To assure access at all times for emergency vehicles and equipment.
- (c) To minimize traffic disturbance during class hours.
- (d) To facilitate the work of the university by assuring access to its vehicles and by assigning the limited parking space for the most efficient use.

(2) Permission to park or operate a vehicle or bicycle upon state lands governed by these regulations is a privilege granted by the board of regents of the University of Washington, and does not ensure regular availability of a parking space under the conditions stated in WAC 478-116-020 and 478-116-180 and elsewhere in these regulations.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-030 APPLICABLE PARKING AND TRAFFIC REGULATIONS—AREAS AFFECTED. The following regulations apply upon state lands devoted mainly to the educational or research activities of the University of Washington, hereinafter called "campus":

(1) The motor vehicle and other traffic laws of the state of Washington(~~(-These)~~) shall be applicable upon all lands located within the state of Washington.

(2) The traffic code of the city of Seattle(~~(-This code)~~) applies upon all lands located within the city of Seattle.

(3) The University of Washington parking and traffic regulations(~~(-These)~~) shall be applicable to all state lands which are or may hereafter be devoted mainly to educational, research, housing, recreational, or parking activities of the University of Washington.

(4) In case of conflict among the provisions of the motor vehicle and other traffic laws of the state of Washington or the traffic code of the city of Seattle and these regulations, the provisions of these regulations shall govern.

AMENDATORY SECTION (Amending Order 78-3, filed 6/15/78)

WAC 478-116-055 DEFINITIONS. (1) Bicycle. (~~(The term "bicycle" as used in this chapter shall include)~~) Any device (~~(as the same is)~~) defined in chapter 46.04 RCW or hereafter amended.

(2) Campus. The (~~(term "campus" shall mean the)~~) state lands devoted mainly to the education, housing, or research activities of the University of Washington.

(3) Impoundment. (~~(("Impoundment" means)~~) The removal of the vehicle to a storage facility either by an officer or authorized agent of the University of Washington police department.

(4) Pedestrian. (~~(The term "pedestrian" used in this chapter shall include)~~) Any person afoot, as defined in chapter 46.04 RCW.

(5) Skateboard. (~~(The term "skateboard" shall mean)~~) Any oblong board of whatever composition, with a pair of small wheels at each end, which device may be ridden by a person.

(6) Traffic. (~~(The term "traffic" as used in this chapter shall include)~~) Pedestrians and vehicular and nonvehicular modes of transportation, as the same are defined in chapter 46.04 RCW as now or hereafter amended.

(7) Vehicular modes of transportation and/or vehicles (~~(shall mean those devices defined as)~~) "Vehicles" in chapter 46.04 RCW as now or hereafter amended.

(8) Nonvehicular modes of transportation (~~(shall mean)~~). Nonpedestrian transportation devices other than vehicles (as defined herein) and shall include, but not be limited to, bicycles and skateboards.

(9) An automatic gate key card is a plastic card which actuates the gates controlling certain parking areas, and is issued by the parking division.

(10) Legal owner means a person having a security interest in a vehicle perfected in accordance with chapter 46.12 RCW or the registered owner of a vehicle unencumbered by a security interest or the lessor of a vehicle unencumbered by a security interest.

(11) Registered owner means the person whose lawful right of possession of a vehicle has most recently been recorded with the department of licensing.

(12) Valid shall mean the effective period of a parking permit issued by the parking division and having the vehicle(s) license plate(s) listed on the permit for which the permit is to be displayed.

(13) Register/registration shall mean the listing of any vehicle with parking division, to be eligible, but not yet having been issued a parking permit for the university.

(14) Renewal/renew shall mean the replacement of an expired parking permit at the end of the permit's calendar date, provided all past parking fines on all vehicle(s) listed on the permit are paid.

(15) Reissue shall mean the replacement of a permit which has been stolen, lost, change of parking lot designation, or a change of vehicle(s).

(16) Permit. A document issued by parking division that authorizes a person to park.

(17) Assign/assignment. Area designated for a person to park.

(18) Designate/designated. Parking area assignment for person to park per WAC 478-116-130(1).

(19) Reserve. Area within a parking area designated for individuals who have been assigned "reserve."

(20) Fee. A charge for the use of the permit issued.

AMENDATORY SECTION (Amending Order 79-3, filed 8/2/79)

WAC 478-116-060 PERMITS REQUIRED FOR VEHICLES ON CAMPUS. (1) Except as provided in WAC 478-116-090 and 478-116-160 of these regulations, no person shall drive any vehicle, nor shall any person stop, park, or leave any vehicle, whether attended or unattended, upon the campus of the University of Washington without a valid permit issued by the manager of the parking division pursuant to the authority granted by the board of regents.

(2) Permission to drive on campus or to park thereon shall be shown by display of a valid permit. Possession of a gate key card does not, in itself, constitute permission to park in a designated parking area.

(3) A valid permit is:

(a) An unexpired vehicle permit and area designator properly registered and displayed on the vehicle with the same license plate, and in accordance with these instructions.

(b) A temporary permit authorized by the parking division and displayed in accordance with instruction on the permit.

(c) A parking permit issued by a gate attendant, which permit shall be displayed on the vehicle in accordance with instructions.

(4) ~~((A gate key card is a plastic card which actuates the gates controlling certain parking areas, and is issued by the parking division.~~

~~(5))~~ Parking permits, credit cards, individual commuter ticket books, and key cards are not transferable, except as provided in WAC 478-116-280 and 478-116-360.

~~((6))~~ (5) The university reserves the right to refuse the issuance of a parking permit.

AMENDATORY SECTION (Amending Order 78-3, filed 6/15/78)

WAC 478-116-095 AUTHORIZED USE OF STREETS AND PARKING FACILITIES. Only vehicles and bicycles, as defined and regulated in ~~((Title 46))~~ chapter 46.04 RCW and as defined herein, may be operated on campus streets or within designated parking facilities.

AMENDATORY SECTION (Amending Order 78-3, filed 6/15/78)

WAC 478-116-100 SPEED. (1) No vehicles ~~((or)),~~ bicycles or other modes of transportation shall be operated on the campus at a speed in excess of ((20)) twenty miles per hour or ((such)) at lower speeds as ((is reasonable and)) are prudent ((m)) for the circumstances/conditions.

(2) Nonvehicular modes of transportation ~~((or other than bicycles,))~~ shall be operated at such lower speed as is reasonable and prudent in the circumstances.

(3) This section will be enforced in accordance with WAC 478-116-430 ~~((of these regulations)).~~

AMENDATORY SECTION (Amending Order 78-3, filed 6/15/78)

WAC 478-116-110 REGULATORY SIGNS AND DIRECTIONS. (1) Drivers of vehicles shall obey regulatory signs which are posted by the university consistent with the parking and traffic regulations of the University of Washington.

(2) Pedestrians and operators of vehicular ~~((and nonvehicular))~~ modes of transportation shall comply with directions issued by university police officers in the enforcement of these regulations and in the general control and regulation of traffic. Drivers of vehicles shall also comply with directions issued by members of the parking division in the assignment and use of parking space and in the collection of parking fees.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-210 AUTHORIZATION FOR ISSUANCE OF PERMITS. (1) The manager of the parking division is authorized to issue permits to drive or park upon the campus to university faculty members and other employees, officers, and agents, university students, guests, and visitors of the university for such individual's personal use pursuant to the provisions of WAC 478-116-210 through 478-116-320 and 478-116-360 ~~((of these rules and regulations)).~~

(2) All outstanding campus parking violation penalties must be satisfactorily settled before a parking permit may be issued or reissued or renewed.

AMENDATORY SECTION (Amending Order 87-1, filed 7/28/87, effective 9/1/87)

WAC 478-116-240 VISITOR PARKING. All visitors, including guests, salespersons, patients, maintenance or service personnel, contractors, consultants, and all other members of the public shall park only in available space as directed by the parking division and the established parking fee shall be paid, except as noted below:

(1) University of Washington licensed vehicles, and public safety/emergency vehicles.

(2) Media vehicles may park in designated spaces without charge.

(3) Taxis, tow trucks, and commercial delivery vehicles may enter the campus without payment of the parking fee for pickup or delivery of passengers, supplies and equipment only.

(4) School buses and tour buses.

(5) Individuals coming to the campus for the purpose of rendering uncompensated services to the University of Washington will be parked in designated areas without charge. In such event, the department or administrative unit receiving the uncompensated service will pay the parking fee at the departmental commuter ticket rate.

(6) Persons retired from the university will be parked in designated areas without charge. Retired persons reemployed on a forty percent basis may purchase annual permits at forty percent of the annual permit cost ~~((or may purchase quarterly permits at one hundred percent of the quarterly permit cost)).~~

AMENDATORY SECTION (Amending Order 87-1, filed 7/28/87, effective 9/1/87)

WAC 478-116-250 SPECIAL PERMITS. (1) Temporary or part-time employees, ~~((salespersons,))~~ maintenance and service personnel, persons serving the university without pay, and other visitors who must frequently visit the campus on university business, shall be issued parking permits at the regular annual or quarterly fee or at a rate based on the regular annual fee, subject to the approval of the manager of the parking division. Parking on the campus will not be provided to persons intending to make personal solicitations from or personal sales to university employees or students.

(2) Complimentary drive-through permits may be issued to parents of young children registered in university sponsored programs. Drive-through permits do not include parking privileges.

(3) The manager of the parking division will assist university departments which sponsor functions such as conferences, seminars, dinners, and similar events in arranging for parking and the collection of parking fees. Such fees will be deposited in the parking fund.

(4) Self-sustaining university departments may requisition parking for their events in the same manner as they do other services furnished by the university and the parking fees collected will be deposited in the parking fund.

(5) Reserved parking areas may be assigned for use by the president, vice presidents, deans, department directors, or their equivalents. Additionally, reserved parking areas may be assigned for use by physically handicapped individuals where need and condition therefor are demonstrated to the manager of the parking division. The transportation officer is authorized to make exceptions to these restrictions if it is determined that such reserved status is required in the conduct of university business. Reserved parking area permits will be issued only by the manager of the parking division and upon payment of the prescribed fee. Such parking areas will be reserved usually between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.

(6) Capital projects which use parking spaces for employee parking or construction staging may be assessed a charge based on their impact to parking revenues.

AMENDATORY SECTION (Amending Order 87-1, filed 7/28/87, effective 9/1/87)

WAC 478-116-270 EVENING PERMITS. (1) Evening, annual, or quarterly permits will allow parking during the period of time printed on the permit, as well as on Saturday((s or Sundays)) mornings in assigned areas((except for scheduled athletic and other special events parking)).

(2) Gate issued evening or spitter machine permits are valid only until the printed time limit of the following day.

(3) Evening permits may not be valid during scheduled athletic and other special events parking.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-280 TRANSFERABLE PERMITS. (1) Faculty, staff personnel and students may upon application to the parking division be issued one transferable permit for one or more vehicles.

(2) This permit ~~((is transferable between or among vehicles registered to that permit))~~ shall only be used in the vehicles whose license number is written on and only one vehicle may display the permit while parked or driving on the campus.

AMENDATORY SECTION (Amending Order 79-3, filed 8/2/79)

WAC 478-116-340 DISPLAY OF PERMITS. (1) The single vehicle permit issued by the manager of the parking division shall be displayed affixed to the center bottom of the windshield of the vehicle.

(2) The transferable vehicle permit shall be displayed in the ~~((plastic pocket which shall be affixed to the center bottom of the windshield of the vehicle))~~ same manner as the single vehicle permit.

(3) The area designator (numeral, letter or combination) will be affixed to the vehicle permit.

(4) Motorcycle and scooter permits shall be prominently displayed on the front or left side of the vehicle.

(5) Permits and area designators not displayed in accordance with the provisions of this section are not valid and vehicles displaying them improperly are subject to citation.

(6) Expired permits must be removed before affixing current permit.

NEW SECTION

WAC 478-116-345 PERMITS AND VEHICLE LICENSES PLATES. Permits that are issued pursuant to WAC 478-116-210 are not considered to be valid unless the vehicle license plate(s) listed on the permit match the vehicle license plate(s) the permit is displayed on.

AMENDATORY SECTION (Amending Order 79-3, filed 8/2/79)

WAC 478-116-360 CARPOOL PERMITS. (1) Two or more people constitute a valid carpool.

(2) Faculty~~((:))~~ or staff personnel ~~((and))~~ with/without students may be issued one transferable permit for each carpool. This permit is transferable only among the registered vehicles of the carpool and is not valid on any other vehicle.

(3) The manager of the parking division is authorized to set aside carpool spaces in designated parking areas and to develop appropriate procedures to insure against abuse of carpool privileges.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-380 ANNUAL PARKING FEE PAYMENT. Regardless of payment method used, payment for an annual parking permit is the sole responsibility of the permit holder and failure to pay the parking permit fee is grounds for recall under WAC 478-116-370(4). In addition, if payment is not made, a prorated charge will be made for the time the parking permit is ~~((used))~~ reissued. Payment for an annual parking permit may only be made in one of the following ways;

(1) By cash, by check, or by money order payable to "University of Washington" directly to the parking division. Cash should not be sent by mail.

(2) By payroll deduction plan. Faculty and staff members on the regular monthly payroll may select the payroll deduction plan for payment of the annual permit only.

(a) Deductions will be made from each ~~((monthly))~~ bimonthly paycheck for that month's parking installment period. Persons selecting this plan must complete a payroll deduction authorization form in addition to the appropriate parking permit application.

(b) Deductions will be terminated by completing a payroll termination form and returning any unexpired permit.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-430 JURISDICTION OF THE UNIVERSITY PARKING COURT. (1) The university parking court established by WAC 478-116-410 shall have jurisdiction to hear and decide cases involving alleged violations of these rules. The university parking court shall have no jurisdiction to hear and decide cases involving alleged violations of:

(a) The motor vehicle and other traffic laws of the state of Washington;

(b) The traffic code of the city of Seattle;

(c) These regulations insofar as applicable to moving traffic violations of vehicles other than bicycles.

(2) Offenses under ~~((WAC 478-116-430))~~ subsection (1)(a) through (c) of this section will be referred to Seattle district court for prosecution under applicable laws.

(3) The university parking court has continuing jurisdiction and authority to supervise the disposition for up to one year.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-440 PROCEDURE—SUMMONS AND SERVICE THEREOF. Upon probable cause to believe that a violation of these regulations has occurred, an appropriate summons or parking/traffic violation notice may be issued by the university police department setting forth the date, the approximate time, the locality, and the nature of the violation. Such summons may be served by delivering or mailing a copy thereof to the alleged violator, by attaching or affixing a copy thereof to the vehicle or bicycle allegedly involved in such violation, or by placing a copy thereof in some prominent place within such vehicle. Service by mail shall be accomplished by placing a copy of the summons in the mail addressed to the alleged violator at the address shown on the records of the office of the registrar, the staff personnel office or academic personnel records, or the department of licensing in Olympia, Washington for that person or any other last known address of that person. Placing a copy of the summons in the mail with proper postage is prima facie evidence that the summons was served.

NEW SECTION

WAC 478-116-455 ELECTION TO FORFEIT OR CONTEST.

(1) The summons or parking violation notice issued pursuant to WAC 478-116-440 shall advise the alleged violator that he or she may elect either to pay and forfeit the fine applicable to the violation(s) charge or to contest the matter(s) in the university parking court within fifteen calendar days of receipt of violation.

(2) If an alleged violator has received one or more parking violation(s) amounting to nineteen dollars or more, an election to forfeit or contest notice shall be issued within fifteen calendar days of service of the last summons or parking/traffic violations.

(3) The election to forfeit or contest notice shall advise the alleged violator that he or she may elect either to pay and forfeit the fine applicable to the violation(s) charged or to contest the matter(s) in the university parking court, within ten calendar days from the current date on the default notice.

(4) If the alleged violator chooses to forfeit the fine(s) he or she may do so by mail, forwarding the appropriate amount by check or money order or bringing such amount in cash to the university parking violation division. Such forfeiture shall constitute a waiver of the right to a hearing.

(5) If the alleged violator chooses to contest, he or she may do so by contacting the parking violations division and requesting a date to appear in court. Such request may be made by telephone, mail, or person. The violator must set up a court date within ten calendar days of the current date on the default notice.

(6) Failure to comply with either subsection (4) or (5) of this section within the time limit of ten calendar days, will result in a default judgment and the university parking court may impose such penalty or fines appropriate under the schedule of fines established pursuant to WAC 478-116-520.

NEW SECTION

WAC 478-116-456 DEFAULT JUDGMENT/INVOICES. (1) If an alleged violator has not responded to the summons or parking/traffic violation notice or the election to forfeit or contest notice by paying the fines or contesting them in the university parking court, the court shall impose a default judgment/invoice against the violator. This judgment shall direct the violator to either:

(a) Pay the fine in the amount specified; or

(b) Request an appearance before the Seattle district court within ten calendar days from the court date on the default judgment/invoice.

This default judgment will be issued not less than ten calendar days from the current date with either (a) or (b) of this subsection which shall subject any vehicle to impoundment for outstanding fines, when,

after ten calendar days after judgment of the university parking court imposing liability for fines, the owner has neither paid such fines nor requested within ten calendar days after judgment, set a hearing before the Seattle district court to contest the judgment.

(2) The parking violations division shall mail the default judgment/invoice to the alleged violator not less than ten calendar days following service of the unanswered election to forfeit or contest notice.

NEW SECTION

WAC 478-116-462 FAILURE TO COMPLY WITH THE UNIVERSITY PARKING COURT. Any vehicle may be impounded for failure to comply with a final order of the university parking court, subject to the notice requirements of WAC 478-116-455 and 478-116-456. Refusal or failure without lawful excuse to comply with a final judgment of the university parking court is a misdemeanor over which Seattle district court has jurisdiction.

NEW SECTION

WAC 478-116-463 CORRESPONDENCE COURT. (1) The alleged violators wishing to contest a matter may do so in writing if:

- (a) They do not live in the Seattle area;
 - (b) They are not a student, staff, employee, faculty, or contractor of the University of Washington or any of its affiliates.
- (2) Letter must be from the person who received the violation as the written material will be used as testimony in court in lieu of personal appearance. No other letters will be accepted.
- (a) A letter that is written on "behalf of" violator will be returned and not used as testimony, unless as a witness statement.
- (b) The witness statement must accompany the violator letter.
- (3) Contesting a matter in writing as provided in subsection (1) of this section, is in lieu of a personal court appearance hearing.
- (4) Notwithstanding subsection (2) of this section, a parking judge may require the appearance of an alleged violator in court, in order for the alleged violator to contest the matter, if such an appearance seems reasonably necessary in order to fairly dispose of the matter.
- (5) In cases where an alleged violator utilizes the procedure set out in subsection (1) of this section, the parking judge will issue a final decision in the matter. The written material provided by the violator will be considered to be the testimony the alleged violator would have given had he/she appeared in parking court in person.
- (6) Following issuance of the final decision by the parking judge a letter containing the judgment will be sent to the alleged violator. Final decision of correspondence court will have the same right of appeal as any other judgment of the university parking court.

NEW SECTION

WAC 478-116-465 PARKING COURT SCOPE AND PURPOSE OF RULES. (1) Scope of rules: These rules govern court procedure in the university parking court.

(2) Purpose: These rules shall be construed to secure the just, speedy, and inexpensive adjudication of all alleged violations of university parking and traffic rules and regulations.

NEW SECTION

WAC 478-116-466 PARKING COURT DEFINITIONS. (1) Court. The university parking court.

- (2) Correspondence court. Disposition of contested matters by a parking court judge as provided in WAC 478-116-463.
- (3) Judgment. Final decision by a parking judge after a hearing as governed by these rules, final decision issued by a parking judge in a correspondence court, or a final decision based on payment of fine(s) in lieu of a hearing.
- (4) Summons. Summons or notice of parking violations as defined by WAC 478-116-440 and court ordered show cause hearing notices for termination/probation of parking privileges.
- (5) Jurisdiction. All University of Washington staff, faculty, students, employees, surrounding Seattle area.
- (6) Judge, parking court judge, administrative law judge, judicial officer.
 - (a) Third-year law student, who is not yet admitted to practice law in the state of Washington, but having same or similar authority as granted to municipal court judges, police court judges; and
 - (b) Who shall hear and dispose of cases pertaining to the University of Washington parking rules and regulations, but not including traffic/motor vehicle laws of the city of Seattle or state of Washington.

(7) Hearing. Shall mean a trial-like proceeding that takes place on the campus.

(8) Evidence. Shall mean relevant evidence (oral or written) pertaining to case at time of hearing. No other technical definitions of evidence shall apply.

(9) Witnesses. Shall mean anyone who has personal knowledge, oral or written statement; but not including second hand or "hearsay" knowledge.

(10) Service of. Shall mean by placing parking ticket on vehicle, or the mailing of any and all notices as provided in WAC 478-116-440.

(11) Mitigating circumstances. Shall mean facts that do not justify or excuse an action but that can lower the amount of the fine for the action.

(12) Suspension/probation/termination. Shall mean the removal of any or all parking privileges on the campus in accordance with WAC 478-116-515 and 478-116-540.

NEW SECTION

WAC 478-116-467 PROCEDURE AT HEARING. (1) Hearing will be set up according to the schedules set by the university parking court judges and the university parking court clerk/bailiff.

(2) Hearing sessions will be held three times a week for two hours each session on the campus.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-470 PROCEDURE—PLEAS AT HEARING.

(1) At the date set for the hearing, the alleged violator shall appear and plead either "guilty" or "not guilty." Upon a plea of "guilty," the parking judge shall hear such relevant evidence as the alleged violator may present concerning the amount of the fine or penalty which should be imposed. Upon a plea of "not guilty" an alleged violator may present all relevant legal defenses available to him or her.

(2) The parking judge shall determine whether or not the alleged violation was committed. If the parking judge determines that the alleged violation was not committed, the charge shall be dismissed. If the parking judge determines that the alleged violation was committed, a judgment shall be pronounced from one of the court actions—warning, suspension, reduction, imposed.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-490 PROCEDURE—RULES OF EVIDENCE.

(1) The technical rules of evidence applicable in courts of law shall not apply, and the proceedings of the court shall be informal. Any oral or documentary evidence may be received, but the parking judge may exclude such evidence as is irrelevant, immaterial, or unduly repetitious.

(2) The alleged violator may be represented by a lawyer.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-500 PROCEDURE—EXAMINATION OF WITNESSES.

(1) The alleged violator or his or her representative shall be afforded an opportunity to cross-examine the witnesses against him or her. The representative of the university police department present at the hearing shall be afforded an opportunity to cross-examine the witnesses for the alleged violator. The parking judge may also, in the interest of justice, examine the witnesses for either side, or call and examine witnesses on his or her own motion.

(2) The university parking court does not have the power to subpoena nor compel the attendance of any witnesses.

(3) If an alleged violator wishes the individual who issued the summons or notice of parking violation(s) to be present in court for the purpose of cross-examination, such request must be made at the time the hearing is scheduled, or at least one week prior to the hearing. Failure to timely make such a request waives the alleged violator's right to cross-examine the specific witness. However, the parking judge may continue the matter in order to produce such a witness.

(4) A witness may not testify to a matter unless he or she has personal knowledge of the matter.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-510 PROCEDURE—JUDGMENT. (1) Upon conclusion of the hearing, the parking judge shall specify the charge or charges, pronounce judgment of acquittal or conviction as to each charge, and shall assess fines or penalties not in excess of the schedule

of fines and penalties established pursuant to the procedures set forth in WAC 478-116-520.

(2) The parking court judge shall endorse his or her signature upon the court docket, certifying the record to be correct.

(3) The judgment and sentence imposed, if any, shall be recorded in the records maintained by the parking violations division ((and the parking judge shall endorse his or her signature thereon, certifying the record to be correct)) for a period not less than one year.

NEW SECTION

WAC 478-116-512 APPEAL OF A UNIVERSITY PARKING COURT DECISION. (1) Appeal of decision of the university parking court shall be to the Seattle district court as provided in subsection (2) of this section.

(2) A person charged with a parking infraction who deems himself/herself aggrieved by the final decision in an internal jurisdiction may, within ten calendar days after notice of the final decision, appeal by filing a written notice thereof with the parking violations division. Documents relating to the appeal shall immediately be forwarded to the Seattle district court who shall have jurisdiction to hear the appeal de novo.

(3) If a violator fails to appeal a decision of the university parking court within the ten calendar days time limitation set forth in subsections (1) and (2) of this section, the violator is subject to impoundment of the vehicle if found on university lands, and/or all fines being sent to a collection agency. No further appeal to the university parking court or to Seattle district court shall be allowed.

NEW SECTION

WAC 478-116-515 PROBATION TERMS. (1) In any case where an alleged violator within a period of three months or less has a combined total of five or more violations with respect to which he/she has either forfeited the fine or been convicted of the violation, the parking judge may, in addition to whatever fines are appropriate under the applicable fine schedule, impose the following sanctions:

(a) Probation of all parking privileges, including permit parking privileges, for whatever specified time the court deems necessary.

(b) Suspension of permit parking privileges on campus for a specified time.

(c) Direct a report of the offense to be forwarded to the appropriate dean or administrative officer.

(2) In any case where an alleged violator within a period of three months or less has a combined total of two or more impounds with respect to which he/she has either forfeited the impound fee or been convicted of the impound fee, the parking court judge may impose the same sanctions as found in subsection (1)(a), (b), and (c) of this section.

(3) If the violator does not have a court date set up to contest any of the outstanding parking fines or impound fees, the court will assign the violator a court date and time and will then mail out a show cause hearing notice to the violator/registered owner of the vehicle. If the violator fails to appear at the show cause hearing, the court may decide without the input of the violator and then notify the violator of the court's decision by mail.

AMENDATORY SECTION (Amending Order 87-1, filed 7/28/87, effective 9/1/87)

WAC 478-116-520 FINES AND PENALTIES. (1) The fines or penalties which may be assessed for violations of these regulations are those detailed in WAC 478-116-601.

(2) Fines.

(a) Persons cited for violation of these regulations may respond either by arranging for a university parking court date or by paying and forfeiting a fine within fifteen calendar days of service of the citation in accordance with WAC 478-116-450. Forfeitures submitted by mail must be postmarked within fifteen calendar days of the date of issue of the citation in order to avoid additional penalties.

(b) An additional fine of \$7.00 per offense shall be assessed for each parking citation which is not responded to within the fifteen calendar day limit provided in WAC 478-116-520 (2)(a).

(c) The manager of the parking division shall cause these regulations or a reasonable summary thereof to be:

(i) Published in the University of Washington Daily at least twice each calendar year.

(ii) Prominently displayed in the offices of the university parking violations division, the university police department, and the parking division.

(d) The fine schedule shall be printed on the parking violation notices served on alleged violators.

~~((3) In any case where an alleged violator within a period of three months or less has a combined total of five or more violations with respect to which he/she has either forfeited the fine or been convicted of the violation, the parking judge may, in addition to whatever fines are appropriate under the applicable fine schedule, impose the following sanctions:~~

~~(a) Suspension of permit parking privileges on campus for a specified time;~~

~~(b) Direct a report of the offense to be forwarded to the appropriate dean or administrative officer.))~~

NEW SECTION

WAC 478-116-525 ATTORNEY GENERAL AS ADVISOR. The attorney general of the state shall be the legal advisor to the presidents and the boards of regents and trustees of the institutions of higher education and shall institute and prosecute or defend all suits in behalf of the same.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-550 REGISTERED OWNER RESPONSIBLE FOR ILLEGAL PARKING. (1) Every person in whose name a vehicle is registered (licensed) shall be responsible for any parking of said vehicle and for all offenses other than moving violations under these regulations.

(2) It shall be no defense that said vehicle was illegally parked or used by another, unless it be shown that at such time said vehicle was being used without the consent of the registered (licensed) owner thereof (~~(-PROVIDED)~~), provided

(a) That the lessee of a commercially rented or leased vehicle alone shall be responsible for any parking of such vehicle and for all violations of these regulations committed while the vehicle is being leased or rented, if the registered (licensed) owner of such vehicle furnished the parking violations division with a copy of the renting or leasing contract stating the name and address of the renter or lessee.

(b) That the vehicle had earlier been reported stolen to a law enforcement agency.

AMENDATORY SECTION (Amending Order 76-3, filed 10/6/76)

WAC 478-116-586 IMPOUNDMENT OF ABANDONED VEHICLES. A vehicle not subject to impoundment under WAC 478-116-582 or 478-116-584 may be impounded after notice of such proposed impoundment has been securely attached to and conspicuously displayed on said vehicle for a period of twenty-four hours prior to such impoundment when such vehicle is abandoned as that term is defined in RCW (~~(46.52.102)~~) 46.55.100 as now or hereafter amended.

AMENDATORY SECTION (Amending Order 87-1, filed 7/28/87, effective 9/1/87)

WAC 478-116-600 FEES. The following schedule of parking fees is hereby established:

	PER	AMOUNT
(1) Type of permit -		
(a) Annual permits:		
(i) General	Year	((5240.00)) \$288.00
(ii) With reserve designator	Year	((480.00)) 576.00
(iii) Motorcycles, scooters and mopeds	Year	36.00
(iv) 24-Hour storage garage	Year	((300.00)) 360.00
(v) Drive through (full-time faculty and staff only)	Year	((8.00)) 24.00
(vi) Carpool		
: 2-person	Year	120.00
: 3 or more persons	Year	60.00
(vii) Retiree	Year	((96.00)) 115.20
(viii) Night permits (4:00 p.m. to 7:30 a.m.)	Year	((120.00)) 144.00

PER AMOUNT

PER AMOUNT

Note: Quarterly permits are prorated on the applicable annual rate.

(b) Other permits		
(i) Individual commuter ticket books (WAC 478-116-240(6) and 478-116-250(1)).		
: 10-Ticket booklet	((\$10.00))	\$15.00
: 25-Ticket booklet	((25.00))	37.50
(ii) Departmental commuter ticket books (guests)		
: 10-Ticket booklet	((20.00))	40.00
: 25-Ticket booklet	((50.00))	100.00
(iii) Departmental special visitor 5-ticket booklet	((25.00))	50.00
(iv) Short term permit		Annual Permit Rate
: Disabled student, employee		
: Conferences, workshops, seminars, continuing educ.		Daily/Evening Rate
(v) Departmental out-of-area permit	Each	24.00
(2) Special designators (in addition to the monthly parking rate)		
(i) "U" designator	Annual	((24.00)) 36.00
(ii) "US" designator	Annual	((+2.00)) 24.00
(iii) Additional area designator (max. of 2)	Annual	((+2.00)) 24.00
(iv) "SS" designator	Annual	((+2.00)) 24.00
(v) "Disability" Designator (for vehicles with state disability permits)	No charge	
(3) Gate issued		
(a) Hourly parking rates for designated areas on main campus and south campus (6:00 a.m. to 11:00 p.m. weekdays only)		
(i) 0-15 minutes	No charge	
(ii) 15 minutes to 30 minutes	((+1.00))	1.50
(iii) to 1 hour	((+1.50))	2.00
(iv) 1 hour to 2 hours	((+2.00))	2.50
(v) 2 hours to 3 hours	((+2.50))	3.00
(vi) over 3 hours	((+3.00))	4.00
((b) Daily Stadium area)		
(i) 0-15 minutes	No charge	
(ii) 15 minutes to 1 hour		1.00
(iii) 1 hour to 2 hours		1.50
(iv) over 2 hours		2.00
(c) Weekly permit	((7.00))	14.00
(d) Motorcycle permit	Daily	.50
(e) Carpool permit (certain designated areas for 2 or more persons)	Daily	.50-1.00
(f) Evening permits (4:00 p.m. to 7:30 a.m. weekdays)		
(i) 0-15 minutes	No charge	
(ii) 15 to 30 minutes	((.75))	1.00
(iii) over 30 minutes	((+1.50))	2.00
(g) Second car permit	Each	1.00
(4) Mechanically issued (Mechanically controlled parking areas as designated—parking meters, ticket dispensers, automatic gates, etc.)		((.50-.75)) 1.00-2.00
(5) Special event issued		
(a) Football and other stadium events in excess of 24,000 in attendance		
(i) Automobiles		
: 2 or more persons		6.00
: 1 person		9.00
(ii) Motorhomes		12.00
(iii) Buses		15.00
(b) All other events requiring special staffing		3.00
(6) Miscellaneous fees		
(a) Gate keycard replacement - not to exceed		5.00

(b) Vehicle gate keycard deposit (Amount to be set by parking division manager. Deposit will be returned to individual when keycard is returned to the parking division.) - not to exceed		10.00
(c) Permit replacement with signed certificate of destruction or theft		1.25

Note: The schedule above includes applicable Washington state sales tax.

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 89-09-044
ADOPTED RULES
STATE BOARD OF EDUCATION
[Order 9-89—Filed April 17, 1989]

Be it resolved by the State Board of Education, acting at the Library, Conference Room #1, Educational Service District No. 121, 12320 80th Avenue South, Seattle, that it does adopt the annexed rules relating to preschool accreditation, chapter 180-59 WAC.

This action is taken pursuant to Notice No. WSR 89-05-061 filed with the code reviser on February 15, 1989. 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.34-.120 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 March 31, 1989.

By Monica Schmidt
Secretary

Chapter 180-59 WAC
PRESCHOOL ACCREDITATION

WAC	
180-59-005	Authority.
180-59-010	Purpose.
180-59-015	Public policy purpose.
180-59-020	Preschool—Definition.
180-59-025	Accredited preschool—Definition.
180-59-030	Readiness skills—Definition.
180-59-032	Preschool age—Definition.
180-59-035	Public schools—Definition.
180-59-037	Nonpublic preschools—Definition.
180-59-040	Instructional staff—Definition.
180-59-045	General supervision—Definition.
180-59-047	Validation—Definition.
180-59-050	Basic standard—Health and safety.
180-59-055	Basic standard—Instructional personnel.
180-59-060	Basic standard—Special education—Nonpublic preschools.

180-59-065	Basic standard—Instructional staff-child ratio.
180-59-070	Basic standard—General staff qualifications.
180-59-075	Basic standard—Noncertificated instructional staff training.
180-59-080	Basic standard—Staff-parent communication.
180-59-090	Basic standard—Activities and curriculum.
180-59-095	Basic standard—Records.
180-59-100	Basic standard—Validator qualifications.
180-59-105	Accreditation procedures.
180-59-110	Responsibility for on-site validation of preschool programs.
180-59-115	Preparation for accreditation on-site validation.
180-59-120	Alternate procedure for validation for accreditation.
180-59-125	Issuance of accreditation by the state board of education.
180-59-130	Annual statement of assurances.
180-59-135	Loss of accreditation of a nonoperating preschool.
180-59-140	Accreditation—Annual statement of assurances and initial application—Exception.
180-59-145	Appeals.
180-59-150	Annual statement of assurances form.
180-59-155	Effective period of accreditation.
180-59-160	Renewal of accreditation.
180-59-165	Change of ownership or management.

NEW SECTION

WAC 180-59-005 **AUTHORITY.** The authority for this chapter is RCW 28A.34.120 which directs the state board of education to establish standards and procedures for voluntary accreditation of all public and nonpublic preschools.

NEW SECTION

WAC 180-59-010 **PURPOSE.** The purpose of this chapter is to set forth standards and procedures for voluntary accreditation of public and nonpublic preschools by the state board of education.

NEW SECTION

WAC 180-59-015 **PUBLIC POLICY PURPOSE.** The public policy purposes of preschool accreditation are:

- (1) Give parents and other consumers of preschool programs an indicator of the quality of preschool programs;
- (2) Promote the establishment of quality preschool programs;
- (3) Improve the quality of existing preschool programs; and
- (4) Give recognition to existing quality preschool programs.

NEW SECTION

WAC 180-59-020 **PRESCHOOL—DEFINITION.** As used in this chapter, the term "preschool" means educational programs that emphasize readiness skills where children of preschool age are enrolled on a regular basis for four hours per day or less.

NEW SECTION

WAC 180-59-025 **ACCREDITED PRESCHOOL—DEFINITION.** As used in this chapter, the term "accredited preschool" shall mean a preschool which has been accredited by the state board of education in accordance with the standards for accreditation as prescribed in this chapter.

NEW SECTION

WAC 180-59-030 **READINESS SKILLS—DEFINITION.** As used in this chapter, the term "readiness skills" shall mean the cognitive, communicative, emotional, physical, aesthetic, creative, and social skills which are appropriate to the child's developmental level.

NEW SECTION

WAC 180-59-032 **PRESCHOOL AGE—DEFINITION.** As used in this chapter, the term "preschool age" shall mean a child who has not yet entered kindergarten.

NEW SECTION

WAC 180-59-035 **PUBLIC SCHOOLS—DEFINITION.** As used in this chapter, the term "public schools" shall mean those schools maintained at public expense as defined in RCW 28A.01.055 and 28A.01.060.

NEW SECTION

WAC 180-59-037 **NONPUBLIC PRESCHOOLS—DEFINITION.** As used in this chapter, the term "nonpublic preschools" shall mean preschools not maintained at public expense, including, but not limited to, private or independent preschools carrying out a program for preschool.

NEW SECTION

WAC 180-59-040 **INSTRUCTIONAL STAFF—DEFINITION.** As used in this chapter, the term "instructional staff" shall mean certificated and noncertificated employees who are responsible for carrying out the instructional component of the preschool program.

NEW SECTION

WAC 180-59-045 **GENERAL SUPERVISION—DEFINITION.** As used in this chapter, the term "general supervision" means that one instructional staff person or administrator as defined in WAC 180-59-055 shall be available at the preschool site to observe and advise the instructional staff.

NEW SECTION

WAC 180-59-047 VALIDATION—DEFINITION. As used in this chapter, the term "validation" shall mean the process of substantiating or verifying the information provided by the preschool applying for accreditation.

NEW SECTION

WAC 180-59-050 BASIC STANDARD—HEALTH AND SAFETY. In order to be accredited, a public or nonpublic preschool must meet applicable federal, state, and local health and fire safety requirements. Nonpublic preschools not located in approved private schools, as defined in WAC 180-90-112 through 180-90-115, must meet current department of social and health services child daycare licensing requirements.

NEW SECTION

WAC 180-59-055 BASIC STANDARD—INSTRUCTIONAL PERSONNEL. In order to be an accredited preschool, the instructional staff must meet the following qualifications:

(1) One instructional staff person must hold a valid Washington state teaching certificate or educational staff associate certificate with at least one of the following:

(a) An early childhood education endorsement pursuant to WAC 180-79-340 or 180-79-342, or if issued prior to August 31, 1987, otherwise eligible for such endorsement.

(b) "Substantial professional training" in special education and/or "successful prior experience" as a special education teacher as defined in WAC 392-171-701.

(c) One year of full-time employment or equivalent—i.e., one thousand hours of employment—as a teacher in grades P-3.

(2) For each twenty-five students or fraction thereof enrolled in the preschool, there must be instructional staff who meet one of the following:

(a) The requirements of the instructional staff person as specified in subsection (1) of this section.

(b) An associate or higher degree in early childhood education from a regionally accredited institution of higher education.

(c) A certificate in early childhood education from a vocational-technical institute which reflects a minimum of one thousand clock hours of training.

(d) An associate or higher degree from a regionally accredited institution of higher education, and a certificate of early childhood education from a postsecondary institution, that represents at least one thousand clock hours of training for which a regionally accredited institution of higher education will grant credit.

(3) All other instructional staff, including associates or teaching aides, for the purpose of compliance with the instructional staff ratios in WAC 180-59-065, must meet one of the following:

(a) A child development associate credential recognized by the council for early childhood professional recognition, Washington, D.C.

(b) Completion of an OSPI approved secondary vocational program designed to prepare entry level early childhood personnel.

(c) Completed a training program consisting of forty or more clock hours within thirty calendar days of employment under the direct supervision of the instructional staff person specified in subsection (1) of this section or another person who meets the requirements of such instructional staff person.

NEW SECTION

WAC 180-59-060 BASIC STANDARD—SPECIAL EDUCATION—NONPUBLIC PRESCHOOLS. Nonpublic preschools may also apply, pursuant to WAC 392-171-496, for status as approved nonpublic agencies for the education of preschool handicapped children.

NEW SECTION

WAC 180-59-065 BASIC STANDARD—INSTRUCTIONAL STAFF—CHILD RATIO. At no time shall the instructional staff-child ratio fall below the following limits:

(1) Ages birth through 11 months: One instructional staff person (as defined in WAC 180-59-040) to every 4 children;

(2) Ages 12 through 29 months: One instructional staff person to every 6 children;

(3) Ages 30 through 47 months: One instructional staff person to every 8 children; and

(4) Ages 48 months and above: One instructional staff person to every 10 children;

(5) In multiage or family groupings, ages 30 to 60 months: One instructional staff person to every 10 children;

(6) At least two adults shall be present at all times to ensure that one adult is available to respond to an emergency while the other continues oversight of other children.

NEW SECTION

WAC 180-59-070 BASIC STANDARD—GENERAL STAFF QUALIFICATIONS. To be accredited, a preschool shall be staffed by persons who:

(1) Demonstrate appropriate personal characteristics for working with young children as defined in WAC 180-75-081; and

(2) Have undergone a background check through the Washington state patrol criminal identification system, including fingerprinting, as provided in chapter 486, Laws of 1987. The background check shall not be made at the expense of the state.

NEW SECTION

WAC 180-59-075 BASIC STANDARD—NON-CERTIFICATED INSTRUCTIONAL STAFF TRAINING. To be accredited, a preschool program which employs noncertificated instructional staff shall employ staff who meet the conditions in WAC 180-59-055 (2) and (3), and:

(1) Have at least ten clock hours annually of inservice training in early childhood education.

(2) Must be at least sixteen years of age.

(3) Meet the character requirements in WAC 180-59-070 and 180-75-081.

NEW SECTION

WAC 180-59-080 BASIC STANDARD—STAFF-PARENT COMMUNICATION. To be accredited, a preschool shall:

(1) Provide initial written information concerning the school's program, philosophy, and procedures to parent(s) or primary care provider(s) of children enrolled;

(2) Provide for an initial meeting with parent(s) or primary care provider(s) of enrollees to discuss parent/staff expectations and to allow the parent(s) or primary care provider(s) to share any special information about the child; and

(3) Provide meaningful regular reports to the parent(s) or primary care provider(s) on at least a monthly basis, verbally or in writing containing pertinent information about the child's activities, development, problems, etc., in the preschool program.

NEW SECTION

WAC 180-59-090 BASIC STANDARD—ACTIVITIES AND CURRICULUM. In order to be accredited, preschools must meet the following basic standards:

(1) Preschool activities and curriculum shall be designed to be developmentally appropriate and meet the specific needs of the children enrolled in the area of the children's physical, social, emotional, aesthetic, creative, communicative, and cognitive growth.

(2) Materials, equipment, and environment of the preschool shall be appropriate to the ages of the children enrolled and meet the specific needs of those children.

NEW SECTION

WAC 180-59-095 BASIC STANDARD—RECORDS. In order to be accredited, a preschool shall, at a minimum, keep the following records, which shall be available upon request to the superintendent of public instruction:

(1) For each child, necessary family information, emergency information, attendance, health status, and school progress;

(2) For each staff member, current job description, compensation level, experience educational qualifications, training, health information, and evaluation of work performance;

(3) Written policies and procedures for operation, statement of philosophy and program description including school calendar, hours of operation, fees, parent responsibilities, personnel policies, and school guidance and disciplinary policies for children;

(4) Fiscal records including documentation of income, expenditures, budgeting and financial planning, liability insurance for the program and facility, and accident

protection and insurance coverage maintained for children and staff; and

(5) Measures have been taken to safeguard all permanent records in a confidential manner and protect against loss or damage through either the storage of such records in fire-resistant containers or facilities, or the retention of duplicates in a separate and distinct area.

NEW SECTION

WAC 180-59-100 BASIC STANDARD—VALIDATOR QUALIFICATIONS. In order to be an on-site validator, a person shall meet one of the following qualifications:

(1) Possess a valid teaching certificate which bears an early childhood education endorsement (grades P-3) pursuant to WAC 180-79-340, or have completed a two-year or four-year degree program in early childhood education.

(2) Have at least three years (2160 contact hours) working directly with children ages five years or younger in group programs, and one year (720 hours) administering group programs for children.

(3) Have been trained as an assessor or validator by a state or national early childhood education training program or by a professional organization of early childhood educators.

NEW SECTION

WAC 180-59-105 ACCREDITATION PROCEDURES. Accreditation of preschool programs shall be granted by the state board of education upon successful completion of the procedure described below:

(1) The forms developed by the superintendent of public instruction shall be used by the applying preschool for self-study regarding basic standards described in this chapter. The self-study forms shall be completed prior to an on-site visit by the accreditation validator(s).

(2) The superintendent of public instruction validation forms shall be used for the on-site visit by the accreditation validator(s).

(3) Review and clarify, with the on-site program administrator, the validation results at the conclusion of the on-site visit.

(4) Following the on-site validation visit, the validator shall submit to the superintendent of public instruction the following:

(a) Self-study from the applying preschool; and

(b) The signed statement of assurances in WAC 180-59-150; and

(c) The validation report prepared by the on-site validator.

(5) After reviewing the self-study, statement of assurances, and additional documents submitted by the validator, the superintendent of public instruction shall:

(a) Recommend to the state board of education that the preschool receive accreditation;

(b) Recommend to the state board of education that the preschool receive conditional accreditation based upon conditions stated in WAC 180-59-150;

(c) Issue a report to the preschool seeking accreditation outlining conditions which, if corrected within sixty days and verified by the superintendent of public instruction, shall result in a positive recommendation to the state board of education and that, if not corrected, shall result in a recommendation for denial of accreditation; or

(d) Recommend to the state board of education that the preschool be denied accreditation.

NEW SECTION

WAC 180-59-110 RESPONSIBILITY FOR ON-SITE VALIDATION OF PRESCHOOL PROGRAMS. The preschool applicant shall have the responsibility of obtaining on-site validator(s) to conduct an on-site validation of the preschool program for purposes of determining eligibility for accreditation under this chapter. It is the responsibility of the preschool to meet the following conditions:

(1) The length of the validation shall be at least one day.

(2) The validator(s) shall meet the qualifications described in WAC 180-59-100.

(3) Fees, if any, charged for the on-site validation shall be the responsibility of the applying preschool.

NEW SECTION

WAC 180-59-115 PREPARATION FOR ACCREDITATION ON-SITE VALIDATION. In order to be accredited, a preschool must meet the following conditions:

(1) Prior to an on-site validation, preschool staff shall complete the self-study using the standards in WAC 180-59-050 through 180-59-095 and shall return completed self-study forms to the superintendent of public instruction.

(2) After reviewing the self-study forms, the superintendent of public instruction shall notify the applying preschool of permission to proceed with the on-site review.

(3) The validator(s) chosen for the on-site visit shall review the completed forms and establish with the preschool a mutually agreeable date for the visit.

(4) The validator(s) shall provide the preschool with a written confirmation of the on-site validation date and a proposed schedule of activities.

NEW SECTION

WAC 180-59-120 ALTERNATE PROCEDURE FOR VALIDATION FOR ACCREDITATION. As an alternative to the validation procedures outlined in WAC 180-59-100 through 180-59-115, a preschool may, at its discretion and expense, choose to apply to the National Academy of Early Childhood Programs for accreditation validation. Successful completion of such process shall be accepted by the superintendent of public instruction as validation for accreditation under this chapter. A copy of the NAEYC accreditation certificate and the statement of assurances in WAC 180-59-150 shall be submitted to the superintendent of public instruction by the applying preschool.

NEW SECTION

WAC 180-59-125 ISSUANCE OF ACCREDITATION BY THE STATE BOARD OF EDUCATION. Upon completion of the review of the preschool self-study, validator's report, if applicable, and signed statement of assurances in WAC 180-59-150, a recommendation shall be submitted by the superintendent of public instruction to the state board of education on forms provided for such purpose. On the basis of this recommendation the state board of education shall approve or deny accreditation to the applicant preschool.

(1) The state board of education shall issue a certificate of accreditation to a qualifying preschool upon receipt of a positive recommendation by the reviewing agency. Said accreditation shall be effective for three years from date of issuance.

(2) The state board of education shall send a written denial of accreditation, including the specific basis for denial, to a preschool for which a recommendation for accreditation has been denied by the reviewing agency: PROVIDED, That such preschool shall be eligible for an accreditation validation six months from the date the state board received the recommendation for denial of accreditation.

NEW SECTION

WAC 180-59-130 ANNUAL STATEMENT OF ASSURANCES. On or before September 30th, each accredited preschool shall file with the superintendent of public instruction, in accordance with procedures established by the superintendent of public instruction, an annual statement of assurances in the form and substance set forth in WAC 180-59-150. Failure to file this statement will result in a suspension in the accreditation of the preschool until the statement of assurances is received by the superintendent of public instruction.

NEW SECTION

WAC 180-59-135 LOSS OF ACCREDITATION OF A NONOPERATING PRESCHOOL. An accredited preschool which does not have students enrolled for six consecutive calendar months and which fails to provide evidence of student enrollment upon request of the superintendent of public instruction for the said period of time shall lose its accreditation status.

NEW SECTION

WAC 180-59-140 ACCREDITATION—ANNUAL STATEMENT OF ASSURANCES AND INITIAL APPLICATION—EXCEPTION. Any preschool which is unable to file its application on September 30th may in any event request that the superintendent of public instruction review the application and that the superintendent's findings and recommendations be submitted to the state board of education. This request shall be granted if the superintendent finds that the preschool was not sufficiently developed prior to the September 30th due date to enable it to comply with that requirement. The superintendent of public instruction shall have the discretion to grant the request in other exceptional

circumstances. If said request is granted, the review shall be completed within sixty days and the findings and recommendations presented to the state board of education.

NEW SECTION

WAC 180-59-145 APPEALS. Pursuant to RCW 28A.34.120 any preschool may appeal the actions of the superintendent of public instruction or state board of education as provided in chapter 34.04 RCW and chapter 180-08 WAC.

NEW SECTION

WAC 180-59-150 ANNUAL STATEMENT OF ASSURANCES FORM. The annual certificate required by WAC 180-59-130 shall be in substantial compliance with the form and substance of the following:

ASSURANCE OF COMPLIANCE WITH STATE STANDARDS

Preschool Address

I,, do hereby certify that I am the chief administrator of the above named school; that said school is located at the address listed above, and conducts a preschool program with a projected enrollment of; and that said school is scheduled to meet from to, the following standards with the exception only of such deviations, if any, as are set forth in an attachment to this certificate of compliance.

On each school day, children enrolled in the preschool are provided the opportunity to be engaged in educational activity planned by and under direction of the staff; as directed by the administration and/or governing board; and that children are provided a program offering as described in WAC 180-59-090.

(1)(a) At least one teacher who meets the requirements set forth in WAC 180-59-055 is on the instructional staff of the preschool;

(b) The supervisory person is available for consultation with instructional staff, as required by WAC 180-59-045; and

(c) Each child's progress is evaluated by the supervisory person.

(2) Measures have been taken to safeguard all permanent records in a confidential manner and protect against loss or damage through either the storage of such records in fire-resistant containers or facilities, or the retention of duplicates in a separate and distinct area, as required by WAC 180-59-095;

(3) The physical facilities of the school are adequate to meet the program offered, and all school facilities and practices are in compliance with health and fire safety standards in WAC 180-59-050, as substantiated by inspection reports of appropriate health and fire safety officials which are on file in the chief administrator's office.

(4) The school does not engage in a policy of segregation or discrimination against persons on basis of race, physical disability etc.

(5) The governing authority of this preschool has been apprised of the requirements of WAC 180-59-005 through 180-59-165 relating to the requirements for accreditation of preschools and such governing authority has further been apprised of all deviations from the rules and regulations of the state board of education and the standards contained in this chapter. I have reported all such deviations herewith.

(6) The self-study forms of the superintendent of public instruction have been validated by an on-site visit by a qualified validator as described in WAC 180-59-100 through 180-59-115; or through the alternate procedure in WAC 180-59-120.

DATED this day of, 19...

.....
(signed)
.....
(title)
.....
(phone number)

NEW SECTION

WAC 180-59-155 EFFECTIVE PERIOD OF ACCREDITATION. Accreditation of a preschool under this chapter shall be effective for three years from the date on which the preschool is accredited by the state board of education.

NEW SECTION

WAC 180-59-160 RENEWAL OF ACCREDITATION. Three months prior to the end of each three-year accreditation period, an accredited preschool shall complete an application for a three-year renewal of accreditation on forms provided by the superintendent of public instruction. Renewal shall be granted upon successful completion of the procedures outlined in WAC 180-59-100 through 180-59-120.

NEW SECTION

WAC 180-59-165 CHANGE OF OWNERSHIP OR MANAGEMENT. An accredited preschool which changes ownership or management subsequent to receiving accreditation and prior to time for renewal shall, within thirty days, submit a new statement of assurances to the superintendent of public instruction. Upon receipt of the statement of assurances, the superintendent of public instruction may require additional information.

WSR 89-09-045
PROPOSED RULES
GAMBLING COMMISSION
[Filed April 18, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State

Gambling Commission intends to adopt, amend, or repeal rules concerning the amending of WAC 230-02-030;

that the agency will at 10:00 a.m., Friday, June 16, 1989, in the Sheraton Hotel, Spokane, 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 9.46.070(14).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 16, 1989.

Dated: April 18, 1989

By: Frank L. Miller

Deputy Director

STATEMENT OF PURPOSE

Title: Amending WAC 230-02-030 Address of commission.

Description of Purpose: Sets forth the new address of the commission.

Statutory Authority: RCW 9.46.070(14).

Summary of Proposed Rules and Reasons Supporting Action: Amendment is necessary because of new location of agency headquarters.

Agency Personnel Responsible for Drafting, Implementing, and Enforcing the Rules: Ronald O. Bailey, Director and Frank L. Miller, Deputy Director, 4511 Woodview Drive S.E., Lacey, WA 98504-8121, 585-7640 scan, 438-7640 comm.

Proponents and Opponents: Gambling Commission staff proposes this rule amendment.

Agency Comments: The agency believes the proposed amendment is self-explanatory and needs no further comment.

This amendment was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: This agency has determined there may be an economic impact upon a certain number of licensees administered by this agency by the adoption of this amendment.

AMENDATORY SECTION (Amending Order 136, filed 9/13/83)

WAC 230-02-030 ADDRESS OF COMMISSION. Unless specifically provided elsewhere in these rules, applications for licenses, submission of materials or requests for notices or information of any kind, may be made by addressing correspondence to:

Washington State Gambling Commission
(~~Jefferson Building~~
~~1110 South Jefferson~~
~~Olympia, Washington 98504~~)
4511 Woodview Drive S.E.
Lacey, Washington 98504-8121.

WSR 89-09-046

PROPOSED RULES

GAMBLING COMMISSION

[Filed April 18, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State

Gambling Commission intends to adopt, amend, or repeal rules concerning the amending of WAC 230-04-201;

that the agency will at 10:00 a.m., Friday, May 12, 1989, in Nendel's, Bellingham, 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 9.46.070 (6) and (14).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 12, 1989.

This notice is connected to and continues the matter in Notice No. WSR 89-05-064 filed with the code reviser's office on February 15, 1989.

Dated: April 18, 1989

By: Frank L. Miller

Deputy Director

WSR 89-09-047

ADOPTED RULES

GAMBLING COMMISSION

[Order 190—Filed April 18, 1989—Eff. July 1, 1989]

Be it resolved by the Washington State Gambling Commission, acting at Seattle, Washington, that it does adopt the annexed rules relating to new sections WAC 230-02-155, 230-02-160, 230-02-161, 230-02-163, 230-02-166, 230-02-169, 230-02-173, 230-02-176, 230-02-179, 230-02-182, 230-02-185, 230-02-188, 230-02-191, 230-04-005, 230-04-022, 230-04-024, 230-04-035, 230-04-040, 230-04-064, 230-08-122 and 230-12-060; amending WAC 230-04-010, 230-04-020, 230-04-065, 230-04-190, 230-08-095, 230-08-120, 230-08-125, 230-12-020 and 230-20-064; and repealing WAC 230-04-050, 230-04-060 and 230-04-061.

This action is taken pursuant to Notice No. WSR 89-05-064 filed with the code reviser on February 15, 1989. These rules shall take effect at a later date, such date being July 1, 1989.

This rule is promulgated pursuant to RCW 9.46.070 (7), (8), (9), (10), (14), (19) and (20) 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 April 14, 1989.

By Frank L. Miller
Deputy Director

Reviser's note: The material contained in this filing will appear in the 89-10 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 89-09-048**NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE**

[Memorandum—April 17, 1989]

The May 9, 1989, board meeting has been changed to May 16, 1989. Time and place for the meeting remain the same, Tuesday at 2:00 p.m. in the Board Room in the Laidlaw Center, 237 West Kellogg Road, Bellingham, WA 98226.

WSR 89-09-049**PROPOSED RULES
DEPARTMENT OF FISHERIES**

[Filed April 18, 1989]

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 recreational license stamp set sales.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 23, 1989.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.230 [(1)](d).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 23, 1989.

Dated: April 18, 1989

By: Joseph R. Blum
Director**STATEMENT OF PURPOSE**

Title: WAC 220-55-200 Sale of recreational license stamp collector sets.

Description of Purpose: Provide for sale of outdated license stamps.

Statutory Authority: RCW 75.08.080.

Summary of Rule and Reasons Supporting Proposed Action: The department produces license stamps for validation of personal use anglers' recreational license forms. This rule provides for sale for outdated license stamps.

Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, WA, 586-2429; Implementation: Carol B. Felton, 115 General Administration Building, Olympia, WA, 753-6517; 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.

NEW SECTION

WAC 220-55-200 SALE OF RECREATIONAL LICENSE STAMP COLLECTOR SETS. (1) The department will sell collector sets of recreational license stamps to individuals on a first-come first-serve basis.

(2) Each recreational license stamp collector set will include all recreational license stamps issued by the department for one year.

(3) The first available year for recreational license stamp collector sets is 1978. Recreational license stamp collector sets are not available for the current year.

(4) Once the inventory for a year has been completely used, no further sets for that year will be available.

(5) The cost of each recreational license stamp collector set is five dollars.

WSR 89-09-050**PROPOSED RULES
INSURANCE COMMISSIONER**

[Filed April 18, 1989]

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 amending the Medicare supplemental health insurance regulation to comply with requirements of the Health Care Financing Administration for certification of Medicare supplemental insurance policies issued for delivery in this state, to require all insurers to file the annual adjustment notice form prior to use in Washington, to correct the annual adjustment notices to be used in 1990 and 1991 so that they conform to the NAIC Medicare supplement model rule, and to provide for uniform reporting of loss ratio experience;

that the agency will at 9:30 a.m., Tuesday, May 23, 1989, in the Conference Room, Office of the Insurance Commissioner, Insurance 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 Wednesday, May 24, 1989, at 2:00 p.m., Office of the Insurance Commissioner.

The authority under which these rules are proposed is RCW 48.02.060 (3)(a) and 48.66.050.

The specific statute these rules are intended to implement is RCW 48.66.041, 48.66.070 and 48.66.100(3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 23, 1989. Mailing Address: Insurance Building, AQ-21, Olympia, Washington.

Dated: April 17, 1989

By: Melodie Bankers
Deputy Commissioner**STATEMENT OF PURPOSE**

Title: Amending chapter 284-55 WAC, pertaining to Medicare supplemental health insurance.

Purpose: The purposes of the proposed amendments are to meet the requirements of the Health Care Financing Administration for certification of Medicare supplemental insurance policies issued for delivery in this state, to require all insurers to file their form of annual adjustment notice with the commissioner prior to

use in Washington, to correct the annual adjustment notice forms for use in 1990 and 1991 so that they conform to the NAIC Medicare Supplement Model Act and rule, and to provide for uniform reporting of loss ratio experience.

Statutory Authority: RCW 48.02.060 and 48.66.050.

Reasons in Support of the Proposed Action: A portion of this rule, amending WAC 284-55-035 (1)(b), is required by the federal Health Care Financing Administration which, through the Supplemental Health Panel, has authority to certify Medicare supplement insurance policies in this state. In addition, changes to WAC 284-55-170 through 284-55-177 are required to bring chapter 284-55 WAC into conformity with the NAIC Medicare Supplement Model Act and rule, as amended. Standardized reporting of loss ratio experience will enable the commissioner to more efficiently and effectively administer the requirements of chapter 48.66 RCW and chapter 284-55 WAC.

Agency Personnel Responsible: Melodie Bankers, a deputy insurance commissioner, is responsible for the drafting of the proposed amendments to chapter 284-55 WAC under the supervision of Robert E. Johnson, Deputy Commissioner for consumer protection. These amendments to the Medicare supplemental insurance regulation 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 chief Deputy Insurance Commissioner, David H. Rodgers. The address of each is: Insurance Building, AQ-21, Olympia, Washington 98504. The telephone number of each is (206) 753-7300.

Agency Proposing the Rule: These amendments are proposed by Dick Marquardt, the Insurance Commissioner, a state public official.

Rule Necessary as the Result of Federal Law or Federal or State Court Action: Some of the proposed changes are necessary as a result of federal law, as indicated above, Medicare Catastrophic Coverage Act of 1988. A copy of the complete act is on file in the Insurance Commissioner's Office. The changes are not necessary as the result of federal or state court action.

Small Business Economic Impact Statement: Insurers large and small will be equally affected by implementation of these amendments to chapter 284-55 WAC. Only the reporting form for loss ratios will require more than minimal additional expense on the part of insurers who choose to offer Medicare supplement insurance policies. The loss ratio reporting form will enable insurers to better track their expense and claims experience for reporting data not only in this state but in other states as well. The information required to be included in the loss ratio experience report is that which is reasonably necessary to comply with the loss ratio requirements of chapters 284-55 and 284-60 WAC. The cost per employee or per hour of labor for small and large insurers is estimated to be zero.

AMENDATORY SECTION (Amending Order R 88-9, filed 11/1/88)

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 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 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 rehabilitative 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 88-9, filed 11/1/88)

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. The form of outline shall be filed with the commissioner prior to use in this state.

(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 88-9, filed 11/1/88)

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 description of supplemental benefits, including dollar amounts, provided by the Medicare supplement coverage in the following order:)

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/ outpatient services		
Medical supplies other than prescribed drugs		
B. BLOOD		
C. MAMMOGRAPHY SCREENING		
D. OUT-OF-POCKET MAXIMUM		
E. PRESCRIPTION DRUGS		
III. Parts A & B		
Home health services		
IV. Miscellaneous		
A. Home intravenous (IV) therapy drugs		
B. Immunosuppressive drugs		
C. Respite care benefits		
IN ADDITION TO THIS OUTLINE OF COVERAGE, <u>(INSURANCE COMPANY NAME)</u> 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) (The following chart((s)) shall accompany the outline of coverage and the form thereof shall be filed with the commissioner prior to use in this state:)

**Part A
MEDICARE BENEFITS IN**

<u>SERVICES</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>
PART A				
Inpatient Hospital Services:	All but \$540 for first 60 days/benefit period	All but [\$564] deductible for an unlimited number of days/calendar year	All but Part A deductible for an unlimited number of days/calendar year	All but Part A deductible for an unlimited number of days/calendar year
Semi-Private Room & Board	All but \$135 a day for 61st-90th days/benefit period			
Miscellaneous Hospital Services & Supplies, such as Drugs, X-rays, Lab Tests & Operating Room	All but \$270 a day for 91st-150th days (if the individual chooses to use 60 nonrenewable lifetime reserve days)			
	Nothing beyond 150 days			
Skilled Nursing Facility Care	100% of costs for 1st 20 days (after a 3 day prior hospital confinement) All but \$67.50 a day for 1st-100th days Nothing beyond 100 days	80% of Medicare reasonable costs for first 8 days per calendar year w/out prior hospitalization requirement 100% of costs thereafter up to 150 days/calendar year	80% for 1st 8 days/calendar year 100% for 9th-150th day/calendar year	80% for 1st 8 days/calendar year 100% for 9th-150th day/calendar year
Blood	Pays all costs except nonreplacement fees (blood deductible) for first 3 pints in <u>each benefit period</u>	Pays all costs except payment of deductible (equal to costs for first 3 pints) <u>each calendar year</u> . Part A blood deductible reduced to the extent paid under Part B	All but blood deductible (equal to costs for first 3 pints)	All but blood deductible (equal to costs for first 3 pints)

Part B
MEDICARE BENEFITS IN

Service	1988	1989	1990	1991
Parts A & B:				
Home Health Services	Intermittent skilled nursing care and other services in the home (daily skilled nursing care for up to 21 days or longer in some cases)--100% of covered services and 80% of durable medical equipment under both Parts A & B	Same as '88	Intermittent skilled nursing care for up to 7 days a week for up to 38 days allowing for continuation of services under unusual circumstances; other services, --100% of covered services and 80% of durable medical equipment under both Parts A & B	Same as '90
PART B				
Medical Expense: Services of a Physician/Outpatient Services	80% of reasonable charges after an annual \$75 deductible	80% after annual \$75 deductible	80% of reasonable charges after \$75 annual deductible until out-of-pocket maximum is reached. 100% of reasonable charges are covered for remainder of calendar year	Same as '90
Medical Supplies Other than Prescribed Drugs				
Blood	80% of costs except nonreplacement fees (blood deductible) for 1st 3 pints in each benefit period after \$75 deductible	Pays 80% of all costs except payment of deductible (equal to costs for first 3 pints) <u>each calendar year</u>	Same as '89	Same as '89
Mammography Screening			80% of approved charge for elderly and disabled Medicare beneficiaries - exams available every other year for women 65 & over	Same as '90
Out-of-Pocket Maximum			\$1,370 consisting of Part B \$75 deductible, Part B blood deductible and 20% co-insurance	\$1,370--will be adjusted annually by Secretary of Health and Human Services
Outpatient Prescription Drugs			There is a \$550 total deductible applicable to home IV drug and immunosuppressive drug therapies as noted below	Covered after \$600 deductible subject to 50% co-insurance

Part B
 MEDICARE BENEFITS IN
 (cont'd)

Service	1988	1989	1990	1991
PART B				
Home IV- Drug Therapy			80% of IV therapy drugs subject to \$550 deductible (deductible waived if home therapy is a continuation of therapy initiated in a hospital)	80% of IV therapy drugs subject to standard drug deductible (deductible waived if home therapy is a continuation of therapy drugs initiated in a hospital)
Immunosuppressive Drug Therapy	80% of costs during 1st year following a covered organ transplant (no special drug deductible; only the regular Part B deductible)	Same as '88	Same as '88 for 1st year following covered transplant; 50% of costs during 2nd and following years (subject to \$550 deductible)	Same as '90 (subject to \$600 deductible)
Respite Care Benefit			In-home care for chronically dependent individual covered for up to 80 hours after either the out-of-pocket limit or the outpatient drug deductible has been met	Same as '90

Part A
MEDICARE BENEFITS IN

<u>Service</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>
PART A				
Inpatient Hospital Services:	All but \$540 for first 60 days/benefit period	All but \$560 deductible for an unlimited number of days/calendar year	All but Part A deductible for an unlimited number of days/calendar year	All but Part A deductible for an unlimited number of days/calendar year
Semi-Private Room & Board	All but \$135 a day for 61st - 90th day/benefit period			
Miscellaneous Hospital Services & Supplies, such as Drugs, X-Rays, Lab Tests & Operating Room	All but \$270 a day for 91st - 150th days (if the individual chooses to use 60 nonrenewable lifetime reserve days) per benefit period			

Skilled Nursing Facility Care	100% of costs for for 1st 20 days (after 3-day prior hospital confinement)	80% of Medicare reasonable costs for first 8 days per calendar year without prior hospitalization requirement	80% for 1st 8 days/calendar year	80% for 1st 8 days/calendar year
	All but \$67.50 a day for 1st - 100th days			
	Nothing beyond 100 days	100% of costs thereafter up to 150 days/calendar year	100% for 9th-150th day/calendar year	100% for 9th-150th day/calendar year

Blood	Pays all costs except nonreplacement fees (blood deductible) for for first 3 pints in <u>each benefit period</u>	Pays all costs except payment of deductible (equal to costs for first 3 pints) <u>each calendar year</u> .	All but blood deductible (equal to costs for first 3 pints)	All but blood deductible (equal to costs for first 3 pints)
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Part A blood deductible reduced to the extent paid under Part B.

Part B
 MEDICARE BENEFITS IN

<u>Service</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>
Parts A & B:				
Home Health Services	Intermittent skilled nursing home care and other services in the home (daily skilled nursing care for up to 21 days or longer in some cases) -- 100% of covered services and 80% of durable medical equipment under both Parts A & B (same 1988 and 1989)		Intermittent skilled nursing care for up to 7 days a week for up to 38 days allowing for continuation of services under unusual circumstances -- other services, -- 100% of covered services and 80% of durable medical equipment under both Parts A & B (same 1990 & 1991)	

PART B

Medical Expense: Services of a Physician/Out-patient Services -- Medical Supplies Other than Prescribed Drugs	80% of reasonable charges after an annual \$75 deductible	80% after \$75 deductible	80% of reasonable charges after \$75 deductible until out-of-pocket maximum is reached. 100% of reasonable charges are covered for the remainder of the calendar year. (same 1990 and 1991)
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Blood	80% of costs except non-replacement fees (blood deductible) for 1st 3 pints in <u>each benefit period</u> after \$75 deductible	Pays 80% of all costs except payment of deductible (equal to costs for first 3 pints) <u>each calendar year</u> (same 1989, 1990 and 1991)
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Mammography Screening	80% of approved charge for elderly and disabled Medicare beneficiaries -- exams available every other year for women age 65 and older (same 1990 and 1991)
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Out-of-Pocket Maximum	\$1,370 consisting of Part B \$75 deductible, Part B blood deductible and 20% co-insurance. (same 1990 & 1991, except \$1,370 will be adjusted annually by Sec. Health & Human Services.
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Part B
MEDICARE BENEFITS IN

<u>Service</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>
Outpatient Prescription Drugs			There is a \$550 total deductible for home IV drug and immunosuppressive drug therapies as noted below	Covered after \$600 deductible subject to 50% co-insurance

Home IV Drug Therapy			80% of IV therapy drugs subject to \$550 deductible (deductible waived if home therapy is a continuation of therapy initiated in a hospital)	80% of IV therapy drugs subject to standard drug deductible (deductible waived if home therapy is a continuation of therapy initiated in a hospital)
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Immunosuppressive Drug Therapy	80% of costs during 1st year following a covered organ transplant (no special drug deductible -- only the regular Part B deductible) (same benefit 1988 and 1989)		Same as 1988 & 1989 for 1st year following covered transplant; then 50% of costs during 2nd and following years (subject to \$550 deductible in 1990, \$600 in 1991)	
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Respite Care Benefit			In-home care for chronically dependent individual covered for up to 80 hours after either the out-of-pocket limit or the outpatient drug deductible has been met (same in 1990 and 1991)	
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(6) (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.

(7) (An explanation of such terms as "usual and customary," "reasonable and customary," or words of similar import, if used in the policy.)

(8) 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) 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.
(9) A description of policy provisions respecting renewability or continuation of coverage, including any reservation of rights to change premium.
(10) The amount of premium for this policy.

.....
(Insurer's Name)
By Date
.....
(Agent's or Officer's Signature)

(Drafting note. 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 88-9, filed 11/1/88)

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. The form shall be filed with the commissioner prior to use in this state.

(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 88-9, filed 11/1/88)

WAC 284-55-115 STANDARDS FOR LOSS RATIOS. (1) Medicare supplement insurance policies shall return to policyholders in the form of aggregated benefits under such 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 in accordance with accepted actuarial principles. 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. The form for filing this information is provided at WAC 284-55-205 through 284-55-210.

(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 for the third policy year, greater than or equal to the applicable percentage, shall be demonstrated for policies or certificates in force less than three years. The applicable percentage shall be as defined in subsection (6), (7), or (8) of this section.

(d) Similar policy forms shall be grouped together according to the rules set forth in WAC 284-60-040.

(e) The commissioner may consider additional criteria including, but not limited to:

- (i) Equitable treatment of policyholders; and
(ii) The amount of policy reserves as defined for the insurer's statutory annual statement.

(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 seventy percent or more of the earned premium charged individual subscribers, or eighty percent or more 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.

AMENDATORY SECTION (Amending Order R 88-9, filed 11/1/88)

WAC 284-55-150 FILING REQUIREMENTS AND PREMIUM ADJUSTMENTS. (1) For Medicare supplement insurance (~~policy forms~~) policies initially sold to residents of this state on or after January 1, 1989:

(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 insurance 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 insured 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 changes required by the Medicare Catastrophic Coverage Act of 1988, 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 renewal or 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 renewal or 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.

AMENDATORY SECTION (Amending Order R 88-9, filed 11/1/88)

WAC 284-55-160 ANNUAL ADJUSTMENT NOTICE TO CONFORM EXISTING MEDICARE SUPPLEMENT POLICIES TO MEDICARE CHANGES. No later than thirty days prior to the annual effective date of changes required by the Medicare Catastrophic Coverage Act of 1988, 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. For the years 1989 and 1990, and in 1990 only if outpatient prescription drugs are covered by the policy or contract, such notice shall be substantially in the format prescribed by the commissioner at WAC 284-55-165 through (~~284-55-175~~) 284-55-177. 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. The forms of annual adjustment notices provided to residents of this state shall be filed with the commissioner prior to use.

(1) 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 insurance policy.

(2) Such notice shall inform each covered person as to when any premium adjustment due to changes in Medicare benefits will be made.

(3) 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.

(4) Such notice shall not contain or be accompanied by any solicitation.

NEW SECTION

WAC 284-55-172 FORM OF ANNUAL ADJUSTMENT NOTICE—POLICY CHANGES EFFECTIVE JANUARY 1, 1990.

(COMPANY NAME)

NOTICE OF 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.)

<u>MEDICARE BENEFITS</u>		<u>YOUR MEDICARE SUPPLEMENT COVERAGE</u>	
	Effective January 1, 1990, Medicare Will Pay Per Calendar Year	Your Coverage Now Pays Per Calendar Year	Effective January 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

MEDICARE PART B: SERVICES AND SUPPLIES

80% of allowable charges (after \$75.00 deductible)

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.

MEDICARE BENEFITS

YOUR MEDICARE SUPPLEMENT COVERAGE

	Effective January 1, 1990, Medicare Will Pay Per Calendar Year	Effective January 1, 1991, Medicare Will Pay Per Calendar Year	Your Coverage Now Pays Per Calendar Year	Your Coverage Will Pay Per Calendar Year
Medicare Now Pays Per Calendar Year				

PRESCRIPTION DRUGS

<u>Inpatient pre-scription drugs.</u>	<u>Inpatient prescrip-tion drugs.</u>
80% of allowable charges for immunosuppressive therapy drugs during the first year following covered trans-plant.	80% of allowable charges for home intravenous (IV) therapy drugs and 50% of allowable charges for immunosuppressive drugs after \$550.00 (in 1990) calendar year deductible is met.

- * Expenses that you must pay out-of-pocket and that count toward the Part B Medicare Catastrophic Limit include: The Part B deductible and copayment charges and the Part B blood deductible charges.

(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 284-55-177 FORM OF ANNUAL ADJUSTMENT NOTICE—POLICY CHANGES EFFECTIVE JANUARY 1, 1991.

(COMPANY NAME)

NOTICE OF 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

	Effective January 1, 1991, Medicare Will Pay Per Calendar Year	Effective January 1, 1991, Medicare Will Pay Per Calendar Year	Your Coverage 1991, Your Coverage Now Pays Per Calendar Year	Your Coverage Will Pay Per Calendar Year
Medicare Now Pays 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

MEDICARE BENEFITS

YOUR MEDICARE SUPPLEMENT COVERAGE

	Effective January 1, 1991, Medicare Will Pay Per Calendar Year	Effective January 1, 1991, Medicare Will Pay Per Calendar Year	Your Coverage 1991, Your Coverage Now Pays Per Calendar Year	Your Coverage Will Pay Per Calendar Year
Medicare Now Pays Per Calendar Year				

First 8 days – All but (\$.....) a day

9th through 150th day — 100% of costs

beyond 150 days – Nothing

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 annually.

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 1991 is (\$.....) and will be adjusted annually.

PRESCRIPTION DRUGS

Inpatient pre-scription drugs. 80% of allowable charges for home IV therapy drugs and 50% of allowable charges for immunosuppressive drugs, after a \$550 calendar year deductible is met.

Same as 1990 and 50% of allowable charges for all other outpatient prescription drugs, after \$600 calendar year deductible is met.

- * Expenses that you must pay out-of-pocket and that count toward the Part B Medicare Catastrophic Limit include: The Part B deductible and copayment charges and the Part B blood deductible charges.

(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 255-55-205 MEDICARE SUPPLEMENT LOSS RATIO EXPERIENCE FORM REQUIRED. The form provided at WAC 284-55-210 shall be filed with the commissioner annually not later than June 30th of each calendar year beginning June 30, 1990. The form is to be filed in addition to the NAIC experience exhibit and not in lieu thereof.

The following instructions must be followed when completing the form:

- (1) The data shall be furnished in the same format and order as that shown at WAC 284-55-210;
- (2) The name of the insurer must be clearly shown at the top of each page;
- (3) Separate data must be shown for each policy form number and for each policy duration of each form;

(4) The current approved rate schedule for each policy form number shall be attached to the experience form and shall show the policy form number for purposes of identification;

(5) Incurred losses shall include claims paid and the change in claim reserves and liabilities. A list of items that are not to be included in incurred losses is provided at WAC 284-55-115(4);

(6) The loss ratio shall be the ratio of incurred losses to earned premium;

(7) The experience form shall be certified by an officer of the insurer;

(8) Complete data is required for each policy form on both a national basis and for policies sold in the state of Washington;

(9) Policy reserves shall include:

(a) Active life reserves;

(b) Contingency and additional reserves;

(c) Increased reserves which may be required by the commissioner.

Reviser's note: The section above was filed by the agency as WAC 255-55-205. However, the other rules for the Insurance Commissioner are found in Title 284 WAC. The section above appears to be WAC 284-55-205, but pursuant to the requirements of RCW 34.08.040, it is published in the same form as filed by the agency.

NEW SECTION

WAC 284-55-210 FORM OF MEDICARE SUPPLEMENT LOSS RATIO EXPERIENCE. The following form of Medicare Supplement Loss Ratio Experience shall be used by all insurers:

MEDICARE SUPPLEMENT LOSS RATIO EXPERIENCE
(SUMMARIZED BY POLICY YEAR)

Experience reported for January 1 to December 31 of 19_____

To be filed on or before June 30

of the _____

Address (City, State, and Zip Code) _____

NAIC Group Code _____ NAIC Company Code _____ GIC Code _____

National Experience

<u>Form No.</u>	<u>No. of Contracts in Force</u>	<u>Policy Duration</u>	<u>Incurred Losses</u>	<u>Earned Premiums</u>	<u>Loss Ratio</u>	<u>Unearned Premium Reserve</u>	<u>Policy Reserves</u>	<u>Claim Reserves</u>
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Washington Experience

<u>Form No.</u>	<u>No. of Contracts in Force</u>	<u>Policy Duration</u>	<u>Incurred Losses</u>	<u>Earned Premiums</u>	<u>Loss Ratio</u>	<u>Unearned Premium Reserve</u>	<u>Policy Reserves</u>	<u>Claim Reserves</u>
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I hereby certify that I have supervised the preparation of this experience exhibit, that it is complete and accurate to the best of my knowledge, and it is in compliance with RCW 48-66-150, WAC 284-55-115 and WAC 284-55-150.

Signature of Officer

Date

Name and Title of Officer

Prepared by

Phone Number

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 284-55-170 FORM OF ANNUAL ADJUSTMENT NOTICE—POLICY CHANGES EFFECTIVE JANUARY 1, 1990.

WAC 284-55-175 FORM OF ANNUAL ADJUSTMENT NOTICE—POLICY CHANGES EFFECTIVE JANUARY 1, 1991.

WSR 89-09-051
ADOPTED RULES
DEPARTMENT OF FISHERIES

[Order 89-21—Filed April 18, 1989]

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.

This action is taken pursuant to Notice No. WSR 89-06-032 filed with the code reviser on February 24, 1989. 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 April 4, 1989.

By Joseph R. Blum
Director

AMENDATORY SECTION (Amending Order 88-86, filed 9/2/88)

WAC 220-33-005 DEFINITIONS—RIVER MOUTH SANCTUARIES. As used in this chapter and emergency rules of the director, unless the context clearly requires otherwise:

GRAYS BAY

(1) "Grays Bay sanctuary" means 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.

ELOKOMIN

(2) "Elokomin-A sanctuary" means 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.

(3) "Elokomin-B sanctuary" means those waters of Elokomin Slough, Steamboat Slough and the Columbia River lying inside, northerly and easterly of a straight line from light "35" (group flashing green) located on Price Island to light "39" (flashing green) on Hunting Island and northerly and easterly of a line between flashing light "33" on Price Island and quick flashing green light "31" on the Washington shore.

ABERNATHY

(4) "Abernathy sanctuary" means 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 the mid shipping channel of the Columbia River.

COWLITZ

(5) "Cowlitz sanctuary" means those waters of the Columbia River and Carrolls Channel lying inside the center of the shipping channel (~~(range markers)~~) between (~~(flashing red light "33")~~) 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.

KALAMA

(6) "Kalama-A sanctuary" means 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.

(7) "Kalama-B sanctuary" means 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.

LEWIS

(8) "Lewis-A sanctuary" means 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.

(9) "Lewis-B sanctuary" means those waters of the Columbia River near the mouth of the Lewis River lying easterly of lines projected from light "79" (flashing green) to the Red Buoy No. 4 thence to a fishing boundary marker on Bachelor Island.

WASHOUGAL

(10) "Washougal sanctuary" means 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.

OREGON

(11) "Big Creek sanctuary" means 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.

(12) "Gnat Creek sanctuary" means 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.

(13) "Sandy River sanctuary" means 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.

WSR 89-09-052
ADOPTED RULES
DEPARTMENT OF FISHERIES
[Order 89-22—Filed April 18, 1989]

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.

This action is taken pursuant to Notice No. WSR 89-06-033 filed with the code reviser on February 24, 1989. 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 75.10.120 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 April 4, 1989.

By Joseph R. Blum
Director

AMENDATORY SECTION (Amending Order 87-150, filed 10/9/87)

WAC 220-20-055 COMMERCIAL LICENSE CONDITIONS. (1) Upon being convicted twice or more for commercial fishing violations within a five-year period, a fisherman is required to post a security each year to obtain a license until the fisherman has only one conviction within the immediate five prior calendar years. The amount of the security is based upon an accumulation of points, and the security is subject to forfeiture as a civil penalty in the event the fisherman receives a third or subsequent conviction.

(2) The following points will be assigned for each conviction of the indicated type:

(a) All commercial fishing violations, except salmon time and area violations requiring mandatory suspension under RCW 75.10.130 and those violations provided for in (c) of this subsection - 2 points.

(b) Charter boat violations involving gear, angler permits, and time and area violations other than salmon - 2 points.

(c) Violations for failure to display boat registration numbers, buoy brand numbers, or herring validation pennant - 1 point.

(3) Upon conviction of the second offense, the fisherman must post a security in the following amount depending on the point total of the convictions within the immediate five prior calendar years:

2nd Conviction	3rd Conviction	4th Conviction
2 points - \$2,000	3 points - \$ 6,000	4 points - \$12,000
3 points - \$3,000	4 points - \$ 8,000	5 points - \$15,000
4 points - \$4,000	5 points - \$10,000	6 points - \$18,000
	6 points - \$12,000	7 points - \$21,000
		8 points - \$24,000

Except: During calendar year 1990 the amount shall be the number of points as provided in subsection (2) of this section times \$1,000.

(4) Upon subsequent conviction for an offense committed during any time period in which the security is required as provided for in this section, the security shall be forfeited to the department and a new security must be posted with the department based upon the total number of points accumulated within the five-year period prior to receiving a fishing license. After the fifth conviction for offenses committed within a five-year period, the fisherman must appeal to the director for issuance of a license, and the director may impose both a security amount and additional conditions.

(5) When sufficient time has elapsed such that the convicted fisherman has only one conviction within the ((last)) immediate five prior calendar years, the department shall release the security, except that if criminal charges are pending, the security shall not be released pending resolution of the criminal charges. The security shall only be released upon written notification from the department.

(6) An acceptable security shall be a corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under chapter 48.28 RCW and approved by the department, a cash deposit, negotiable securities acceptable to the department, or an assignment of a savings account or savings certificate in a bank on an assignment form prescribed by the department.

WSR 89-09-053
WITHDRAWAL OF PROPOSED RULES
STATE EMPLOYEES BENEFITS BOARD
[Filed April 18, 1989]

This is to advise that we wish to withdraw Notice No. WSR 89-08-005 which was filed on March 23, 1989.

C. H. Shay

WSR 89-09-054
PROPOSED RULES
STATE EMPLOYEES BENEFITS BOARD
 [Filed April 18, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Employees Benefits Board intends to adopt, amend, or repeal rules concerning the amending of WAC 182-12-115, 182-12-127 and 182-12-210;

that the agency will at 9:00 a.m., Thursday, May 25, 1989, in the Sea-Tac Auditorium, Sea-Tac International Airport, 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 41.05.065.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 18, 1989.

Dated: April 18, 1989

By: C. H. Shay
 Assistant Benefits Manager

STATEMENT OF PURPOSE

Amending WAC 182-12-115, 182-12-127, and 182-12-210.

The amendments to WAC 182-12-210 and 182-12-127 are needed to delete the current provisions in subsection (4) and (3) respectively, and to correct the page number reference in subsections (5) and (4) respectively. The amendment to WAC 182-12-115 provides an age limit for students and parent eligibility under all SEBB medical and dental plans.

Responsible for Drafting, Implementation and Enforcement: C. H. Shay, Assistant Benefits Manager, Health Care Authority, 1400 Evergreen Park Drive S.W., Olympia, WA 98504, mailstop FX-11, (206) 753-3096, 234-3096 scan.

Proposed by: State Employees Benefits Board.

Agency Comments: None.

Not necessary due to law or court action.

AMENDATORY SECTION (Amending Resolution No. 88-6, filed 12/15/88)

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 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 (~~and over~~) through age twenty-four 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." ((Under the uniform medical plan and the SEIB dental plans,)) 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. ((Parents are not eligible under the SEIB HMO medical plans.))~~

(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. 88-4, filed 9/19/88)

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)) SEBB~~ employer-funded coverage may continue their ~~((SEIB)) SEBB~~ 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))~~ (6) of this section, or (c) the person becomes covered in ~~((SEIB)) SEBB~~ employer-funded coverage.

~~((5))~~ (4) 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))~~ (5) 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))~~ (6) 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.

AMENDATORY SECTION (Amending Resolution No. 88-4, filed 9/19/88)

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)) SEBB~~ employer-funded coverage may continue their ~~((SEIB)) SEBB~~ 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))~~ (7) of this section, or (c) the person becomes covered in ~~((SEIB)) SEBB~~ employer-funded coverage.

~~((6))~~ (5) 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))~~ (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.

~~((8))~~ (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.

WSR 89-09-055

**NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES**

[Memorandum—April 12, 1989]

The board of trustees of Seattle Community College District has rescheduled their regular meeting of May 2, 1989, to May 9, 1989. The meeting will begin at 6:00 p.m. in the Board Room in Broadway Performance Hall, Seattle Central Community College, 1701 Broadway, Seattle, WA 98122.

WSR 89-09-056

**PROPOSED RULES
BOARD FOR**

COMMUNITY COLLEGE EDUCATION

[Filed April 18, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board for Community College Education intends to adopt, amend, or repeal rules concerning tuition and fee charges made to students attending Washington community colleges;

that the agency will at 10:00 a.m., Thursday, May 18, 1989, in the Olympic College, Bremerton, 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 28B.15.502 and 28B.15.740.

This notice is connected to and continues the matter in Notice No. WSR 89-06-054 filed with the code reviser's office on March 1, 1989.

Dated: April 8, 1989
 By: Gilbert J. Carbone
 Assistant Director

WSR 89-09-057
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
(Blueberry Commission)
 [Filed April 19, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Blueberry Commission intends to adopt, amend, or repeal rules concerning board compensation, amending WAC 16-550-020(9), to delete a specified rate for compensation and reference the state statutes for compensation rate, and reimbursement for subsistence, lodging and mileage;

that the agency will at 1:00 p.m., Monday, June 5, 1989, in the Chicona Room, Administration Building, WSU Research Center, 7612 Pioneer Way East, Puyallup, WA 98371, 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 15.65.380.

The specific statute these rules are intended to implement is RCW 43.03.230, 43.03.050 and 43.03.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 5, 1989.

Dated: April 18, 1989
 By: Roger L. Roberts
 Member

STATEMENT OF PURPOSE

Title: Amending chapter 16-550 WAC.

Description of Purpose: To delete a specific amount to be paid for compensation, and provide for compensation to be paid at the rate set by statutes, and reference the state statutes for subsistence, lodging and travel.

Statutory Authority: RCW 15.65.320.

Summary of Rule: Rule will set compensation at the rate authorized by RCW 43.03.230, and subsistence, lodging and travel as authorized in RCW 43.03.050 and 43.03.060.

Agency Personnel Responsible for Drafting: Roger L. Roberts, Agricultural Programs Administrator, Washington State Department of Agriculture, 406 General Administration Building, AX-41, Olympia, WA

98504, (206) 753-5028; Implementation and Enforcement: Washington Blueberry Commission, 1360 Bow Hill Road, Bow, WA 98232, (206) 766-6173.

Persons Proposing Rule: Washington Blueberry Commission.

Agency Comments or Recommendations: None.

Rule is not necessary as a result of federal law or federal or state court action.

Economic Impact: May slightly increase the operation expenses of the Washington Blueberry Commission.

AMENDATORY SECTION (Amending Order 1116, filed 5/14/69, effective 6/15/69)

WAC 16-550-020 BLUEBERRY COMMODITY BOARD. (1) Administration. The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of seven members. Six members shall be affected producers elected as provided in this article. The director shall appoint one member of the board who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the entire state of Washington.

(3) Board membership qualifications. ((~~(a)~~)) The affected producer members of the board shall be practical producers of blueberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing blueberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his income therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer.

(4) Term of office.

(a) The term of office for members of the board shall be three years and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through six and the member appointed by the director position seven.

(c) The term of office for the initial board members shall be as follows:

- Positions one and two - until June 30, 1970
- Positions three and four - until June 30, 1971
- Positions five, six and seven - until June 30, 1972

(5) Nomination and election of board members.

(a) Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of such meeting and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meetings. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers.

(b) At the inception of this order, nominations may be made at the issuance hearing.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of May under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of such election. Not less

than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board member.

(7) Vacancies prior to election. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) Board compensation. No member of the board shall receive any salary (~~(-but)~~) except that each member ((shall receive not to exceed fifteen dollars per day and shall be reimbursed for subsistence and traveling expenses at a rate not to exceed that allowed by law to state employees)) may be compensated in accordance with RCW 43.03.230 and shall be reimbursed for lodging and mileage in accordance with RCW 43.03.050 and 43.03.060, as provided for in RCW 15.65.270.

(10) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from monies collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the order. Such expenses and costs may be paid by check, draft or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(f) To establish a "blueberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys and other financial transactions made and done pursuant to this order. Such records, books and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board.

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular wire news services and radio-television press.

(c) The board shall establish by resolution, the time, place and manner of calling special meetings of the board with reasonable notice to the members: PROVIDED, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

WSR 89-09-058

PROPOSED RULES

DEPARTMENT OF WILDLIFE

(Wildlife Commission)

[Filed April 19, 1989]

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 field identification of wildlife, amending WAC 232-12-267;

that the agency will at 8:00 a.m., Friday-Saturday, May 12-13, 1989, in the West Coast Ridpath Hotel, West 515 Sprague, Spokane, WA 99204-0367, 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 77.12.030, 77.12.105 and 77.16.095.

The specific statute these rules are intended to implement is RCW 77.12.030, 77.12.105 and 77.16.095.

This notice is connected to and continues the matter in Notice No. WSR 89-06-079 filed with the code reviser's office on March 1, 1989.

Dated: April 19, 1989

By: Lee S. Smith

Administrative Regulations Officer

WSR 89-09-059

PROPOSED RULES

DEPARTMENT OF WILDLIFE

(Wildlife Commission)

[Filed April 19, 1989]

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 Mountain goat, sheep, moose, cougar and lynx hunting seasons, repealing WAC 232-28-810;

that the agency will at 8:00 a.m., Friday-Saturday, May 12-13, 1989, in the West Coast Ridpath Hotel, West 515 Sprague, WA 99204-0367, 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 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

This notice is connected to and continues the matter in Notice No. WSR 89-06-083 filed with the code reviewer's office on March 1, 1989.

Dated: April 19, 1989

By: Lee S. Smith

Administrative Regulations Officer

WSR 89-09-060
WITHDRAWAL OF PROPOSED RULES
HIGHER EDUCATION PERSONNEL BOARD
[Filed April 19, 1989]

Please withdraw the following previously-filed rule proposals: All rules listed and filed as WSR 89-06-044 on February 28, 1989; and WAC 251-24-200 and 251-24-030 filed as part of WSR 89-06-045 on February 28, 1989.

John A. Spitz
Director

WSR 89-09-061
PROPOSED RULES
HIGHER EDUCATION PERSONNEL BOARD
[Filed April 19, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

- New WAC 251-01-077 Consecutive calendar months.
- New WAC 251-01-078 Consecutive months.
- Amd WAC 251-01-415 Temporary appointment.
- Amd WAC 251-04-040 Exemptions.
- New WAC 251-07-100 Temporary appointment records.
- Amd WAC 251-12-600 Remedial action.
- Rep WAC 251-19-030 Appointment—Provisional.
- Rep WAC 251-19-040 Appointment—Emergency.
- Amd WAC 251-19-120 Appointment—Temporary.
- New WAC 251-19-122 Written notification of temporary appointment;

that the agency will at 9:00 a.m., Thursday, June 1, 1989, in the Senate Room, Columbia Basin Community College, Pasco, 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 28B.16.040(2) and 70.24.300.

The specific statute these rules are intended to implement is RCW 28B.16.040(2) and 70.24.300.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 1, 1989.

This notice is connected to and continues the matter in Notice No. WSR 89-06-045 filed with the code reviewer's office on February 28, 1989.

Dated: April 18, 1989

By: John A. Spitz

Director

WSR 89-09-062
NOTICE OF PUBLIC MEETINGS
HIGHER EDUCATION PERSONNEL BOARD
[Memorandum—April 19, 1989]

HIGHER EDUCATION PERSONNEL BOARD MEETINGS - 1989
NOTICE OF LOCATION CHANGES

- June 1, 1989 Change from: Washington State University
Pullman, Washington
- Change to: Columbia Basin Community College
2600 North 20th Avenue
Pasco, WA
- October 5, 1989 Change from: Columbia Basin Community College
2600 North 20th Avenue
Pasco, WA
- Change to: Washington State University
Pullman, Washington

WSR 89-09-063
PROPOSED RULES
HIGHER EDUCATION PERSONNEL BOARD
[Filed April 19, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 251-01-415 Temporary appointment.
- New WAC 251-01-416 Temporary appointment notification.
- New WAC 251-01-417 Temporary appointment records.
- Amd WAC 251-04-040 Exemptions.
- Amd WAC 251-12-600 Remedial action.
- Amd WAC 251-19-120 Appointment—Temporary.
- Amd WAC 251-12-096 Declaratory rulings.
- Amd WAC 251-12-097 Declaratory rulings—Form.
- Amd WAC 251-19-100 Transfer—Lateral movement—Voluntary demotion.
- New WAC 251-19-105 Accommodation due to disability.
- New WAC 251-24-200 HIV and AIDS training for employees.
- Amd WAC 251-24-030 Training and development programs—Contents;

that the agency will at 9:00 a.m., Thursday, June 1, 1989, in the Senate Room, Columbia Basin Community College, Pasco, 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 28B.16.100.

The specific statute these rules are intended to implement is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 31, 1989.

Dated: April 19, 1989

By: John A. Spitz
Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on April 19, 1989, and is filed pursuant to RCW 34.04.025.

Description of Purpose: To define and specify conditions applicable to temporary appointment and remedial action resulting from noncompliance with the conditions of temporary appointment.

Specific Statute this Rule is Intended to Implement: RCW 28B.16.040(2).

Statutory Authority: RCW 28B.16.040(2) to implement the provisions of that section.

Title and Summary of Rules: WAC 251-01-415 Temporary appointment, to define three conditions necessary to temporary appointment; WAC 251-01-416 Temporary appointment notification, to define the conditions necessary to notify persons in temporary appointments; WAC 251-01-417 Temporary appointment records, to define the conditions necessary to maintenance of records on temporary appointments; WAC 251-04-040(5) Exemptions, to specify the conditions in which persons are exempt from HEPB rules; WAC 251-12-600 Remedial action, to specify the conditions/methods by which persons gain permanent status in the HEPB system as an exception to the usual competitive application procedure; and WAC 251-19-120 Appointment—Temporary, to specify the procedures for making temporary appointments and the rights of permanent employees who accept temporary appointments.

Reasons Supporting Proposed Action: The proposed changes are offered as a means of clarifying issues concerned with temporary employees. To accomplish this clarification, the following changes are offered: Specificity of maximum number of hours a temporary employee may work per year; specifies the penalty for violation of those specified number of hours; and defines temporary appointment and the attendant notification and records requirements.

Agency Personnel Responsible for Implementation and Enforcement: John A. Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, 234-3730 scan or 753-3730.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Alternative 1: Larry Lael, State Board for Community College Education and Interinstitutional Personnel Officers Committee, 234-3661 scan or 753-3661, governmental; and Alternative 2: Jim Cameron, Washington Public Employees Association, 943-1121, private.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The change is not the result of federal law or state or federal court action.

Description of Purpose: To bring current rules into compliance with legislative changes to the Administrative Procedure Act contained in chapter 288, Laws of 1988.

Specific Statute this Rule is Intended to Implement: RCW 28B.16.100.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Title and Summary of Rules: WAC 251-12-096 Declaratory orders, specifies the actions to be taken by the parties when petitioning the board for a declaratory order and specifies the actions to be taken by the board when considering such petitions; and WAC 251-12-097 Declaratory orders—Form, specifies the format to be used by the party filing a petition for declaratory order.

Reasons Supporting Proposed Action: To bring current rules into compliance with legislative changes to the Administrative Procedure Act contained in chapter 288, Laws of 1988.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504-3611, 234-3730 scan or 753-3730.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Higher Education Personnel Board staff, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The change is not the result of federal law or state or federal court action.

Description of Purpose: To provide rules for accommodating employees who are unable to perform the duties of their position due to mental or physical incapacity.

Specific Statute this Rule is Intended to Implement: RCW 28B.16.100.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Title and Summary of Rules: WAC 251-19-100 Transfer—Lateral movement—Voluntary demotion, to provide a process for disabled employees desiring to transfer within class, to voluntarily demote or move laterally to classes where they are able to perform the work; and WAC 251-19-105 Accommodation due to disability, to provide a process for both employer and employee to follow when accommodation of a disability is requested.

Reasons Supporting Proposed Action: The Washington State Supreme Court has stated that employers have an obligation to reasonably accommodate employees who are mentally or physically incapacitated due to injury or illness (on or off the job) before any separation action is taken. Failure to reasonable accommodate a handicapped employee constitutes discrimination. The proposed rules provide for accommodating disabled employees before any separation action is taken.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake

Boulevard, FT-11, Olympia, WA 98504-3611, 234-3730 scan or 753-3730.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Higher Education Personnel Board staff, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The change is the result of state court action, Case Law: *Dean vs. Metropolitan Seattle*, 104 Wn.2d 627, 1985; *Holland vs. Boeing*, 90 Wn.2d at 367-89; *Reese vs. Sears, Roebuck and Company*, 107 Wn.2d 563 (Jan, 1987); *Cheeks vs. Chelan County*, SPED-0295-85-6; and *Phillips vs. Seattle*, 51 Wn. App. 415 (May, 1988).

Description of Purpose: This meets the legislative requirements of 2SSB 6221, AIDS prevention and information programs, which became effective March 23, 1988, and was codified as RCW 70.24.300.

Specific Statute this Rule is Intended to Implement: RCW 70.24.300.

Statutory Authority: RCW 70.24.300 to implement the provisions of that section.

Title and Summary of Rules: WAC 251-24-200 HIV and AIDS Training for employees, the new rule requires employers to provide HIV and AIDS prevention, transmission and treatment training for employees who have a substantial likelihood of exposure to the human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS); and WAC 251-24-030 (5)(g) Training and development programs—Contents, the amended rule requires institutions in their training and development programs to identify proposed training activities for employees who have a substantial likelihood of exposure to the human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS).

Reasons Supporting Proposed Action: The rule details employers' responsibility for providing HIV/AIDS training as specified in RCW 70.24.300. The additions to chapter 251-24 WAC meets the legislative requirements of 2SSB 6221, AIDS prevention and information programs which became effective March 23, 1988. This legislation was codified as RCW 70.24.300.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John A. Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, 234-3730 scan or 753-3730.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Higher Education Personnel Board staff, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: This change is not the result of federal law or state or federal court action.

ALTERNATIVE 1

AMENDATORY SECTION (Amending Order 164, filed 12/30/87, effective 2/1/88)

WAC 251-01-415 TEMPORARY APPOINTMENT. (1) Work performed in the absence of an employee on leave for ((:)) less than six consecutive months.

~~((a) Less than ninety consecutive calendar days (WAC 251-19-120(4);~~

~~(b) Ninety or more consecutive calendar days (WAC 251-19-120(2); or))~~

~~(2) ((Formal assignment of the duties and responsibilities of a higher level class for a period of less than ninety consecutive calendar days; or)) Work in a position that does not exceed 1500 hours (exclusive of overtime) in any twelve consecutive months; and/or does not exceed 1000 hours (exclusive of overtime) in any six consecutive months.~~

~~(3) ((Performance of extra work required at a work load peak, a special project, or a cyclic work load which does not exceed one hundred seventy-nine days consecutive calendar days)) Formal assignment of the duties and responsibilities of a higher level class to a classified employee for a period of less than six consecutive months.~~

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 164, filed 12/30/87, effective 2/1/88)

WAC 251-01-415 TEMPORARY APPOINTMENT. (1) Work performed in the absence of an employee on leave for((:

~~a) Less than ninety consecutive calendar days (WAC 251-19-120(4);~~

~~(b) Ninety or more consecutive calendar days (WAC 251-19-120(2)); or)) more than three consecutive months in accordance with WAC 251-19-120(2), (8) and (9);~~

~~(2) Formal assignment of the duties and responsibilities of a higher level class for a period of less than ((ninety)) six consecutive ((calendar days)) months; or~~

~~(3) Performance of extra work required at a workload peak, a special project, ((or a cyclic workload)) while an active recruitment is being conducted to establish a register for the class, or in the absence of an employee on leave which does not exceed ~~((one hundred seventy-nine days))~~ 525 non-overtime work hours in any six consecutive month period.~~

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 251-01-416 TEMPORARY APPOINTMENT NOTIFICATION. (1) All temporary employees shall be notified in writing of the conditions of their employment prior to the commencement of each appointment and/or upon any subsequent change to those conditions of their employment.

(2) The written notification shall include the working hour limits and the employee's appeal rights should his/her working hours exceed the limits as provided in WAC 251-12-600.

NEW SECTION

WAC 251-01-417 TEMPORARY APPOINTMENT RECORDS. Each institution shall maintain information on hours worked by temporary employees. Each institution shall produce a quarterly record which shows the cumulative hours worked for each temporary employee. This record shall be kept on file in the personnel office and shall be made available to the HEPB staff upon request.

AMENDATORY SECTION (Amending Order 170, filed 7/12/88)

WAC 251-04-040 EXEMPTIONS. The following classifications, positions, and employees of higher education institutions/related boards are hereby exempted from coverage of this chapter.

(1) Members of the governing board of each institution/related board; all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairmen; academic personnel; executive heads of major administrative or academic divisions employed by institutions of higher education; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(2) Students employed by the institution at which they are enrolled (or related board) and who either:

(a) Work five hundred sixteen hours or less in any six consecutive months, exclusive of hours worked in a temporary position(s) during the summer and other breaks in the academic year, provided such employment does not:

(i) Take the place of a classified employee laid off due to lack of funds or lack of work; or

(ii) Fill a position currently or formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer;

(b) Provided further that the hour limitation shall not apply to student employees who were hired before July 30, 1984, with an understanding of working more than the stated number of hours monthly, and also with an understanding of such employment continuing for the duration of their education. However, this exception shall apply only to students who are continuously enrolled and shall not extend beyond September 1, 1988. Students covered by this exception shall be identified to the director;

(c) Are employed in a position directly related to their major field of study to provide training opportunity; or

(d) Are elected or appointed to a student body office or student organization position such as student officers or student news staff members.

(3) Students participating in a documented and approved programmed internship which consists of an academic component and work experience.

(4) Students employed through the state or federal work/study programs.

ALTERNATIVE 1

(5) Persons (~~employed in a position scheduled for less than twenty hours per week or on an intermittent employment schedule~~) who work in a position who work: 1500 hours (exclusive of overtime) or less in any twelve consecutive months; and/or 1000 hours (exclusive of overtime) or less in any six consecutive months.

ALTERNATIVE 2

(5) Persons employed (~~in a position scheduled for less than twenty hours per week or on an intermittent schedule~~) to work 525 hours or less in any six consecutive months from the original date of hire; such an appointment may be subject to remedial action in accordance with WAC 251-12-600, if the number of hours worked exceeds 525 hours in any six consecutive month period from the original date of hire, exclusive of overtime or work time as described in WAC 251-04-040(6).

~~((6) Nonclassified employees filling positions identified in subsections (1)(a) and (3) of the definition of "temporary appointment" in WAC 251-01-415.)~~

~~((7)) (6) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.~~

~~((8)) (7) The director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.~~

~~((9)) (8) The personnel director of the higher education personnel board and his confidential secretary.~~

~~((10)) (9) The governing board of each institution/related board may also exempt from this chapter, subject to the employee's right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic art or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trades services may be exempted by the higher education personnel board under this provision.~~

~~((11)) (10) Any employee who believes that any classification should or should not be exempt, or any employee because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in WAC 251-12-080, et seq.~~

~~((12)) (11) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position~~

shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin on July 10, 1982. Application for return to classified service must be made not later than thirty calendar days following the conclusion of the exempt appointment.

~~((13)) (12) When action is taken to convert an exempt position to classified status, the effect upon the incumbent of such position shall be as provided in WAC 251-19-160.~~

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 92 [174], filed 11/24/81 [11/1/88], effective 1/1/82)

WAC 251-12-600 REMEDIAL ACTION. ((When it has been determined that an individual has served six consecutive months in an institution in a position subject to the civil service but whose appointment by the institution has not been in accordance with the provisions of these rules, and the employee was not a party to the willful disregard of the rules, the director may take such appropriate action as to confer permanent status, set provision for salary maintenance, establish appropriate seniority, determine accrual of benefits, and such other actions as may be determined appropriate pursuant to the best standards of personnel administration. The order of the director shall be final and binding unless written exceptions detailing the specific items of the order to which exception is taken are filed with the board within thirty calendar days of the date of service of the order. The board will review the exceptions and may hold a hearing prior to modifying or affirming the director's order.))

ALTERNATIVE 1

(1) An exempt part-time or temporary employee becomes eligible for remedial action when his/her work in a position subject to civil service exceeds either of the following standards:

(a) Work which exceeds 1500 hours in any twelve consecutive calendar months (exclusive of overtime), or

(b) Work which exceeds 1000 hours in any six consecutive calendar months (exclusive of overtime).

(2) Remedial action may be granted by the director only if all of the following conditions are met:

(a) The employee's appointment was not in conformity with chapter 251 WAC, and

(b) The employee appealed in writing to the director within thirty calendar days after first performing work which exceeds either of the standards in subsection (1)(a) and (b) above, and

(c) The employee was not a party to the willful disregard of the rules.

(3) When the director grants remedial action, he/she may take such appropriate action as to confer permanent status, set provision for salary maintenance, establish appropriate seniority, determine accrual of benefits and such other actions, as may be determined appropriate pursuant to the best standards of personnel administration. The order of the director shall be final and binding unless exceptions to the order, as provided in WAC 251-12-085(1) through (5), are filed with the board within thirty calendar days of the date of service of the order. The board will review the exceptions and may hold a hearing prior to modifying or affirming the director's order.

ALTERNATIVE 2

(1) The director may take remedial action when it is determined that the following conditions exist:

(a) The hiring institution has made an appointment that does not comply with HEPB rules.

(b) The employee has worked in one or more positions for more than 525 hours in any six consecutive month period since the original hire date. (These hours do not include overtime or work time as described in WAC 251-04-040(2).)

(c) The position or positions are subject to civil service.

(d) The employee has not taken part in any willful failure to comply with these rules.

(2) Remedial action includes the power to confer permanent status, set salary, establish seniority, and determine benefits accrued from the seniority date. Remedial action also includes other actions the director may require to meet the highest personnel standards.

(3) If the institution has complied with WAC 251-10-122, the employee must:

(a) Submit any request for remedial action in writing, and

(b) File the request within thirty calendar days after the effective date of the action appealed.

(4) The director's order for remedial action shall be final and binding unless written exceptions are filed with the board within thirty calendar days of the date of service of the order. Exceptions must state the specific items of the order to which exception is taken. The board will review the exceptions and may hold a hearing prior to modifying or affirming the director's order.

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

AMENDATORY SECTION (Amending Order 165, filed 12/30/87, effective 2/1/88)

WAC 251-19-120 APPOINTMENT—TEMPORARY. (1) Temporary appointment may be made only to meet employment conditions set forth in the definition of "temporary appointment" in WAC 251-01-415.

~~((2) Temporary appointment to perform work in the absence of an employee on leave for ninety or more consecutive calendar days shall be made following certification from appropriate eligible lists of eligibles who have indicated willingness to accept such temporary appointment. Employees appointed to classified positions in accordance with this subsection are covered by chapter 28B.16 RCW and Title 251 WAC. Temporary appointment made in accordance with this subsection is not limited to the one hundred seventy-nine consecutive calendar day limitation identified in WAC 251-01-415(3) and subsection (5) of this section.))~~

~~((3) The employing official may temporarily assign a classified employee the duties and responsibilities of a higher-level class for a period of less than ninety consecutive calendar days. The salary shall be determined per WAC 251-08-110.))~~

~~((4)) (2) Temporary appointment to positions identified in the definition of "temporary appointment" in WAC 251-01-415 (1)((a)), (2), and (3) may be made without regard to the rules governing appointment.~~

~~((5) Upon prior approval of the director, a temporary appointment to a position identified in WAC 251-01-415 (1)(a) may be extended beyond the eighty-ninth day, however, the total period of appointment shall not exceed one hundred seventy-nine consecutive calendar days.))~~

~~((6)) (3) A permanent classified employee accepting temporary appointment to a position identified in the definition of "temporary appointment" in WAC 251-01-415 (1)((a)), (2), and (3)((c)) shall retain and continue to receive all rights and benefits provided by these rules for the duration of the temporary appointment.~~

~~((7)) (4) At the conclusion of a temporary appointment ((of less than one hundred eighty consecutive calendar days)) made in accordance with these rules, a permanent employee shall have the right to revert to his/her former position or to an equivalent position.~~

~~((8)) (5) Each institution shall file with the director a procedure which indicates ((their)) its system for controlling and monitoring exempt positions as identified in RCW 28B.16.040(2).~~

~~(6) An institution may petition the director for approval of exceptions to these requirements. The director will annually review the appropriateness of exceptions granted and advise the board.~~

AMENDATORY SECTION (Amending Order 165, filed 12/30/87, effective 2/1/88)

WAC 251-19-120 APPOINTMENT—TEMPORARY. (1) Temporary appointment ((may)) shall be made only to meet employment conditions set forth in the definition of "temporary appointment" in WAC 251-01-415((c)) and the following:

(2) Temporary appointment to perform work in the absence of an employee on leave for ((ninety or)) more than six consecutive ((calendar days)) months shall be made following certification from appropriate eligible lists of eligibles who have indicated willingness to accept such temporary appointment. Employees appointed to classified positions in accordance with this subsection are covered by chapter 28B.16

RCW and Title 251 WAC. Temporary appointment made in accordance with this subsection is not limited to the ((one hundred seventy-nine consecutive calendar day)) 525 hours in any six consecutive month limitation identified in WAC 251-01-415(3), WAC 251-12-600, and subsection (5) of this section.

(3) The employing official may temporarily assign a classified employee the duties and responsibilities of a higher level class for a period of less than ((ninety consecutive calendar days)) six consecutive months. The salary shall be determined per WAC 251-08-110.

(4) Temporary appointment to positions identified in the definition of "temporary appointment" in WAC 251-01-415 (1)((a)), (2) and (3) may be made without regard to the rules governing appointment.

~~((5) Upon prior approval of the director, a temporary appointment to a position identified in WAC 251-01-415 (1)(a) may be extended beyond the eighty-ninth day, however, the total period of appointment shall not exceed one hundred seventy-nine consecutive calendar days.))~~

~~((6)) (5) A permanent classified employee accepting temporary appointment to a position identified in the definition of "temporary appointment" in WAC 251-01-415 (1)((a)), (2) and (3) shall retain and continue to receive all rights and benefits provided by these rules for the duration of the temporary appointment.~~

~~((7)) (6) At the conclusion of a temporary appointment ((of less than one hundred eighty consecutive calendar days)) made in accordance with these rules, a permanent employee shall have the right to revert to his/her former position provided that such return to employment is not in conflict with rules relating to reduction-in-force.~~

~~((8)) (7) Each institution shall ((file with the director)) develop for director approval a procedure which indicates ((their)) its system for controlling and monitoring exempt positions as identified in RCW 28B.16.040(2).~~

~~(8) All temporary appointments to supervisory or managerial positions shall be made from within the institution unless the director agrees otherwise on a case by case basis.~~

~~(9) No position shall have consecutive temporary appointments that would cause the total to exceed 525 work hours within six consecutive months except for appointments per WAC 251-01-415(1).~~

~~(10) No temporary appointment shall take the place of employees laid off due to lack of work or lack of funds nor supplant positions currently or formerly occupied by classified employees.~~

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 158, filed 7/29/87, effective 9/1/87)

WAC 251-12-096 DECLARATORY ((RULINGS)) ORDERS. As provided in RCW 34.05.240, any ((interested party)) person may petition the board for a declaratory ((ruling)) order with respect to the applicability to ((any person, property, or state of facts of any)) specified circumstances of a rule, order, or statute enforceable by the higher education personnel board. ((Any such petition must comply with the following requirements and be subject to the following conditions:)) For purposes of this rule, the term person includes natural persons, employee organizations, institutions of higher education and related boards.

(1) ((The petition must be in writing and must allege facts which the petitioner believes are necessary for the board to consider in issuing its declaratory ruling.)) The petition shall be in writing, in accordance with WAC 251-12-097, and filed at the higher education personnel board office in Olympia. The petition shall set forth the facts and reasons on which the petitioner relies to show:

- (a) That uncertainty necessitating resolution exists;
- (b) That there is actual controversy arising for the uncertainty such that a declaratory order will not be merely an advisory opinion;
- (c) That the uncertainty adversely affects the petitioner;
- (d) That the adverse effect of uncertainty on the petitioner outweighs any adverse effects on others or on the general public that may likely arise for the order requested;

~~((2) The petition must be filed at the higher education personnel board's office in Olympia.))~~

~~((3)) (2) Upon receipt of a petition for declaratory ruling order, the director or designee will acknowledge receipt of the petition and forward the petition to the board for consideration.~~

~~(3) Within fifteen days after receipt of a petition for a declaratory order, the board shall give notice of the petition to all persons to whom~~

notice is required by law, and may give notice to any other person it deems desirable.

(4) The board shall consider the petition without argument and within ~~((a reasonable time))~~ thirty days of receipt of the petition will:

(a) ~~((Notify the petitioner that no declaratory order ruling will be issued))~~ Enter an order declaring the applicability of the statute, rule, or order in question to the specified circumstances as stated in the petition;

~~((b))~~ ~~((Issue a nonbinding declaratory order ruling based on the information in the petition, or))~~ Set a reasonable time and place for a hearing to be held no more than ninety days after receipt of the petition, including submission of evidence by the parties if deemed necessary by the board, or submission of written argument upon the matter if the material facts are not in dispute. Reasonable notification will be given to the petitioner and other persons who have been given notice of the petition pursuant to subsection (3) of this rule of the time and place for such hearing or submission and of the issues it will be considering;

~~((c))~~ ~~((Set a reasonable time and place for an oral hearing, including submission of evidence by the parties if deemed necessary by the board, or submission of written argument upon the matter if the material facts are not in dispute. Reasonable notification will be given to the petitioner of the time and place for such hearing or submission and of the issues it will be considering))~~ Set a specified time no more than ninety days after receipt of the petition by which it will enter a declaratory order; or

(d) Decline to enter a declaratory order, stating the reasons for its action.

~~((5))~~ ~~((If the board determines that there is another party whose interests are adverse to the petitioner with respect to the ruling requested, and if the board is considering the issuance of a binding declaratory ruling, it may invite participation by the party. If another party is invited to participate, the board shall provide that party with a copy of the notice of hearing referred to in subsection (4)(c) of this section.))~~ The board may extend the time limits of subsection (4)(b) and (c) of this section for good cause.

(6) Normally, the board will not issue a declaratory order on any matter that is or could have been the subject of any other proceeding before the board.

~~((6))~~ (7) The board at any time before taking final action on a petition may request submission of additional facts or argument, including setting the case for oral argument.

~~((7))~~ (8) If the board proceeds in the manner provided in subsection (4)(~~((c))~~) (b) of this section, it shall within a reasonable time after conclusion of the proceeding:

(a) Issue a ~~((binding))~~ declaratory ~~((ruling))~~ order; or

(b) ~~((Issue a nonbinding declaratory ruling, or~~

~~((c))~~ Notify the petitioner and any other party to the proceeding that no declaratory ~~((ruling))~~ order will be issued, and stating the reason for such action.

(9) The board may not enter a declaratory order that would substantially prejudice the rights of a person who would be a necessary party and who does not consent in writing to the determination of the matter by a declaratory order proceeding.

~~((8))~~ (10) A declaratory ~~((ruling, if issued after a proceeding as set forth in subsection (4)(c) of this section, and stated to be binding, is binding between the board and the petitioner and any other party to the proceeding on the state of facts alleged, unless it is altered to set aside by a court. Such a ruling is subject to review in the superior court of Thurston County in accordance with RCW 34.04.130))~~ order has the same status as any other order entered in a higher education personnel board proceeding adjudicated under WAC 251-12-080. Each declaratory order shall contain the names of all parties to the proceeding on which it is based, the particular facts on which it is based, and the reasons for its conclusions.

Reviser's note: The spelling 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.

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 158, filed 7/29/87, effective 9/1/87)

WAC 251-12-097 **DECLARATORY ((RULINGS)) ORDERS—FORM.** Any interested person petitioning the higher education personnel board for a declaratory ~~((ruling))~~ order pursuant to WAC 251-12-096 shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "BEFORE THE HIGHER EDUCATION PERSONNEL BOARD." On the left side of the page below the foregoing, the following caption shall be set out: "In the Matter of the Petition of (Name of Petitioning Party) for a Declaratory ~~((Ruling))~~ Order." Opposite the foregoing caption shall appear the phrase: "Petition for Declaratory ~~((Ruling))~~ Order."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and the name and address, if any, of the representative appearing on behalf of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set forth all of the facts which the petitioner wishes the board to consider in issuing a declaratory ~~((ruling))~~ order. The concluding paragraph(s) shall clearly set forth the issues ~~((upon))~~ which the petitioner wishes the board to ~~((rule))~~ address in its order and the requested ~~((ruling(s)))~~ order.

The original and two copies shall be filed with the petition. Petitions shall be on 8-1/2 x 11 inch paper.

Examples of a form petition for declaratory ruling shall be available for reference to any interested person in the office of the higher education personnel board in Olympia.

AMENDATORY SECTION (Amending Order 165, filed 12/30/87, effective 2/1/88)

WAC 251-19-100 **TRANSFER—LATERAL MOVEMENT—VOLUNTARY DEMOTION.** (1) The personnel officer for each institution shall develop a "transfer/lateral movement/voluntary demotion procedure" to provide reasonable opportunity for employees desiring to transfer within class or to voluntarily demote or move laterally to classes where they have previously attained permanent status at the institution, or equivalent classes as determined by the personnel officer, when:

(a) The action is by employee request; or

~~((c))~~ (b) The employee's position is being reallocated upward and the employee is not appointed to the reallocated position~~((:))~~; or

~~((b))~~ (c) The personnel officer determines that the employee seeking the action is no longer able to perform in the current class due to a medically verified physical, ~~((or))~~ mental incapacity; or sensory disability. An employee is eligible to apply for appointment to a position under the provisions of this subsection if the employee meets the minimum qualifications and is able to perform the work of the position as confirmed by medical verification acceptable to the employer.

(2) Except as provided in subsection (1) of this section, permanent employees who wish to be considered for appointment to classes with an equal or lower salary range maximum than their current class must apply in accord with institutional procedure, meet the minimum qualifications, pass the examination and be placed on the appropriate eligible list for the class.

(3) Upon appointment via the provisions of this rule, the following shall apply:

(a) For voluntary demotion, the salary shall be determined by the personnel officer and the periodic increment date shall remain unchanged.

(b) For transfer within class or lateral movement, the salary and periodic increment date shall remain unchanged.

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

NEW SECTION

WAC 251-19-105 **ACCOMMODATION DUE TO DISABILITY.** (1) Each institution shall develop and disseminate a procedure regarding accommodation of disabled employees. Such procedure shall be approved and on file with the director.

(2) The institution shall be responsible for notifying the employee of steps to be followed should the employee request accommodation.

(3) When an employee requests reasonable accommodation due to disability, such requests will be submitted to the supervisor. The request must state the nature of the disability and the accommodation desired. An employee requesting reasonable accommodation due to a disability will be required to submit a medical statement which provides adequate guidance to the employer specifying:

- (a) Pertinent diagnosis;
- (b) Prognosis;
- (c) Anticipated duration of disability; and
- (d) Recommended accommodation and anticipated duration of the need for such accommodation.

(4) The institution shall make good faith efforts to accommodate an employee with a medically verified disability which impacts the employee's ability to perform the work of the regular position.

NEW SECTION

WAC 251-24-200 HIV AND AIDS TRAINING FOR EMPLOYEES (1) The following categories are descriptive of job-related tasks which have a substantial likelihood of coming in contact with human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS) virus:

- (a) All procedures or other job-related tasks that involve potential for mucous membrane or skin contact with blood, body fluids, or tissues, or a potential for spills or splashes of them.
- (b) The normal work routine does not involve exposure to blood, body fluids, or tissues, but exposure or potential exposure may occur in certain tasks such as providing or assisting in emergency medical care or first aid or providing maintenance services in patient care areas.
- (2) Each institution which employs persons who, in the course of their employment, meet category (1)(a) or (b) above shall:
 - (a) Provide or arrange for those employees to receive appropriate education and training on the prevention, transmission and treatment of HIV and AIDS;
 - (i) Training specifically related to law enforcement shall be provided to law enforcement employees;
 - (ii) Training specifically related to health care shall be provided to health care employees, including those with responsibilities for laboratory work and analysis, maintenance and cleanup, and HIV/AIDS related research;
 - (iii) Training specifically related to correctional institutions shall be provided to employees working in correctional institutions.
 - (b) Use educational material and infection control standards recommended by the Office of HIV/AIDS; and
 - (c) Report such training in accordance with WAC 251-24-010(2).

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-24-030 TRAINING AND DEVELOPMENT PROGRAMS - CONTENTS Each institution will develop and maintain on file with the board (subject to approval by the director) an employee training and development plan that provides as a minimum:

- (1) The policy and objectives of the institution concerning training and development programs;
- (2) The institution's policy regarding training program expenses;
- (3) Identification of the person(s) responsible for employee training and development programs;
- (4) Provision for the identification and appraisal of training and development needs;
- (5) The identification of proposed training activities in the following areas:
 - (a) New employee orientation;
 - (b) Functional training, such as in accounting, data processing, office administration and job skills;
 - (c) System training, such as affirmative action, labor relations and safety;
 - (d) Professional/technical training;
 - (e) Management and organizational development;
 - (f) The institution's off-hour training or continuing education program;
 - (g) Specific training in the prevention, transmission and treatment of HIV and AIDS for those employees who have a substantial likelihood of on-the-job exposure to the human immunodeficiency virus or acquired immunodeficiency syndrome;
- (6) Provision specifying the manner of selecting employees for training or development programs;
- (7) Provision for training records of employee participation;

(8) Provision for training and upgrading of skills of women, past permanent employees returning from separation as set forth in WAC 251-10-070 and members of racial or ethnic minority groups as part of the institution's affirmative action program, including special training programs to achieve corrective action for underutilization of minority or female employees;

- (9) Involvement of a representative group of employees in the development of the institution's training policy and plans;
- (10) Provision for evaluation of training and development programs;
- (11) The criteria by which the institution may provide employees the opportunity to attend class instruction in academic session during regular working hours;
- (12) The institution's policy regarding release time during work hours for training course attendance;

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 89-09-064
PROPOSED RULES
HORSE RACING COMMISSION
[Filed April 19, 1989]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Horse Racing Commission intends to adopt, amend, or repeal rules concerning:

- New WAC 260-48-327 Daily triple.
- Rep WAC 260-48-329 Limited sweepstakes;

that the agency will at 1 p.m., Tuesday, May 23, 1989, in the Hyatt Hotel, 17001 Pacific Highway South, Seattle, WA 98188, 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 67.16.175.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 17, 1989.

Dated: April 17, 1989
By: John Crowley
Executive Secretary

STATEMENT OF PURPOSE

In the matter of adopting WAC 260-48-327 and repealing WAC 260-48-329.

The purpose of the adoption of WAC 260-48-327 is to set forth the rules and regulations with regard to a new wager proposed to the state of Washington in which the bettors are permitted to select the winners of three successive races on one wager.

The purpose of repealing WAC 260-48-329 is so that what was previously known as Pick 6 will be eliminated because this particular wager has not been used and did not prove successful in the past.

Small Business Economic Impact Statement: The enactments listed above are not anticipated to affect more [than] 20 percent of all industries nor more than 10 percent of any one industry as defined by section 2(3), chapter 6, Laws of 1982. Therefore, a small business economic impact statement has not been prepared.

NEW SECTION

WAC 260-48-327 DAILY TRIPLE. (1) The Daily Triple parimutuel pool is not a parlay and has no connection with or relation to any other parimutuel pool conducted by the association, nor to any win, place, and show pool shown on the totalisator board, nor to the rules governing the distribution of such other pools.

(2) A valid Daily Triple ticket shall be evidence of the binding contract between the holder of the ticket and the racing association, and the said ticket shall constitute an acceptance of Daily Triple provisions and rules contained in the rules and regulations of the Washington horse racing commission.

(3) A Daily Triple may be given a distinctive name to be selected by the association conducting such races, such as "PICK 3," subject to prior approval of the commission.

(4) The Daily Triple parimutuel pool consists of amounts contributed for a selection for win only in each of three consecutive races designated by the association with the prior approval of the commission. Each person purchasing a Daily Triple ticket shall designate the winning horse in each of the three races comprising the Daily Triple.

(5) No Daily Triple pool shall be operated on any race when there is an entry or mutual field.

(6) The net amount in the parimutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of tickets which correctly designate the winners in all three races comprising the Daily Triple.

(7) If no ticket is sold combining the three winners of the Daily Triple, the net amount in the parimutuel pool shall be distributed among the holders of tickets which include the winners of at least two of the three races comprising the Daily Triple.

(8) If no ticket is sold combining at least two winners of the Daily Triple, the net amount in the parimutuel pool shall be distributed among holders of tickets which include the winner of any race comprising the Daily Triple.

(9) If no ticket is sold that would require distribution of the Daily Triple pool to a winner under this section, the association shall make a complete and full refund of the Daily Triple pool.

(10) If for any reason one of the races comprising the Daily Triple is cancelled, the net amount of the parimutuel pool shall be distributed as provided in subsections (6), (7), and (8) of this section.

(11) If for any reason two or more of the races comprising the Daily Triple are cancelled, a full and complete refund will be made of the Daily Triple pool.

(12) In the event a Daily Triple ticket designated a selection in any one or more of the races comprising the Daily Triple and that selection is scratched, excused, or determined by the stewards to be a nonstarter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the nonstarting selection for all purposes, including pool calculations and payoffs.

(13) In the event of a dead heat for win between two or more horses in any Daily Triple race, all such horses in the dead heat for win shall be considered as winning horses in the race for the purpose of calculating the pool.

(14) No parimutuel ticket for the Daily Triple pool shall be sold, exchanged, or cancelled after the time of the closing of wagering in the first of the three races comprising the Daily Triple, except for such refunds on Daily Triple tickets as required by this section, and no person shall disclose the number of tickets sold in the Daily Triple pool or the number or amount of tickets selecting winners of Daily Triple races until such time as the stewards have determined the last race comprising the Daily Triple to be official. At the conclusion of the second of the three races comprising the Daily Triple, an association may, with the prior approval of the commission, display potential distributions to ticket holders depending upon the outcome of the third race of the Daily Triple.

WSR 89-09-065
PROPOSED RULES
HORSE RACING COMMISSION
 [Filed April 19, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Horse

Racing Commission intends to adopt, amend, or repeal rules concerning:

Amd WAC 260-70-010 Definitions applicable to chapter 260-70 WAC.

Amd WAC 260-70-100 Penalties relating to overage of permitted medication;

that the agency will at 1 p.m., Tuesday, May 23, 1989, in the Hyatt Hotel, 17001 Pacific Highway South, Seattle, WA 98188, 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 67.16.020 and 67.16.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 17, 1989.

Dated: April 17, 1989

By: John Crowley
 Executive Secretary

STATEMENT OF PURPOSE

In the matter of adopting the amendments to WAC 260-70-010 and 260-70-100.

The purpose of the amendment to WAC 260-70-010 is to place in the appropriate section of the regulations laws to advise licensees that use of diuretics other than Furosemide will be treated as a prohibited drug. This is not a change in the regulations.

The purpose of the amendment to WAC 260-70-100 is to eliminate the present existing inconsistency in required penalties for use of the diuretic Furosemide without permission of the Washington Horse Racing Commission veterinarian and also to clarify that the use of any other diuretic will be treated as a prohibited drug. Purposed amendment further clarifies that Meclofenamic Acid and Naproxen are permitted NSAIDs within the prescribed limits as set forth in the regulations.

Small Business Economic Impact Statement: The enactments listed above are not anticipated to affect more [than] 20 percent of all industries nor more than 10 percent of any one industry as defined by section 2(3), chapter 6, Laws of 1982. Therefore, a small business economic impact statement has not been prepared.

AMENDATORY SECTION (Amending Order 88-06, filed 1/25/89)

WAC 260-70-010 DEFINITIONS APPLICABLE TO CHAPTER 260-70 WAC. As used in this chapter, unless the context clearly requires a different meaning, the following terms shall have the following meanings:

(1) "Permitted medication" or "medication" means and includes any substance used to treat or prevent disease, relieve pain, or improve health with the exception of prohibited drugs.

(2) "Prohibited drugs" means (a) any medication or metabolic derivatives thereof which is an analgesic, including narcotics or which could serve as a local anesthetic, or tranquilizer, or which could stimulate or depress the circulatory, respiratory, or central nervous system of a horse, or bronchial dilators; or (b) any interfering substance; or (c) any diuretic other than Lasix (furosemide).

(3) "Interfering substance" or "interfere" means and refers to any medication which might mask or screen the presence of prohibited drugs or prevent or delay testing procedures. Such terms include permitted medication when used in quantities which might mask or screen the presence of prohibited drugs or prevent or delay testing procedures.

(4) "Approved nonsteroidal anti-inflammatory drug (NSAID)" includes and is limited to phenylbutazone or oxyphenylbutazone; naproxen and meclufenamic acid used in the manner described in WAC 260-70-090.

(5) "Bleeder" means a horse which hemorrhages from a nostril or into its trachea during a race or during exercise or within one hour of the race or exercise.

(6) "Bleeder list" means a tabulation of all bleeders to be maintained by the commission veterinarian.

AMENDATORY SECTION (Amending Order 85-02, filed 6/5/85)

WAC 260-70-100 PENALTIES RELATING TO OVERAGE OF PERMITTED MEDICATION. Should the laboratory analysis of urine or blood taken from a horse, other than a two-year old, show the presence of more than one approved nonsteroidal anti-inflammatory drug (NSAID) in violation of WAC 260-70-021, or the presence of phenylbutazone, naproxen or meclufenamic acid in excess of the quantities authorized by WAC 260-70-090, or, the presence of furosemide without permission from the commission veterinarian, the stewards or commission shall levy the following penalties against each person found responsible:

(1) For a first offense within any calendar year, a fine of \$300;

(2) The second offense, within any calendar year, \$750;

(3) For a third offense, within any calendar year, a fine of \$750 with a sixty-day suspension.

If any NSAID or other permitted medication is found in the body of a horse which alone or in combination with a second medication is of such a quantity so as to interfere with the testing process the penalties for use of a prohibited drug or medication shall apply irrespective of the provisions of this rule. The finding of any diuretic, ~~((including)) other than Lasix (furosemide), in the body of a horse shall constitute the presence of ((an interfering substance and the penalties for use of)) a prohibited drug ((or medication shall apply, unless the horse is on the official commission bleeder list)).~~

WSR 89-09-066
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Physical Therapy)
 [Filed April 19, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Physical Therapy intends to adopt, amend, or repeal rules concerning WAC 308-42-121 and 308-42-145;

that the agency will at 9:00 a.m., Tuesday, July 25, 1989, in the LaConner Country Inn, Conference Center, 107 South 2nd Street, LaConner, WA 98257, 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 18.74.023(3).

The specific statute these rules are intended to implement is RCW 18.74.023.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 24, 1989.

Dated: April 19, 1989
 By: Linda M. Moran
 Assistant Attorney General

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Physical Therapy.

Purpose: Housekeeping.

Statutory Authority: RCW 18.74.023(3).

Summary of the Rules: WAC 308-42-121, Change of address or name—Notification of department; and 308-41-145, Special requirements for physical therapy assistant utilization.

Reason Proposed: To enhance the ability of the Washington State Board of Physical Therapy to serve the public.

Responsible Departmental Personnel: In addition to the board, the following individuals have knowledge of and responsibility for drafting, implementing, enforcing and repealing these rules: Yvonne Braeme, Program Manager, Professional Program Management, 1300 Quince Street Building, P.O. Box 9012, Olympia, WA 98504, phone (206) 753-3095 or 234-3095 scan.

Proponents: The state of Washington Board of Physical Therapy.

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 308-42-121 CHANGE OF ADDRESS OR NAME—NOTIFICATION OF DEPARTMENT. Whenever any person after applying for or receiving a license to practice as a physical therapist shall move from the address named in such application or in the license issued to him or her or when the name of a licensee is changed by marriage or otherwise such person shall within ten days thereafter notify the department in writing of his or her old and new addresses or of such former and new names.

AMENDATORY SECTION (Amending Order PL 477, filed 8/8/84)

WAC 308-42-145 SPECIAL REQUIREMENTS FOR PHYSICAL THERAPIST ASSISTANT UTILIZATION. The physical therapist assistant may function under immediate, direct or indirect supervision if the following requirements are met:

(1) ~~((When supervision is indirect,))~~ Patient reevaluation must be performed by a supervising licensed physical therapist every five visits or once a week if treatment is performed more than once a day.

(2) Any change in the patient's condition not consistent with planned progress or treatment goals necessitates a reevaluation by the licensed physical therapist before further treatment is carried out.

WSR 89-09-067
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Medical Examiners)
 [Filed April 19, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Medical Examiners intends to adopt, amend, or repeal rules concerning:

- Amd WAC 308-52-255 Postgraduate medical training defined.
- New WAC 308-52-265 Flex examination standards.
- Amd WAC 308-52-405 General requirements.
- Amd WAC 308-52-415 Continuing medical education requirements.
- New WAC 308-52-630 Practice of medicine—Surgical procedures.
- New WAC 308-52-640 Surgical assistants (noncertified physician's assistant).
- New WAC 308-52-650 Basic surgical assistant duties.

New WAC 308-52-660 Surgical assistant—Utilization and supervision.
 New WAC 308-52-670 Surgical assistant qualifications effective January 1, 1990;

that the agency will at 9:30 a.m., Friday, June 2, 1989, in the Airport Hilton Hotel, Elliott East Room, 17620 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 18.71.017 and 18.71A.020.

The specific statute these rules are intended to implement is chapters 18.71 and 18.71A RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 2, 1989.

Dated: April 17, 1989

By: John H. Keith
 Assistant Attorney General
 Board Counsel

STATEMENT OF PURPOSE

Title: Board of Medical Examiners.

Summary of Rule and Description of Purpose: WAC 308-52-255 is proposed for amendment to correct a reference to the American Medical Association; WAC 308-52-265 is proposed for adoption to set forth the board's policy regarding passing scores for the licensure examination; WAC 308-52-405 is proposed for amendment to correct a typographical error; WAC 308-52-415 is proposed for amendment to correct a typographical error; WAC 308-52-630 is proposed for adoption to clarify surgical procedures that should be restricted to persons authorized to engage in the healing arts; WAC 308-52-640 is proposed for adoption to describe standards for registration of surgical assistants who do not meet other health care licensing or registration requirements and who have had documented experience in assisting at surgical procedures and other qualifying experience; WAC 308-52-650 is proposed for adoption to establish the limitation on the utilization of surgical assistants who are not eligible to take the NCCPA certifying exam; WAC 308-52-660 is proposed for adoption to establish the manner that surgical assistants will be utilized and supervised; and WAC 308-52-670 is proposed for adoption to require that after December 31, 1989, all persons applying under chapter 18.71A RCW must have graduated from a board approved program and be NCCPA eligible.

Statutory Authority: RCW 18.71.017 for WAC 308-52-255, 308-52-265, 308-52-405 and 308-52-415; and RCW 18.71A.020 for WAC 308-52-630, 308-52-640, 308-52-650, 308-52-660 and 308-52-670.

Specific Statute Rules are Intended to Implement: Chapters 18.71 and 18.71A RCW.

Reasons for Supporting Proposed Action: To ensure the safety and welfare of the citizens of Washington state.

Responsible Agency Personnel for Implementation: Linda Crerar, Acting Executive Secretary, Washington

State Board of Medical Examiners, 1300 South Quince, Olympia, WA 98504, 234-2205 scan, 753-2205 comm.
 Organization Proposing Rule: Washington State Board of Medical Examiners.

Agency Comments or Recommendations: None.

Rule is not necessary as a result of federal law or federal or state court requirements.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order PL 530, filed 5/16/85)

WAC 308-52-255 POSTGRADUATE MEDICAL TRAINING DEFINED. (1) For the purposes of this chapter, postgraduate medical training shall be considered to mean clinical training approved by the board in general medicine or surgery, or a recognized specialty or subspecialty in the field of medicine or surgery. The training must be acquired after completion of a formal course of under-graduate medical instruction outlined in RCW 18.71.055. Clinical performance deemed unsatisfactory by the program performance evaluation will not be accepted. This definition shall be considered to include, but not be limited to, internships, residencies and fellowships in medical or surgical subjects.

(2) The board approves the following postgraduate clinical training courses:

(a) Programs accredited by the (~~(American Medical Association))~~) American Medical Association Accreditation Council for Graduate Medical Education which are listed in the 1984-85 directory of residency programs, or programs approved by the (~~(American Medical Association))~~) American Medical Association Accreditation Council at the time of residency.

(b) Preregistration training programs approved as of July 1, 1982 by the Canadian National Joint Committee on Accreditation of Preregistration Physician Training Programs, or programs approved by the Canadian National Joint Committee on Accreditation of Preregistration Physician Training Programs at the time of residency.

NEW SECTION

WAC 308-52-265 FLEX EXAMINATION STANDARDS. Reciprocity applicants who were licensed by passing the FLEX examination will be eligible for examination waiver if the applicant received a FLEX weighed average score of at least 75. The score may be obtained in a single setting of the three-day examination or by averaging the individual day scores from different examinations. The individual day scores will be averaged according to the following formula:

Day 1 equals 1/6.

Day 2 equals 2/6.

Day 3 equals 3/6.

The overall average score shall be truncated to the nearest whole number (i.e., an average of 74.9 equals 74). Single subject averaging is not permitted. All FLEX scores must be submitted directly from the federation of state medical boards. FLEX scores reported by other states will not be accepted.

AMENDATORY SECTION (Amending Order PL 565, filed 11/18/85)

WAC 308-52-405 GENERAL REQUIREMENTS. (1) The Washington state board of medical examiners requires one hundred fifty credit hours of continuing education every three years.

(2) In lieu of (~~the~~) the one hundred fifty hours of continuing medical education the board will accept a current physician's recognition award of the American Medical Association, or a current certificate of continuing education from either the American Academy of Family Physicians or the American College of Obstetricians and Gynecologists and will consider approval of other programs as they are developed. The board will also accept certification or recertification by a specialty board as the equivalent of one hundred fifty hours of continuing medical education. The certification or recertification must be obtained in the three years preceding application for renewal.

(3) In case licensees fail to meet the requirements because of illness or other extenuating circumstances, each case will be considered by the board on an individual basis; and when circumstances justify it, the board may grant an extension of time.

AMENDATORY SECTION (Amending Order PL 565, filed 11/18/85)

WAC 308-52-415 CONTINUING MEDICAL EDUCATION REQUIREMENT. (1) It is mandatory that credit hours be earned in at least three categories. The credits must be earned in the thirty-six month period preceding application for renewal of licensure.

(2) One clock hour shall equal one credit hour for the purpose of satisfying the one hundred fifty hour continuing medical education requirement.

(3)(a) Category I: Continuing medical education activities with accredited sponsorship. A maximum of one hundred fifty credit hours may be earned in Category I. The board has approved the ((standards) [standard]) standards adopted by the accreditation council for continuing medical education or its designated intra-state accrediting agency, the Washington state medical association, in accrediting organizations and institutions offering continuing medical education programs, and will accept attendance at such programs offered by organizations and institutions so recognized as credit towards the licensee's continuing medical education requirement for annual renewal of licensure.

(b) Category II: Continuing medical education activities with non-accredited sponsorship. A maximum of sixty credit hours may be earned by attendance at continuing medical education programs that are not approved in accordance with the provisions of Category I.

(c) Category III: Teaching medical physicians or the allied health services. A maximum of sixty credit hours may be earned for serving as an instructor of medical students, house staff, other physicians or allied health professionals from a hospital or institution with a formal training program if the hospital or institution has approved the instruction.

(d) Category IV: Books, papers, publications, exhibits.

(i) A maximum of sixty credit hours may be earned under Category IV, with specific subcategories listed below. Credit may be earned only during the thirty-six month period following presentation or publication.

(ii) Ten credit hours may be claimed for a paper, exhibit, publication, or for each chapter of a book that is authored and published. A paper must be published in a recognized medical journal. A paper that is presented at a meeting or an exhibit that is shown must be to physicians or allied health professionals. Credit may be claimed only once for the scientific materials presented. Credit should be claimed as of the date materials were presented or published.

Medical editing cannot be accepted in this or any other category for credit.

(e) Category V: Nonsupervised.

(i) A maximum of sixty credit hours may be earned under Category V. Credit may be earned only for the thirty-six month period following the year in which the study, preparation, care and/or review occurred.

(ii) Self-assessment: Credit hours may be earned for completion of a multimedia medical education program.

(iii) Self-instruction: Credit hours may be earned for the independent reading of scientific journals and books.

(iv) Specialty board examination preparation: Credit hours may be earned for preparation for specialty board certification or recertification examinations.

(v) Quality care and/or utilization review: Credit hours may be earned for participation on a staff committee for quality of care and/or utilization review in a hospital or institution or government agency.

NEW SECTION

WAC 308-52-630 PRACTICE OF MEDICINE—SURGICAL PROCEDURES. The following duties constitute the practice of medicine under chapters 18.71 and 18.71A RCW if performed by persons who are not registered, certified, or licensed by an agency of the state to perform these tasks when utilized by surgeons as assistants and are not otherwise exempted by RCW 18.71.030:

(1) Assisting surgeons in opening incisions by use of any surgical method including laser, scalpel, scissors, or cautery;

(2) Assisting surgeons in closing of incisions by use of suture material, staples, or other means;

(3) Controlling bleeding with direct tissue contact by the clamping and tying of blood vessels, cautery, and surgical clips;

(4) Suturing or stapling tissue; and

(5) Tying of closing sutures in any tissues.

NEW SECTION

WAC 308-52-640 SURGICAL ASSISTANTS (NONCERTIFIED PHYSICIAN'S ASSISTANT). (1) Any persons performing the tasks outlined in WAC 308-52-630 who are not licensed, registered, or certified by an agency of the state to perform those tasks must register with the board of medical examiners as a surgical assistant (non-certified physician's assistant) hereinafter referred to as a surgical assistant.

(2) The board establishes the following standards for program approval for surgical assistants.

(3) The board shall require the completion of the following board approved program prior to December 31, 1989, for those applying to register as surgical assistants. Those seeking registration shall submit with their application the following:

(a) Documented proof of 4000 hours of experience or 2000 surgical cases as first assistants to surgeons on major surgical procedures within the five years immediately preceding the date of application for registration;

(b) Letters of reference from three practicing surgeons licensed in the state of Washington;

(c) Letters of reference from the hospital(s) in which the applicant trained or assisted the surgeons;

(d) The surgical assistant performs only those tasks which have been authorized by the board; and

(e) Document eight college level academic hours of anatomy and physiology or other didactic equivalence as approved by the board.

NEW SECTION

WAC 308-52-650 BASIC SURGICAL ASSISTANT DUTIES. The surgical assistant who is not eligible to take the NCCPA certifying exam shall:

(1) Function only in the operating room as approved by the board;

(2) Only be allowed to close skin and subcutaneous tissue, placing suture ligatures, clamping, tying and clipping of blood vessels, use of cautery for hemostasis under direct supervision;

(3) Not be allowed to perform any independent surgical procedures, even under direct supervision, and will be allowed to only assist the operating surgeon;

(4) Have no prescriptive authority; and

(5) Not write any progress notes or order on hospitalized patients.

NEW SECTION

WAC 308-52-660 SURGICAL ASSISTANT—UTILIZATION AND SUPERVISION. (1) Utilization plan. The application for registration of a surgical assistant must include a detailed plan describing the manner in which the surgical assistant will be utilized. Such utilization plan shall specify which surgical assistant tasks set forth in WAC 308-52-650 will be performed by the surgical assistant.

(2) Limitations, geographic. No surgical assistant shall be utilized in a place geographically separated from the institution in which the assistant and the supervising physician are authorized to practice.

(3) Responsibility of supervising physician(s). Each surgical assistant shall perform those tasks he or she is authorized to perform only under the supervision and control of the supervising physician(s), but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician at the place where the services are rendered. It shall be the responsibility of the supervising physician(s) to insure that:

(a) The operating surgeon in each case directly supervises and reviews the work of the surgical assistant. Such supervision and review shall include remaining in the surgical suite until the surgical procedure is complete;

(b) The surgical assistant, at all times when meeting with patients, wears an identifying badge in a prominent place on his or her person identifying him or her as a surgical assistant (noncertified physician's assistant);

(c) The surgical assistant does not advertise himself or herself in any manner which would tend to mislead the public or patients as to his or her role.

NEW SECTION

WAC 308-52-670 SURGICAL ASSISTANT QUALIFICATIONS EFFECTIVE JANUARY 1, 1990. Individuals applying to the board under chapter 18.71A RCW after December 31, 1989, shall be

required to have graduated from a board approved program and be NCCPA examination eligible.

WSR 89-09-068
PROPOSED RULES
CODE REVISER'S OFFICE
 [Filed April 19, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Code Reviser's Office intends to adopt, amend, or repeal rules concerning:

New ch. 1-21 WAC Rule making.
 Rep ch. 1-12 WAC Drafting and filing of notices and rules.
 Rep ch. 1-13 WAC Drafting and filing of notices and rules by institutions of higher education;

that the agency will at 11:00 a.m., Wednesday, May 24, 1989, in the Code Reviser's Office, Legislative Building, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 31, 1989.

The authority under which these rules are proposed is RCW 34.05.385.

The specific statute these rules are intended to implement is 34.05.210, 34.05.310 through 34.05.395 and 34.08.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 24, 1989.

Dated: April 19, 1989
 By: Dennis W. Cooper
 Code Reviser

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Adopting chapter 1-21 WAC, Rule making; and repealing chapters 1-12 and 1-13 WAC.

Description of Purpose: Implements chapter 34.05 RCW, the Administrative Procedure Act.

Statutory Authority: RCW 34.05.385.

Specific Statute Rule is Intended to Implement: RCW 34.05.210, 34.05.310 through 34.05.395 and 34.08.030.

Summary of Rule: Standards for filing and publication of notices and rules, including form and style, to be used by rule-making agencies.

Reasons Supporting the Proposed Action: Necessary for implementation of chapter 34.05 RCW, Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Gary Reid, Chief Assistant Code Reviser, Legislative Building, 753-1440 comm and 234-1440 scan.

Name of the Person or Organization, Whether Private, Public or Governmental, Proposing the Rule: Code Reviser's Office, governmental.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: None.

Chapter 1-21
RULE MAKING

WAC

1-21-005	Purpose.
1-21-010	Preproposal comments.
1-21-020	Notice—Form, contents, numbers.
1-21-030	Notice period—Register distribution date.
1-21-040	Notice—Time for filing.
1-21-050	Continuance.
1-21-060	Withdrawal of proposal.
1-21-070	Administrative order.
1-21-080	Numbering system—Captions.
1-21-090	Redesignation of numbers.
1-21-100	Nontext rules.
1-21-110	Amendatory rules.
1-21-120	Underlining restricted.
1-21-130	Repealers.
1-21-140	Review of previously adopted rules.
1-21-150	Exemptions from this chapter.
1-21-160	Emergency rules—Filing after office hours.
1-21-170	Official forms.

NEW SECTION

WAC 1-21-005 PURPOSE. This chapter implements RCW 34.05.210 and 34.05.310 through 34.05.395, the provisions of the Administrative Procedure Act on agency rule making. It also implements chapter 34.08 RCW, the State Register Act. It replaces the former chapters 1-12 and 1-13 WAC on drafting and filing of notices and rules. It covers both institutions of higher education and all other administrative agencies, since chapter 34.05 RCW merged chapters 28B-19 and 34.04 RCW.

NEW SECTION

WAC 1-21-010 PREPROPOSAL COMMENTS. An agency that wishes to solicit comments from the public under RCW 34.05.310 on a subject of possible rule making, but before a formal notice is filed under RCW 34.05.320, shall complete and file with the code reviser's office a CR-101 form (Preproposal Comments). The agency must file the form in accordance with the schedule provided in WAC 1-21-040.

NEW SECTION

WAC 1-21-020 NOTICE—FORM, CONTENTS, NUMBERS. (1) An agency shall file notice of proposed rule making under RCW 34.05.320 with the code reviser's office on a CR-102 form (Proposed Rule Making). The agency must file the full text of the proposed rule along with the Notice form (RCW 34.08.020).

(2) The agency shall file the original and six copies of the notice package (form and text). The code reviser's office will keep the original and two copies and return four stamped copies to the agency. The joint administrative rules review committee has requested that the agency submit three of these copies to the committee for purposes of legislative review. The agency should keep the remaining copy for its files.

NEW SECTION

WAC 1-21-030 NOTICE PERIOD—REGISTER DISTRIBUTION DATE. (1) Under RCW 34.05.320, notice of proposed rule making must be published in the State Register at least 20 days before the agency may hold a hearing on the proposal. The Register is distributed on the first and third Wednesdays of each month. If a distribution date falls on a state holiday as determined by RCW 1.16.050, the distribution date of that Register will be delayed until Thursday.

(2) In counting the twenty-day notice period, consider the distribution date of the pertinent Register as day 20; count down to day zero to find the first day on which a hearing may be held; cf. RCW 1.12-.040 and State ex rel. Earley v. Batchelor, 15 Wn.2d 149 (1942).

NEW SECTION

WAC 1-21-040 NOTICE—TIME FOR FILING. To permit sufficient lead time for the editorial, data capture, and printing process, material to be published in a particular issue of the Register must be

in the physical possession of and filed in the code reviser's office according to the following schedule:

(1) If the material has been prepared and completed by the code reviser's Order Typing Service (OTS), by 5:00 p.m. on the fourteenth day before the distribution date of that period's Register; or

(2) If the material has been prepared by any means other than OTS and it contains:

(a) No more than 10 pages, by 5:00 p.m. on the fourteenth day before the distribution date of that period's Register; or

(b) More than 10 but less than 30 pages, by 5:00 p.m. on the twenty-eighth day before the distribution date of that period's Register; or

(c) 30 or more pages, by 5:00 p.m. on the forty-second day before the distribution date of that period's Register.

NEW SECTION

WAC 1-21-050 CONTINUANCE. (1) An agency may continue a rule-making proceeding to a later time, at the same or a different location, by filing another CR-102 form with the code reviser's office. The continuance is not subject to the 20-day requirement if no substantial change is made in the proposal.

(2) Under RCW 34.05.325(4), the agency may continue the proceeding after it has been started, or it may change the date or the location, or both, before the proceeding has begun if it gives adequate notice to the public through the same methods as were used in the original notice. Adequate notice for purposes of the State Register consists of filing the continuance notice with the code reviser in time for it to appear in a Register that will be distributed at least five days before the originally scheduled proceeding.

NEW SECTION

WAC 1-21-060 WITHDRAWAL OF PROPOSAL. Under RCW 34.05.335 a proposed rule may be withdrawn any time before adoption. The agency shall provide notice of withdrawal to the code reviser's office by a letter or memorandum signed by the person who signed the original notice, or by that person's designee. The agency shall send three copies of the withdrawal notice to the rules review committee.

NEW SECTION

WAC 1-21-070 ADMINISTRATIVE ORDER. (1) The administrative order by which an agency adopts a rule shall be done on a CR-103 form (Rule-making Order) provided by the code reviser's office or on an agency form that provides the information required by RCW 34.05.360. The agency shall number administrative orders sequentially, with a unique number for each rule-making proceeding.

(2) The agency shall file with the code reviser's office the original and three copies of the text of permanent rules, along with four copies of the administrative order. Emergency rules require an additional three copies of the order and the text, which the agency shall file with the rules review committee after being stamped by the code reviser's office.

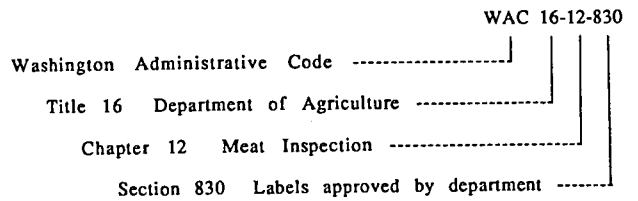
NEW SECTION

WAC 1-21-080 NUMBERING SYSTEM—CAPTIONS. (1) The primary division of the Washington Administrative Code (WAC) is the Title. The code reviser assigns each agency a title number, which usually is in alphabetical order. A newly created agency shall apply to the code reviser's office for assignment of a title number. If an agency's name is changed, the title number stays the same. The list of titles is published in volume 1 of the WAC.

(2) Each title is divided into chapters, which are the major subject matter divisions of the agency's title.

(3) Each chapter is divided into sections, which are the individual rules and are the smallest unit that can be amended. The agency shall place a short caption on each section to describe its contents. Sections should be as short as reasonably possible to facilitate ease of finding a rule and its future amendment.

(4) The WAC citation number is a composite of these three divisions:



NEW SECTION

WAC 1-21-090 REDESIGNATION OF WAC NUMBERS. (1) WAC numbers are permanent and may not be changed by the use of addition and deletion marks used for text amendments. If an agency wishes to recodify its permanent rules, it should consult with the code reviser's office for the method to be used.

(2) WAC numbers previously assigned to repealed sections or chapters may not be reused to designate other sections or chapters. The numbers of the repealed rules are shown in a disposition table prepared by the code reviser and published with the appropriate chapter or title.

NEW SECTION

WAC 1-21-100 NONTEXT RULES. All tables, charts, maps, and other material that are rules under RCW 34.05.010 must be either part of another rule or be assigned WAC numbers and adopted as individual sections. The latter method is preferred, and it simplifies future amendment.

NEW SECTION

WAC 1-21-110 AMENDATORY RULES. (1) Designate each amendatory section with the heading "AMENDATORY SECTION" followed by a reference to the agency order number and filing date of the latest permanent order affecting that section. Show amendments to the text in terms of the latest permanent version of the section that has been filed with the code reviser.

(2) If a section to be amended has been exempted from publication under RCW 34.05.210 and is not published in the WAC, in later orders amending or repealing the section refer to it by the original agency order and section number or other appropriate description.

NEW SECTION

WAC 1-21-120 UNDERLINING RESTRICTED. Since RCW 34.05.395 requires the use of the legislature's bill-drafting style to show amendments in previously adopted rules, underlined text may be used only to show new material added to an existing section. Underlining may not be used for emphasis, as it would not permit codification of the section in the usual manner. Italics or boldface may be used for emphasis. Consult with the code reviser's office if in doubt as to the proper method for indicating these styles.

NEW SECTION

WAC 1-21-130 REPEALERS. To repeal one or more current sections, list them individually by citation and caption under a heading of "REPEALER." An entire chapter may be repealed section by section or as one complete unit. The first method preserves the unrepealed section numbers for future use, while the second method eliminates the entire chapter number from future use.

NEW SECTION

WAC 1-21-140 REVIEW OF PREVIOUSLY ADOPTED RULES. When an agency is required under RCW 34.05.630 to review permanent or emergency rules previously adopted, the agency shall file notice of the review with the code reviser on a CR-104 form (Review of Previously Adopted Rules). The agency shall file the original and six copies of the notice. Four copies will be returned to the agency, three of which shall be delivered to the rules review committee. The notice is subject to the twenty-day requirement of RCW 34.05.320. The text of the rule under review is not needed with this notice.

NEW SECTION

WAC 1-21-150 EXEMPTIONS FROM THIS CHAPTER. Agency rules that are likely to be omitted from WAC publication by the code reviser under the authority of RCW 34.05.210, may, upon application by the agency to the code reviser for an exemption, be exempted by the code reviser from the form and style requirements of this chapter, other than requirements that are imposed by statute. An application for exemption must be made and approved before filing the rules.

NEW SECTION

WAC 1-21-160 EMERGENCY RULES — FILING AFTER OFFICE HOURS. The code reviser's office is open for the filing of agency rule-making notices and orders from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. The code reviser delegates to the Washington State Patrol the authority to accept at other times the filing of emergency orders adopting, amending or repealing rules when the emergency nature of the orders requires their filing and immediate effectiveness. To use this service, the agency may telephone the capitol security unit of the state patrol at 753-2191 to arrange for receipt of the filing by the state patrol. The agency shall notify the code reviser's office of the filing by 9:00 a.m. on the next business day after the filing.

NEW SECTION

WAC 1-21-170 OFFICIAL FORMS. Agencies may obtain the following official forms from the code reviser's office upon request:

- (1) Form CR-101 Preproposal Comments
- (2) Form CR-102 Proposed Rule Making
- (3) Form CR-103 Rule-making Order
- (4) Form CR-104 Review of Previously Adopted Rules.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 1-12-005 DECLARATION OF PURPOSE.
- WAC 1-12-010 WHO MUST FILE RULES UNDER CHAPTER 34.04 RCW.
- WAC 1-12-020 WHAT RULES MUST BE FILED.
- WAC 1-12-030 NOTICES OF INTENTION TO ADOPT RULES.
- WAC 1-12-032 RULE PURPOSE AND IMPLEMENTATION STATEMENT.
- WAC 1-12-033 WITHDRAWAL OF PROPOSED RULE.
- WAC 1-12-034 REVIEW OF PREVIOUSLY ADOPTED RULES.
- WAC 1-12-035 TIME FOR FILING MATERIAL FOR INCLUSION IN REGISTER.
- WAC 1-12-040 ADMINISTRATIVE ORDER—HOW PROMULGATED.
- WAC 1-12-045 ADMINISTRATIVE ORDER—DUTY TO MAINTAIN ORDER REGISTER.
- WAC 1-12-050 FILING OF ADMINISTRATIVE ORDER—RULES ADOPTED.
- WAC 1-12-060 FORMULATION OF AGENCY ORDERS CREATING, AMENDING, OR REPEALING RULES.
- WAC 1-12-070 WASHINGTON ADMINISTRATIVE CODE—BASIC ORGANIZATION.
- WAC 1-12-080 DRAFTING INSTRUCTIONS—TITLE NUMBER—CHAPTER AND SECTION NAMES AND NUMBERS.
- WAC 1-12-090 DRAFTING INSTRUCTIONS—DIVISION OF CHAPTERS INTO SECTIONS.
- WAC 1-12-100 DRAFTING INSTRUCTIONS—SUBSECTIONS, SUBDIVISIONS, ITEMS, AND SUBITEMS.
- WAC 1-12-110 DRAFTING INSTRUCTIONS—CITATIONS AND REFERENCES.
- WAC 1-12-120 DRAFTING INSTRUCTIONS—TITLE AND CHAPTER DIGESTS—HISTORY NOTES.
- WAC 1-12-125 DRAFTING INSTRUCTIONS—USE OF UNDERLINING.
- WAC 1-12-130 DRAFTING INSTRUCTIONS—AMENDATORY SECTION.
- WAC 1-12-140 DRAFTING INSTRUCTIONS—REPEALER SECTIONS.

WAC 1-12-150 DRAFTING INSTRUCTIONS—SEQUENCE AND NUMBERING OF SECTIONS.

WAC 1-12-155 DRAFTING INSTRUCTIONS—IDENTIFICATION OF SECTIONS AS NEW, AMENDATORY, OR REPEALED.

WAC 1-12-160 DRAFTING INSTRUCTIONS—REDESIGNATION OF WAC NUMBERS—AMENDMENT OR REPEAL OF INCONSISTENT RULES.

WAC 1-12-170 TYPING INSTRUCTIONS—GENERAL.

WAC 1-12-180 TYPING INSTRUCTIONS—NEW CHAPTERS OF WAC.

WAC 1-12-190 EMERGENCY RULES.

WAC 1-12-191 EMERGENCY RULES—FILING AFTER OFFICE HOURS.

WAC 1-12-200 EXEMPTION FROM THESE RULES.

WAC 1-12-210 OFFICIAL FORMS SUPPLIED UPON REQUEST.

WAC 1-12-220 ORDER TYPING SERVICE (OTS).

WAC 1-12-910 NOTICE OF INTENTION TO ADOPT, AMEND, OR REPEAL RULES (FORM CR-1).

WAC 1-12-930 FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD (FORM CR-7).

WAC 1-12-940 FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL (FORM CR-8).

WAC 1-12-950 NOTICE OF REVIEW OF PREVIOUSLY ADOPTED RULES (FORM CR-11).

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 1-13-005 DECLARATION OF PURPOSE.
- WAC 1-13-010 WHO MUST FILE RULES.
- WAC 1-13-020 WHAT RULES MUST BE FILED.
- WAC 1-13-030 NOTICES OF INTENTION TO ADOPT RULES.
- WAC 1-13-032 RULE PURPOSE AND IMPLEMENTATION STATEMENT.
- WAC 1-13-033 WITHDRAWAL OF PROPOSED RULE.
- WAC 1-13-034 REVIEW OF PREVIOUSLY ADOPTED RULES.
- WAC 1-13-035 TIME FOR FILING MATERIAL FOR INCLUSION IN REGISTER.
- WAC 1-13-040 ADMINISTRATIVE ORDERS—HOW PROMULGATED.
- WAC 1-13-045 ADMINISTRATIVE ORDERS—DUTY TO MAINTAIN ORDER REGISTER.
- WAC 1-13-050 FILING OF ADMINISTRATIVE ORDER—RULES ADOPTED.
- WAC 1-13-060 FORMULATION OF INSTITUTION ORDERS CREATING, AMENDING, OR REPEALING RULES.
- WAC 1-13-070 WASHINGTON ADMINISTRATIVE CODE—BASIC ORGANIZATION.
- WAC 1-13-080 DRAFTING INSTRUCTIONS—TITLE NUMBER—CHAPTER AND SECTION NAMES AND NUMBERS.
- WAC 1-13-090 DRAFTING INSTRUCTIONS—DIVISION OF CHAPTERS INTO SECTIONS.
- WAC 1-13-100 DRAFTING INSTRUCTIONS—SUBSECTIONS, SUBDIVISIONS, ITEMS, AND SUBITEMS.
- WAC 1-13-110 DRAFTING INSTRUCTIONS—CITATIONS AND REFERENCES.
- WAC 1-13-120 DRAFTING INSTRUCTIONS—TITLE AND CHAPTER DIGEST—HISTORY NOTES.
- WAC 1-13-125 DRAFTING INSTRUCTIONS—USE OF UNDERLINING.
- WAC 1-13-130 DRAFTING INSTRUCTIONS—AMENDATORY SECTIONS.
- WAC 1-13-140 DRAFTING INSTRUCTIONS—REPEALER SECTIONS.
- WAC 1-13-150 DRAFTING INSTRUCTIONS—SEQUENCE AND NUMBERING OF SECTIONS.
- WAC 1-13-155 DRAFTING INSTRUCTIONS—IDENTIFICATION OF SECTIONS AS NEW, AMENDATORY, OR REPEALED.

- WAC 1-13-160 DRAFTING INSTRUCTIONS—REDESIGNATION OF WAC NUMBERS—AMENDMENT OR REPEAL OF INCONSISTENT RULES.
- WAC 1-13-170 TYPING INSTRUCTIONS—GENERAL.
- WAC 1-13-180 TYPING INSTRUCTIONS—NEW CHAPTERS OF WAC.
- WAC 1-13-190 EMERGENCY RULES.
- WAC 1-13-200 EXEMPTION FROM THESE RULES.
- WAC 1-13-210 OFFICIAL FORMS SUPPLIED UPON REQUEST.
- WAC 1-13-230 DISPOSITION OF RULES AND NOTICES FILED UNDER CHAPTER 34.04 RCW.
- WAC 1-13-240 ORDER TYPING SERVICE (OTS).
- WAC 1-13-910 NOTICE OF INTENTION TO ADOPT, AMEND, OR REPEAL RULES BY INSTITUTION OF HIGHER EDUCATION (FORM CR-4).
- WAC 1-13-930 FORM OF ORDER AND TRANSMITTAL BY INSTITUTION HAVING SINGLE HEAD (FORM CR-9).
- WAC 1-13-940 FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL (FORM CR-10).
- WAC 1-13-950 NOTICE OF REVIEW OF PREVIOUSLY ADOPTED RULES BY INSTITUTION OF HIGHER EDUCATION (FORM CR-12).

WSR 89-09-069
RULES COORDINATOR
CODE REVISER'S OFFICE
 [Filed April 19, 1989]

In accordance with RCW 34.05.310, the rules coordinator for the Code Reviser's Office is Kerry S. Radcliff, Ground Floor, Legislative Building, Mailstop AS-15, Olympia, Washington 98504, phone (206) 753-7470 comm, 234-7470 scan.

WSR 89-09-070
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
 [Filed April 19, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to gas and electric accounting rules, WAC 480-90-031 and 480-100-031, Docket No. U-89-2641-R. Four alternative amendments to WAC 480-90-031 are shown below as Appendix I, being identified as Alternative A, B, C or D; and four alternative amendments to WAC 480-100-031 are shown below as Appendix II, identified as Alternative E, F, G or H. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendments on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

that the agency will at 9:00 a.m., Wednesday, May 24, 1989, in the Commission's Hearing Room, Second Floor, 1300 South Evergreen Park Drive S.W., Olympia, 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 80.01.040.

The specific statute these rules are intended to implement is RCW 80.04.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 19, 1989.

Dated: April 18, 1989
 By: Paul Curl
 Acting Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-90-031 and 480-100-031 relating to gas and electric utility accounting rules.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and 80.04.080 which direct that the commission has authority to implement the provisions or chapter 80.04 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to provide for annual and periodic reports of results of operations for gas and electric utilities subject to regulation by the commission.

Paul Curl, Acting Secretary, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, phone (206) 753-6451, and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

The proponent of the rules is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040 and 80.04.080.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule changes proposed will affect no economic values.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Joint Administrative Rules Review Committee.

APPENDIX "I"
ALTERNATIVE "A"

AMENDATORY SECTION (Amending Order R-27, filed 7/15/71)

WAC 480-90-031 ACCOUNTING. (1) The "uniform system of accounts" applicable to Class A(;) and B(, C, and D) gas utilities published by the ((National Association of Regulatory Utility Commissioners (NARUC))) Federal Energy Regulatory Commission is hereby prescribed for use of gas utilities in the state of Washington.

(2) Gas utilities operating within this state shall be classed by revenue as follows:

CLASS	ANNUAL GROSS OPERATING REVENUE	
((A	\$750,000	or more
B	\$250,000	to \$750,000
C	\$100,000	to \$250,000
D	less	than \$100,000))
A	\$2,500,000	or more
B	less	than \$2,500,000

(3) All gas utilities having multistate operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with geographic boundaries can be readily ascertained.

(4) Any change to the uniform system of accounts, as published by the ((NARUC)) FERC, will only be accomplished after due notice and order of this commission.

(5) The annual report ((FPC)) FERC Form 2 ((~~Class A and B natural gas companies and FPC Form 2A - Class C and D natural gas companies~~)) promulgated by the Federal ((Power)) Energy Regulatory Commission is hereby adopted for purposes of annually reporting to this commission by all ((~~Class A, B, C, and D~~)) gas companies.

All gas utilities having multistate operations shall report to this commission at least once each year, as a supplement to its annual report, the amount of property, revenues, expenses, taxes, depreciation, etc. utilized in or incurred from the furnishing of utility service in the state of Washington, on the basis of usage and without regard to geographic boundaries. Any cost allocations necessary in developing results of operations for the state of Washington separately shall be accomplished on an acceptable basis.

In addition to the annual report, each gas company shall file with the commission semiannual results of operations statements within four months after the end of the covered period. In most cases this would be April 30 and October 31 of each year. The results of operations statement shall be restated including normalized revenue and gas supply based on a "commission basis." "Commission basis" means that the rate base includes those standard rate base components that have been historically accepted by the commission for ratemaking, and further includes restating actual adjustments which restate a company's booked results of operations to a ratemaking basis adjusting for out of period items. Nonoperating, nonrecurring, extraordinary items, or any other item that materially distorts test period earnings or expenses shall be removed from booked results of operations before the achieved return is calculated. "Commission basis" does not include new theories or approaches which have not been previously addressed and resolved by the commission.

(6) The results of operations reported by each gas utility in its annual report to the commission shall be reconciled with the results of operations shown on its books and records.

(7) Gas utilities shall continue to report actual Washington results of operations to the commission. The results of operations statement shall show monthly results and twelve months ended results. This statement is due within sixty days after the end of the reporting month.

(8) Any additional data required by this commission in the reporting requirements of gas utilities will only be accomplished after due notice and order of this commission.

((#)) (9) The annual budget of expenditures shall be submitted in accordance with chapter 480-140 WAC.

ALTERNATIVE "B"

AMENDATORY SECTION (Amending Order R-27, filed 7/15/71)

WAC 480-90-031 ACCOUNTING. (1) The "uniform system of accounts" applicable to Class A((:)) and B((~~-C, and D~~)) gas utilities published by the ((National Association of Regulatory Utility Commissioners (NARUC))) Federal Energy Regulatory Commission is hereby prescribed for use of gas utilities in the state of Washington.

(2) Gas utilities operating within this state shall be classed by revenue as follows:

CLASS	ANNUAL GROSS OPERATING REVENUE
(A	\$750,000 or more
B	\$250,000 to \$750,000
C	\$100,000 to \$250,000
D	less than \$100,000)
A	\$2,500,000 or more
B	less than \$2,500,000

(3) All gas utilities having multistate operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with geographic boundaries can be readily ascertained.

(4) Any change to the uniform system of accounts, as published by the ((NARUC)) FERC, will only be accomplished after due notice and order of this commission.

(5) The annual report ((FPC)) FERC Form 2 ((~~Class A and B natural gas companies and FPC Form 2A - Class C and D natural gas companies~~)) promulgated by the Federal ((Power)) Energy Regulatory Commission is hereby adopted for purposes of annually reporting to this commission by all ((~~Class A, B, C, and D~~)) gas companies.

All gas utilities having multistate operations shall report to this commission at least once each year, as a supplement to its annual report, the amount of property, revenues, expenses, taxes, depreciation, etc. utilized in or incurred from the furnishing of utility service in the state of Washington, on the basis of usage and without regard to geographic boundaries. Any cost allocations necessary in developing results of operations for the state of Washington separately shall be accomplished on an acceptable basis.

In addition to the annual report, each gas company shall file with the commission semiannual results of operations statements within four months after the end of the covered period. In most cases this would be April 30 and October 31 of each year. The results of operations statement shall be restated including normalized revenue and gas supply based on a "commission basis." "Commission basis" means that the rate base includes those standard rate base components that have been historically accepted by the commission for ratemaking, and further includes restating actual adjustments which restate a company's booked results of operations to a ratemaking basis adjusting for out of period items. Nonoperating, nonrecurring, extraordinary items, or any other item that materially distorts test period earnings or expenses shall be removed from booked results of operations before the achieved return is calculated. "Commission basis" does not include new theories or approaches which have not been previously addressed and resolved by the commission.

(6) The results of operations reported by each gas utility in its annual report to the commission shall be reconciled with the results of operations shown on its books and records.

(7) Any additional data required by this commission in the reporting requirements of gas utilities will only be accomplished after due notice and order of this commission.

(8) The annual budget of expenditures shall be submitted in accordance with chapter 480-140 WAC.

ALTERNATIVE "C"

AMENDATORY SECTION (Amending Order R-27, filed 7/15/71)

WAC 480-90-031 ACCOUNTING. (1) The "uniform system of accounts" applicable to Class A((:)) and B((~~-C, and D~~)) gas utilities published by the ((National Association of Regulatory Utility Commissioners (NARUC))) Federal Energy Regulatory Commission is hereby prescribed for use of gas utilities in the state of Washington.

(2) Gas utilities operating within this state shall be classed by revenue as follows:

CLASS	ANNUAL GROSS OPERATING REVENUE
(A	\$750,000 or more
B	\$250,000 to \$750,000
C	\$100,000 to \$250,000
D	less than \$100,000)
A	\$2,500,000 or more
B	less than \$2,500,000

(3) All gas utilities having multistate operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with geographic boundaries can be readily ascertained.

(4) Any change to the uniform system of accounts, as published by the ((NARUC)) FERC, will only be accomplished after due notice and order of this commission.

(5) The annual report ((FPC)) FERC Form 2 ((~~Class A and B natural gas companies and FPC Form 2A - Class C and D natural gas companies~~)) promulgated by the Federal ((Power)) Energy Regulatory Commission is hereby adopted for purposes of annually reporting to this commission by all ((~~Class A, B, C, and D~~)) gas companies.

All gas utilities having multistate operations shall report to this commission at least once each year, as a supplement to its annual report, the amount of property, revenues, expenses, taxes, depreciation, etc. utilized in or incurred from the furnishing of utility service in the state of Washington, on the basis of usage and without regard to geographic boundaries. Any cost allocations necessary in developing results of operations for the state of Washington separately shall be accomplished on an acceptable basis.

In addition to the annual report, each gas company shall file with the commission quarterly results of operations statements within four months after the end of the covered period. This report would be due January 31, April 30, July 31, and October 31 of each year. The results of operations statement shall be restated including normalized revenue and gas supply based on a "commission basis." "Commission basis" means that the rate base includes those standard rate base components that have been historically accepted by the commission for ratemaking, and further includes restating actual adjustments which restate a company's booked results of operations to a ratemaking basis adjusting for out of period items. Nonoperating, nonrecurring, extraordinary items, or any other item that materially distorts test period earnings or expenses shall be removed from booked results of operations before the achieved return is calculated. "Commission basis" does not include new theories or approaches which have not been previously addressed and resolved by the commission.

(6) The results of operations reported by each gas utility in its annual report to the commission shall be reconciled with the results of operations shown on its books and records.

(7) Any additional data required by this commission in the reporting requirements of gas utilities will only be accomplished after due notice and order of this commission.

(8) The annual budget of expenditures shall be submitted in accordance with chapter 480-140 WAC.

ALTERNATIVE "D"

AMENDATORY SECTION (Amending Order R-27, filed 7/15/71)

WAC 480-90-031 ACCOUNTING. (1) The "uniform system of accounts" applicable to Class A(;) and B(, C, and D) gas utilities published by the ((National Association of Regulatory Utility Commissioners (NARUC))) Federal Energy Regulatory Commission is hereby prescribed for use of gas utilities in the state of Washington.

(2) Gas utilities operating within this state shall be classed by revenue as follows:

CLASS	ANNUAL GROSS OPERATING REVENUE
(A)	\$750,000 or more
B	\$250,000 to \$750,000
C	\$100,000 to \$250,000
D	less than \$100,000)
A	\$2,500,000 or more
B	less than \$2,500,000

(3) All gas utilities having multistate operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with geographic boundaries can be readily ascertained.

(4) Any change to the uniform system of accounts, as published by the ((NARUC)) FERC, will only be accomplished after due notice and order of this commission.

(5) The annual report ((FPE)) FERC Form 2 ((Class A and B natural gas companies and FPC Form 2A - Class C and D natural gas companies)) promulgated by the Federal ((Power)) Energy Regulatory Commission is hereby adopted for purposes of annually reporting to this commission by all ((Class A, B, C, and D)) gas companies.

All gas utilities having multistate operations shall report to this commission at least once each year, as a supplement to its annual report, the amount of property, revenues, expenses, taxes, depreciation, etc. utilized in or incurred from the furnishing of utility service in the state of Washington, on the basis of usage and without regard to geographic boundaries. Any cost allocations necessary in developing results of operations for the state of Washington separately shall be accomplished on an acceptable basis.

In addition to the annual report, each gas company shall file with the commission quarterly results of operations statements within four months after the end of the covered period. This report would be due January 31, April 30, July 31, and October 31 of each year. The results of operations statement shall be restated including normalized revenue and gas supply based on a "commission basis." "Commission basis" means that the rate base includes those standard rate base components that have been historically accepted by the commission for ratemaking, and further includes restating actual adjustments which restate a company's booked results of operations to a ratemaking basis adjusting for out of period items. Nonoperating, nonrecurring, extraordinary items, or any other item that materially distorts test

period earnings or expenses shall be removed from booked results of operations before the achieved return is calculated. "Commission basis" does not include new theories or approaches which have not been previously addressed and resolved by the commission.

(6) The results of operations reported by each gas utility in its annual report to the commission shall be reconciled with the results of operations shown on its books and records.

(7) Gas utilities shall continue to report actual Washington results of operations to the commission. The results of operations statement shall show monthly results and twelve months ended results. This statement is due within sixty days after the end of the reporting month.

(8) Any additional data required by this commission in the reporting requirements of gas utilities will only be accomplished after due notice and order of this commission.

((+)) (9) The annual budget of expenditures shall be submitted in accordance with chapter 480-140 WAC.

APPENDIX "II"
ALTERNATIVE "E"

AMENDATORY SECTION (Amending Order R-29, filed 7/15/71)

WAC 480-100-031 ACCOUNTING. (1) The "uniform system of accounts" applicable to Class A(;) and B(, C, and D) electric utilities published by the ((National Association of Regulatory Utility Commissioners (NARUC))) Federal Energy Regulatory Commission is hereby prescribed for use of electric utilities in the state of Washington. References in this uniform system of accounts to a classification of electric utilities contrary to ((paragraph 2 below)) subsection (2) of this section are hereby deleted.

(2) Electric utilities operating within this state shall be classed by revenue as follows:

CLASS	ANNUAL GROSS OPERATING REVENUE
(A)	\$750,000 or more
B	\$250,000 to \$750,000
C	\$100,000 to \$250,000
D	Less than \$100,000)
A	\$2,500,000 or more
B	less than \$2,500,000

(3) All electric utilities having multistate operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with geographic boundaries can be readily ascertained.

(4) Any deviation from the uniform system of accounts, as published by the ((NARUC)) FERC, will only be accomplished after due notice and order of this commission.

(5) The annual report form ((FPE)) FERC Form No. 1 promulgated by the Federal ((Power)) Energy Regulatory Commission is hereby adopted for purposes of annually reporting to this commission by all ((Class A and B)) electric companies. All electric utilities having multistate operations shall report to this commission at least once each year, as a supplement to its annual report, the amount of property, revenues, expenses, taxes, depreciation, etc., utilized in or incurred from the furnishing of utility service in the state of Washington, on the basis of usage and without regard to geographic boundaries. Any cost allocations necessary in developing results of operations for the state of Washington separately shall be accomplished on an acceptable basis.

((The annual report forms for Class C and D electric utilities shall be published by this commission:)) In addition to the annual report, each electric company shall file with the commission semiannual results of operations statements within four months after the end of the covered period. In most cases this would be April 30 and October 31 of each year. The results of operations statement shall be restated including normalized revenue and power supply based on a "commission basis." "Commission basis" means that the rate base includes those standard rate base components that have been historically accepted by the commission for ratemaking, and further includes restating actual adjustments which restate a company's booked results of operations to a ratemaking basis adjusting for out of period items. Nonoperating, nonrecurring, extraordinary items, or any other item that materially distorts test period earnings or expenses shall be removed from booked results of operations before the achieved return is calculated. "Commission basis" does not include new theories or approaches which have not been previously addressed and resolved by the commission.

(6) The total company results of operations reported by each electric utility in its annual report to the commission shall agree with the results of operations shown on its books and records. ~~((The Washington results of operations shall be readily reconcilable to the total company results of operations.))~~

(7) Any additional data required by this commission in the reporting requirements of electric utilities in annual reports will only be accomplished after due notice and order of this commission.

(8) The annual budget of expenditures shall be submitted in accordance with chapter 480-140 WAC.

ALTERNATIVE "F"

AMENDATORY SECTION (Amending Order R-29, filed 7/15/71)

WAC 480-100-031 ACCOUNTING. (1) The "uniform system of accounts" applicable to Class A(;) and B(~~C, and D~~) electric utilities published by the ~~((National Association of Regulatory Utility Commissioners (NARUC)))~~ Federal Energy Regulatory Commission is hereby prescribed for use of electric utilities in the state of Washington. References in this uniform system of accounts to a classification of electric utilities contrary to ~~((paragraph 2 below))~~ subsection (2) of this section are hereby deleted.

(2) Electric utilities operating within this state shall be classed by revenue as follows:

CLASS	ANNUAL GROSS OPERATING REVENUE
((A	\$750,000 or more
B	\$250,000 to \$750,000
C	\$100,000 to \$250,000
D	Less than \$100,000))
A	\$2,500,000 or more
B	less than \$2,500,000

(3) All electric utilities having multistate operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with geographic boundaries can be readily ascertained.

(4) Any deviation from the uniform system of accounts, as published by the ~~((NARUC))~~ FERC, will only be accomplished after due notice and order of this commission.

(5) The annual report form ~~((FPC))~~ FERC Form No. 1 promulgated by the Federal ~~((Power))~~ Energy Regulatory Commission is hereby adopted for purposes of annually reporting to this commission by all ~~((Class A and B))~~ electric companies. All electric utilities having multistate operations shall report to this commission at least once each year, as a supplement to its annual report, the amount of property, revenues, expenses, taxes, depreciation, etc., utilized in or incurred from the furnishing of utility service in the state of Washington, on the basis of usage and without regard to geographic boundaries. Any cost allocations necessary in developing results of operations for the state of Washington separately shall be accomplished on an acceptable basis.

~~((The annual report forms for Class C and D electric utilities shall be published by this commission.))~~ In addition to the annual report, each electric company shall file with the commission semiannual results of operations statements within four months after the end of the covered period. In most cases this would be April 30 and October 31 of each year. The results of operations statement shall be restated including normalized revenue and power supply based on a "commission basis." "Commission basis" means that the rate base includes those standard rate base components that have been historically accepted by the commission for ratemaking, and further includes restating actual adjustments which restate a company's booked results of operations to a ratemaking basis adjusting for out of period items. Nonoperating, nonrecurring, extraordinary items, or any other item that materially distorts test period earnings or expenses shall be removed from booked results of operations before the achieved return is calculated. "Commission basis" does not include new theories or approaches which have not been previously addressed and resolved by the commission.

(6) The total company results of operations reported by each electric utility in its annual report to the commission shall agree with the results of operations shown on its books and records. ~~((The Washington results of operations shall be readily reconcilable to the total company results of operations.))~~

(7) Electric utilities shall continue to report actual Washington results of operations to the commission. The results of operations statement shall show monthly results and twelve months ended results. This statement is due within sixty days of the reporting month.

(8) Any additional data required by this commission in the reporting requirements of electric utilities in annual reports will only be accomplished after due notice and order of this commission.

~~((8))~~ (9) The annual budget of expenditures shall be submitted in accordance with chapter 480-140 WAC.

ALTERNATIVE "G"

AMENDATORY SECTION (Amending Order R-29, filed 7/15/71)

WAC 480-100-031 ACCOUNTING. (1) The "uniform system of accounts" applicable to Class A(;) and B(~~C, and D~~) electric utilities published by the ~~((National Association of Regulatory Utility Commissioners (NARUC)))~~ Federal Energy Regulatory Commission is hereby prescribed for use of electric utilities in the state of Washington. References in this uniform system of accounts to a classification of electric utilities contrary to ~~((paragraph 2 below))~~ subsection (2) of this section are hereby deleted.

(2) Electric utilities operating within this state shall be classed by revenue as follows:

CLASS	ANNUAL GROSS OPERATING REVENUE
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D	Less than \$100,000))
A	\$2,500,000 or more
B	less than \$2,500,000

(3) All electric utilities having multistate operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with geographic boundaries can be readily ascertained.

(4) Any deviation from the uniform system of accounts, as published by the ~~((NARUC))~~ FERC, will only be accomplished after due notice and order of this commission.

(5) The annual report form ~~((FPC))~~ FERC Form No. 1 promulgated by the Federal ~~((Power))~~ Energy Regulatory Commission is hereby adopted for purposes of annually reporting to this commission by all ~~((Class A and B))~~ electric companies. All electric utilities having multistate operations shall report to this commission at least once each year, as a supplement to its annual report, the amount of property, revenues, expenses, taxes, depreciation, etc., utilized in or incurred from the furnishing of utility service in the state of Washington, on the basis of usage and without regard to geographic boundaries. Any cost allocations necessary in developing results of operations for the state of Washington separately shall be accomplished on an acceptable basis.

~~((The annual report forms for Class C and D electric utilities shall be published by this commission.))~~ In addition to the annual report, each electric company shall file with the commission quarterly results of operations statements within four months after the end of the covered period. This report would be due January 31, April 30, July 31, and October 31 of each year. The results of operations statement shall be restated including normalized revenue and gas supply based on a "commission basis." "Commission basis" means that the rate base includes those standard rate base components that have been historically accepted by the commission for ratemaking, and further includes restating actual adjustments which restate a company's booked results of operations to a ratemaking basis adjusting for out of period items. Nonoperating, nonrecurring, extraordinary items, or any other item that materially distorts test period earnings or expenses shall be removed from booked results of operations before the achieved return is calculated. "Commission basis" does not include new theories or approaches which have not been previously addressed and resolved by the commission.

(6) The total company results of operations reported by each electric utility in its annual report to the commission shall agree with the results of operations shown on its books and records. ~~((The Washington results of operations shall be readily reconcilable to the total company results of operations.))~~

(7) Electric utilities shall continue to report actual Washington results of operations to the commission. The results of operations statement shall show monthly results and twelve months ended results. This statement is due within sixty days after the end of the reporting month.

(8) Any additional data required by this commission in the reporting requirements of electric utilities in annual reports will only be accomplished after due notice and order of this commission.

((8)) (9) The annual budget of expenditures shall be submitted in accordance with chapter 480-140 WAC.

ALTERNATIVE "H"

AMENDATORY SECTION (Amending Order R-29, filed 7/15/71)

WAC 480-100-031 ACCOUNTING. (1) The "uniform system of accounts" applicable to Class A(;) and B(;-C, and-D)) electric utilities published by the ((National Association of Regulatory Utility Commissioners (NARUC))) Federal Energy Regulatory Commission is hereby prescribed for use of electric utilities in the state of Washington. References in this uniform system of accounts to a classification of electric utilities contrary to ((paragraph 2 below)) subsection (2) of this section are hereby deleted.

(2) Electric utilities operating within this state shall be classed by revenue as follows:

CLASS ANNUAL GROSS OPERATING REVENUE

A	\$750,000	or more
B	\$250,000	to \$750,000
C	\$100,000	to \$250,000
D	Less than	\$100,000)
A	\$2,500,000	or more
B	less than	\$2,500,000

(3) All electric utilities having multistate operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with geographic boundaries can be readily ascertained.

(4) Any deviation from the uniform system of accounts, as published by the ((NARUC)) FERC, will only be accomplished after due notice and order of this commission.

(5) The annual report form ((FPC)) FERC Form No. 1 promulgated by the Federal ((Power)) Energy Regulatory Commission is hereby adopted for purposes of annually reporting to this commission by all ((Class A and B)) electric companies. All electric utilities having multistate operations shall report to this commission at least once each year, as a supplement to its annual report, the amount of property, revenues, expenses, taxes, depreciation, etc., utilized in or incurred from the furnishing of utility service in the state of Washington, on the basis of usage and without regard to geographic boundaries. Any cost allocations necessary in developing results of operations for the state of Washington separately shall be accomplished on an acceptable basis.

((The annual report forms for Class C and D electric utilities shall be published by this commission.)) In addition to the annual report, each electric company shall file with the commission quarterly results of operations statements within four months after the end of the covered period. This report would be due January 31, April 30, July 31, and October 31 of each year. The results of operations statement shall be restated including normalized revenue and gas supply based on a "commission basis." "Commission basis" means that the rate base includes those standard rate base components that have been historically accepted by the commission for ratemaking, and further includes restating actual adjustments which restate a company's booked results of operations to a ratemaking basis adjusting for out of period items. Nonoperating, nonrecurring, extraordinary items, or any other item that materially distorts test period earnings or expenses shall be removed from booked results of operations before the achieved return is calculated. "Commission basis" does not include new theories or approaches which have not been previously addressed and resolved by the commission.

(6) The total company results of operations reported by each electric utility in its annual report to the commission shall agree with the results of operations shown on its books and records. ((The Washington results of operations shall be readily reconcilable to the total company results of operations.))

(7) Any additional data required by this commission in the reporting requirements of electric utilities in annual reports will only be accomplished after due notice and order of this commission.

(8) The annual budget of expenditures shall be submitted in accordance with chapter 480-140 WAC.

WSR 89-09-071

ADOPTED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-298, Cause No. TV-2253—Filed April 19, 1989]

In the matter of amending WAC 480-12-445 relating to information to shippers of household goods.

This action is taken pursuant to Notice No. WSR 89-06-020 filed with the code reviser on February 23, 1989. The rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 89-06-020 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, April 5, 1989, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, before Chairman Sharon L. Nelson and Commissioners Richard D. Casad and A. J. Pardini.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to March 31, 1989, and orally at 9:00 a.m., Wednesday, April 5, 1989, in the Commission's Hearing Room above noted. At the April 5, 1989, meeting the commission considered the rule change proposal. No comments were received, either written or oral.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-12-445 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-12-445 as amended will simplify information to persons as to their rights, duties, and privileges when using the services of household goods carriers operating under permit issued by the commission.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-12-445 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 19th day of April, 1989.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Richard D. Casad, Commissioner
A. J. Pardini, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-281, Cause No. TV-2119, filed 12/23/87)

WAC 480-12-445 INFORMATION TO SHIPPER. Whenever a written estimate is submitted to a prospective shipper of household goods, the carrier shall furnish such shipper a printed statement, in not less than eight-point bold or full-faced type, in substantially the form set forth below, and the carrier shall make an appropriate notation, on the face of the estimate, that such printed statement has been furnished. Where no estimate is given, the statement shall be furnished to the shipper prior to the time the goods are moved, and a notation that such statement has been furnished shall appear on the bill of lading.

GENERAL INFORMATION FOR SHIPPERS OF HOUSEHOLD GOODS BY MOTOR CARRIERS IN INTRASTATE COMMERCE

This statement is of importance to you as a shipper of household goods and is being furnished by the carrier pursuant to a requirement of the Washington utilities and transportation commission. It relates to the transportation of household goods, in intrastate commerce by motor carriers frequently called "movers" but hereinafter referred to as carriers. Some carriers perform the transportation themselves. Others act as agent for the carriers which do the actual hauling. In some instances, the transportation is arranged by brokers. You should be sure to obtain the complete and correct name, home address, and telephone number of the carrier which is to transport your shipment, and keep that carrier informed as to how and where you may be reached at all times until the shipment is delivered.

Before completing arrangements for the shipment of your household goods, all of the information herein should be considered carefully by you.

((Estimates. REGARDLESS OF ANY PRIOR ESTIMATE RECEIVED, for the carriage of your shipment, you will be required to pay transportation charges and other charges computed in accordance with tariffs published by the Washington utilities and transportation commission. The total charges which you will be required to pay may be more, or less, than the estimate received from the carrier. Any services not included on the original estimate of charges must be listed on a supplemental estimate and acknowledged in writing by the shipper prior to the performance of the additional services.

Tariff. This is a publication by the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Dr. S.W., Olympia, Washington, containing charges and rules of carriers engaged in the transportation of household goods. The rates, rules and provisions are the same for all carriers and tariff is open to public

inspection and may be examined at the carrier's office. The tariff rules, rates and regulations of the carrier serving you must be considered in determining the charges on your shipment. Among the rules and regulations will be found special provisions applicable to shipments picked up or delivered at more than one place; packing and marking; diversion of shipments en route; and additional services, the charges for which are called accessorial charges, and which include services such as packing, unpacking, the furnishing of boxes or other containers, and carrying goods up or down steps. The tariff of the carrier serving you contains rules relating to the subjects which follow.

Preparing articles for shipment. If your shipment includes a stove, refrigerator, washing machine, or some other article requiring special servicing, including disconnection, prior to movement, such special servicing should be performed by a person employed by you who is especially trained to perform the work. Such servicing is not the responsibility of the carrier. Similarly you should arrange to take down all blinds, draperies, window cornices, mirrors, and other items attached to the walls, and to take up carpets which are tacked down. The charge for such service is not included in the transportation charge and will be performed by the carrier only at an extra per-hour charge. Under no circumstances should you pack jewelry, money, or valuable papers with your other belongings or matches, inflammables, or other dangerous articles.

Transportation rates and released values. Rates are stated on an hourly basis for local moving within towns or cities or for any distance thirty-five miles or less. The base rates are established for declared valuation of the shipment, which establishes the amount a shipper may recover from the carrier if the goods are lost or damaged. The base rates apply if the shipper releases the goods at a value of sixty cents per pound per article. When a released valuation is established by the shipper in excess of sixty cents per pound per article on a lump sum for the entire shipment, then an excess valuation charge will apply. Alternatively, you may elect to ship at the base rate and arrange, at your own expense, to obtain insurance to protect you for a greater amount. Rates for hauling within Washington beyond thirty-five miles are stated in amounts per one hundred pounds, depending on the distance involved. The charges will vary according to the released or declared value of the shipment. The carrier's tariff provides that at its base rates the carrier's responsibility for loss or damage caused by it is limited to sixty cents per pound of actual weight of each lost or damaged article. If you wish to be paid full value for lost or damaged items which are worth more than sixty cents per pound, you must declare, before shipping, a lump sum value and pay an extra charge for such value. Payment of the charge establishes the declared value as the maximum amount you may recover from the carrier for loss or damage, unless the damage is caused by an event or development excluded by the terms of the carrier's printed bill of lading, of which you should have a copy. If you do not declare any lump sum value, or a value less than one dollar and twenty-five cents per pound, the shipment will be

deemed to have been released at one dollar and twenty-five cents per pound, and an additional charge per one hundred dollars of value will be applied. If you wish to avoid these extra charges, you must agree, in writing, on the bill of lading, that if any articles are lost or damaged, the carrier's liability will not exceed sixty cents per pound for the actual weight of any lost or damaged articles in the shipment.

Cargo protection. A carrier's liability for loss or damage is limited by the bill of lading, the value of goods declared thereon by the shipper, and its tariffs. If greater protection than that afforded under the lowest transportation rate is desired, the shipper will be required to so indicate on the bill of lading prior to the time the goods are loaded. The carrier will assess a transportation valuation charge on the freight bill for the greater protection.

Weights. The transportation charges will be determined on the basis of the weight of your shipment. Ordinarily, the carrier will weigh its empty or partially loaded vehicle prior to the loading of your goods. After loading, it will again weigh the vehicle and determine the weight of your shipment. If your shipment weighs less than one thousand pounds, the carrier may weigh it prior to loading.

If you so request, the carrier will notify you of the weight of your shipment and the charges as soon as the weight has been determined. Further, if you question the weight reported by the carrier, you may request that the shipment be reweighed prior to delivery. Reweighing will be accomplished only where it is practicable to do so. An extra charge may be made for reweighing, but only if the difference between the two net weights obtained does not exceed one hundred pounds (if your shipment weighs five thousand pounds or less) or does not exceed two percent of the lower net weight (if your shipment weighs more than five thousand pounds). The lower of the two net weights must be used in determining the charges.

Exclusive use of the vehicle. If you do not desire to have the goods belonging to someone else transported with your shipment, you may direct the carrier to grant you the exclusive use of the vehicle. In such event, however, the charges will probably be much greater.

Expedited service. Carriers are not ordinarily required to make delivery on a certain date or within a definite period of time. However, their tariffs generally contain a rule to the effect that, upon request of the shipper, goods weighing less than a designated weight — usually five thousand pounds — will be delivered on or before the date specified by the shipper. The transportation charges for such expedited service are based upon the higher weight (five thousand pounds) and, of course, are greater than the charges on shipments hauled at the carrier's convenience.

Small shipments. If your shipment weighs less than the minimum weight prescribed in the carrier's tariff, it will be subject to the minimum charge provided therein. If your shipment weighs substantially less than the minimum weight prescribed by the carrier, you should give consideration to the possibility that it may be shipped more reasonably by other means of transportation, even

if the expense of crating the items is taken into consideration.

Storage in transit. In case you desire that your household goods be stored in transit, and delivered at a later date, you may usually obtain such service upon specific request. The length of time a shipment may be stored in transit is limited by the carrier's tariff, and additional charges are normally made for such service. At the end of the designated storage-in-transit period, and in the absence of final delivery instructions, the shipment will be placed in permanent storage, and the carrier's liability in respect thereof will cease. Any further service must be made the subject of a separate contract with the warehouseman. If you do not specifically request storage-in-transit from the carrier, but arrange with someone other than the carrier to pick up your goods for storage, you will be required to pay such other person for such service. Some warehouses make separate charges for checking goods out of storage, and collect dock charges from carriers for the space occupied by their vehicles while being loaded. Such charges are passed on to the shipper.

Bill of lading. Before your shipment leaves point of origin, you should obtain from the carrier a bill of lading or receipt, signed by you and the carrier, showing the date of shipment, the names of the consignor and consignee, the points of origin and destination, a description of the goods, and the declared or released valuation thereof.

Payment of charges — freight bill. You probably will have to pay all charges in cash, by money order, or by certified check before your shipment will be finally delivered. Therefore, when the shipment arrives at destination, you should be prepared to make such payment.

When paying charges on shipments moving more than thirty-five miles you should obtain a receipt for the amount paid setting forth the gross and tare weights of the vehicle, the net weight of your shipment, the mileage, the applicable rate per one hundred pounds for transportation, additional protection, and any accessorial services performed. On shipments moving under thirty-five miles the receipt should show the time the vehicle left the premises of the mover and the time the same vehicle returned thereto, the rate per hour and rates for any accessorial services performed. Such receipt is called a freight bill or expense bill. In the event of loss or damage to the shipment, be sure to have the driver place appropriate notations on the freight bill. If the driver will not make such notations, you should have some disinterested party inspect the damage in the driver's presence and report same in writing to the home office of the carrier.

Loss or damage. If loss or damage is detected when the goods are delivered by the carrier, the fact of such loss or damage should be recorded by the shipper on the bill of lading, or delivery record. All claims for loss or damage must be filed with the carrier, in writing within nine months of delivery. Although the carriers are subject to the rules and regulations of the Washington utilities and transportation commission the commission has no authority to compel the carriers to settle claims for loss or damage and will not undertake to determine

whether the basis for or the amount of such claims is proper, nor will it attempt to determine the carrier liable for such loss or damage. If the carrier will not voluntarily pay such claims, the only recourse of the shipper is the filing of a suit in a court of law. The names of the carrier's agents for service of process in this state may be obtained by writing the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Dr. S.W., Olympia, Washington.) ESTIMATES. Movers will, upon request, provide estimates of moving costs. They must be written. Oral or telephone estimates are not permitted. The accuracy of the estimate depends upon cooperation between the owner and the mover. SHOW THE MOVER EVERYTHING YOU WANT ON THE TRUCK AND DISCUSS ALL SERVICES YOU WANT PERFORMED. When moving day arrives, and you discover that there are additional items and services to be performed which were not covered by the original estimate, i.e., services and items you may have intended to take care of yourself, then the mover must provide you an additional estimate. Any services not included on the original estimate of charges must be listed on a supplement estimate and acknowledged in writing by the shipper prior to the performance of the additional services. Estimates are not binding on the mover. You are legally obligated to pay the transportation and other charges computed in accordance with the tariff published by the Washington utilities and transportation commission. However, if the charges exceed the original, and supplementary estimate, if any, the mover must at your request, deliver the shipment to you upon payment of not more than one hundred ten percent of the estimate. The balance of the charges shall be deferred for not more than thirty days following delivery of the shipment.

TARIFFS. The tariff is published by the Washington utilities and transportation commission. It contains rates, rules, and charges governing the transportation of household goods. The tariff applies to all movers and all Washington movers have the same rates. The tariff is available for public inspection at the mover's office. Among the rules and regulations are special provisions for shipments picked up or delivered at more than one place; packing and marking, furnishing of boxes, carrying goods up and down steps.

PREPARING ARTICLES FOR SHIPMENT. Some articles may require special servicing, including disconnection, to prepare them for being moved. These articles are usually large appliances, stereo sets, etc. If the mover prepares these articles there will be an extra charge. Also, if you wish to avoid extra per-hour charges, you should consider taking down drapes, blinds, window cornices, mirrors and any other articles attached to the walls. Movers are not responsible for articles of extraordinary value. Never pack jewelry, money, valuable papers, coin or other valuable collections with your other belongings. This applies also to inflammables or other dangerous articles.

COVERAGE BY THE MOVER IN CASE OF LOSS OR DAMAGE.

● THE DOLLAR AMOUNT OF RESPONSIBILITY YOUR MOVER HAS FOR LOSS OR DAMAGE TO YOUR HOUSEHOLD ARTICLES IS UP TO YOU.

● YOU SHOULD CHOOSE THE DOLLAR AMOUNT.

● WHAT THE MOVER IS OR IS NOT RESPONSIBLE FOR IS PRINTED ON THE BACK OF THE MOVER'S STANDARD MOVING CONTRACT (BILL-OF-LADING).

● GET A SAMPLE CONTRACT AND READ IT BEFORE YOU MOVE.

YOUR CHOICES OF COVERAGE ARE:

1. Replacement cost coverage.

a. No depreciation is applied to arrive at the amount you are paid for loss or damage.

b. This coverage costs the most.

2. Standard full value protection.

a. Depreciation will be applied in arriving at the amount you are paid for loss or damage.

b. This coverage costs less than replacement cost.

3. Partial coverage/one dollar and twenty-five cents per pound.

a. This is an arbitrary valuation.

b. The actual weight of all you move will be multiplied by one dollar and twenty-five cents per pound, and the result used as the value of all your goods.

c. One dollar and twenty-five cents per pound is a fraction of the value of the contents of the average home. Values much higher than one dollar and twenty-five cents per pound are common.

d. You may not receive full payment for a major or total loss.

e. This coverage costs less than full value protection.

4. Almost no coverage/sixty cents per pound per item.

a. This coverage can be totally inadequate in case of a major or total loss (as in the case of the moving truck being involved in an accident).

b. For loss or damage you will be paid up to sixty cents per pound times the weight of any lost or damaged article. For a crushed five pound lamp shade you would be paid three dollars (five lbs. times sixty cents).

c. There is no additional cost for this choice.

MOVING FROM CITY TO CITY/LONG DISTANCE.

1. All four choices are available.

2. If you make no choice, the mover will choose number 3 (one dollar and twenty-five cents per pound) for you.

MOVING WITHIN A LOCAL AREA.

1. All choices except number 3 (one dollar and twenty-five cents per lb.) are available.

2. If you make no choice, the mover will choose number 4 (sixty cents per lb.) for you.

WEIGHTS. For distance rated moving the transportation charge depends on the shipment's weight. While extra services (accessorial) and packing are important elements of the total, this paragraph deals with shipment weight. Ordinarily the carrier will weigh the vehicle before loading your goods as well as after loading. This determines the net weight of your shipment. If you so

request, the mover will notify you of the weight and the charges as soon as the weight is established. A mover will reweigh the shipment before delivery, if this is requested, providing this is practicable. Reweighs cost extra, but only when the difference between the two net scale weights does not exceed certain parameters (one hundred pounds when the shipment is five thousand pounds or less, two percent of the lower net scale weight on shipments weighing over five thousand pounds).

EXPEDITED SERVICE. Movers do not have to make delivery at any definite time. However, at your request, a shipment will be delivered on or before the date specified. Such shipments may be subject to an extra charge.

SMALL SHIPMENTS. The minimum weight for shipments in distance moves is five hundred pounds. If your shipment weighs in this area, you should consider using other means of transportation even if you have to pay for crating and packing. Movers frequently find it difficult to deliver small shipments in a reasonable time.

TEMPORARY STORAGE. Upon request, you may place your goods in temporary storage for a period not to exceed one hundred eighty days. Additional charges are imposed for this service. If the shipment is not removed from temporary storage within one hundred eighty days the shipment will revert to permanent storage and the carrier ceases to have liability as a carrier. His liability becomes that of a warehouseman and the Washington utilities and transportation commission has no further jurisdiction over the shipment.

BILL OF LADING CONTRACT. The bill of lading is the contract between you and the mover. Before your shipment leaves the point of origin you should obtain a copy of this document. You should sign the bill of lading before transportation begins and sign it as a receipt upon delivery of the goods at destination.

PAYMENT OF CHARGES - FREIGHT BILL. Ordinarily movers will not deliver or relinquish possession of property until all tariff rates and charges have been paid in cash, certified check, traveler's check, or similar instruments. Some movers will accept bank cards. Shippers should be prepared to make payment for the move when the shipment is finally delivered.

When you make payment for distance shipments (more than thirty-five miles) your receipt for the charges should show gross and tare weights of the vehicle, the net weight of your shipment, mileage, the rate per one hundred pounds for the transportation, additional protection and any other services performed. On time-rated shipments the receipt should show the time the vehicle left the mover's place of business and the time of return, the rate per hour and rates or charges for any accessorial services. The receipt is called a freight bill or expense bill.

In the event of loss or damage to your shipment ask the driver to acknowledge the facts on the freight bill. If the driver refuses, you should have a disinterested party inspect the damage in the driver's presence and report same in writing to the mover's home office.

LOSS OR DAMAGE. All claims for loss or damage must be filed with the carrier in writing. Ask the carrier for a claim form.

Claims should be filed within nine months from date of delivery preferably as soon as possible while memories are fresh. The Washington utilities and transportation commission cannot resolve or settle claims for loss and damage. If the carrier will not voluntarily settle a claim to the customer's satisfaction, the only recourse is the filing of a suit in a court of law.

WSR 89-09-072
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 89-19—Filed April 19, 1989]

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 a harvestable surplus of chinook salmon is available in coastal waters during May and early June. Coho salmon are in need of protection. These regulations are adopted to concur with Pacific Fisheries Management Council recommendations. There is inadequate time to promulgate permanent regulations, because the Pacific Fisheries Management Council met April 4-7, 1989.

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 75.08.070 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 April 19, 1989.

By Judith Merchant
Deputy
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-19000K SALTWATER SEASONS AND BAG LIMITS. Notwithstanding the provisions of WAC 220-56-180 and WAC 220-56-190, effective immediately until further notice it is unlawful to fish for salmon in Punchcard Area 4, Pacific Ocean waters, and Washington waters west of the Buoy 10 line except as provided for in this section:

(1) Open to salmon angling:

12:01 a.m. May 28 to 11:59 p.m. May 29;

12:01 a.m. June 4 to 11:59 p.m. June 5;

12:01 a.m. June 11 to 11:50 p.m. June 12, 1989, or until 5,000 chinook salmon are taken.

(2) *Bag Limit* – 2 salmon per day, except coho salmon may not be retained. Size limit for chinook – 24 inches minimum length and no maximum length.

(3) *Gear Restrictions*: It is unlawful to use any terminal gear other than gear with barbless single hooks.

(4) Closed from 6 to 200 nautical miles of shore.

(5) Closed at the mouth of the Columbia River in a conservation zone bounded on the north by a line projected due west from North Head along 46° 18' 00" north latitude to the Fisheries Conservation Zone westerly boundary, thence south to 46° 11' 06" north latitude, thence east to 46° 11' 00" north latitude, 124° 11' 00" west longitude (Columbia River Buoy) then north-east along Red Buoy Line to the tip of the south jetty, from which conservation zone no salmon may be taken, except that within these waters it is lawful to angle from the bank only of the north jetty of the Columbia River.

WSR 89-09-073
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 89-20—Filed April 19, 1989]

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 a harvestable quota of chinook salmon is available for troll fishermen. The fishery is closed north of the Queets River to reduce impacts on upper Columbia River spring chinook. Coho salmon are in need of protection. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council. There is inadequate time to promulgate permanent regulations, because the Pacific Fisheries Management Council met April 4-7, 1989.

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 April 19, 1989.

By Judith Merchant
Deputy
for Joseph R. Blum
Director

NEW SECTION

WAC 220-24-02000D LAWFUL ACTS—TROLL FISHERY. Notwithstanding the provisions of WAC 220-20-010, WAC 220-20-020 and WAC 220-20-030, effective immediately it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear in the waters west of the Bonilla-Tatoosh Line, the Pacific Ocean, or waters west of a line drawn true north-south through Buoy 10 at the mouth of the Columbia River except as provided for in this section:

(1) Effective 12:01 a.m. May 1, 1989 it is lawful to fish for and possess all salmon species except coho salmon taken from those waters south of a line projected true west from the mouth of the Queets River, except for those waters of a conservation zone at the mouth of the Columbia River bounded on the north by a line projected true west from North Head along 46° 18' 00" north latitude to the Fisheries Conservation Zone westerly boundary, thence south to 46° 11' 06" north latitude, thence east to 46° 11' 06" north latitude, 124° 11' 00" west longitude (the Columbia River Buoy), thence north-westerly along the Red Buoy Line to the tip of the south jetty, from which conservation zone no salmon may be taken.

(2) The above open area will close when 39,500 salmon are taken, or June 15, 1989, whichever is earlier.

(3) Lawful terminal gear is restricted to single point, single shank barbless hooks.

(4) No chinook salmon less than 28 inches in total length or 21.5 inches head-off may be retained.

(5) It is unlawful to fish for or possess salmon taken for commercial purposes with any gear other than troll gear in the open fishery area.

(6) It is unlawful to transport through Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, or 4 or land in the State of Washington and salmon taken for commercial purposes contrary to the provisions of Chapter 220-33 WAC or 220-47 WAC relative to seasons and species provided for in this section.

WSR 89-09-074
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed April 19, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning Personal property exemption—Exceptions, new section WAC 458-16-115;

that the agency will at 10:00 a.m., Thursday, May 25, 1989, in the Department of Revenue Office, 6004 Capitol Boulevard, Tumwater, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Friday, May 29, 1989.

The authority under which these rules are proposed is RCW 84.08.010(2) and 84.36.865.

The specific statute these rules are intended to implement is RCW 84.36.110.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 25, 1989.

Dated: April 17, 1989
By: Steven L. Frisch
Assistant Director

STATEMENT OF PURPOSE

This statement of purpose, prepared in compliance with RCW 34.04.045, accompanies proposed rules to be promulgated by the Department of Revenue as follows:

Title: WAC 458-16-115 Personnel property exemption—Exceptions.

Purpose: To achieve uniformity in the taxation of real property.

Statutory Authority: RCW 84.36.865 directs the Department of Revenue to adopt rules necessary or desirable for the effective administration of property tax exemptions.

Summary and Reasons for the Rule: The rule provides that property which would be taxed as real property but for the operation of law shall not be allowed a personal property tax exemption.

Drafter of the Rule: Larry D. Stout, 6004 South Capitol Boulevard, Tumwater, WA 98501, (206) 586-4739; Rule Implementation and Enforcement: Steve Frisch, 6004 South Capitol Boulevard, Tumwater, WA 98501, (206) 753-5503.

Proposer of the Rule: Department of Revenue, Olympia, Washington 98504.

Comments and Recommendations: None.

Federal Law or Court Action Citation: None.

Small Business Impact: None.

NEW SECTION

WAC 458-16-115 PERSONAL PROPERTY EXEMPTION — EXCEPTIONS. (1) The personal property exemption in RCW 84.36.110 shall not be applied to:

- (a) Houses, cabins, boathouses, boatdocks or other similar improvements which are located on publicly owned lands;
- (b) Mobile homes; or
- (c) Floating homes.

WSR 89-09-075
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed April 19, 1989]

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 Redmond, city of, amending WAC 173-19-2519;

that the agency will at 7:00 p.m., Thursday, June 1, 1989, in the City Council Chambers, 15670 N.E. 85th Street, Redmond, WA, conduct a public hearing on the proposed rules.

The formal decision, regarding adoption, amendment, or repeal of the rules will take place on July 5, 1989.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 6, 1989.

Dated: April 19, 1989
By: D. R. Mack
for Carol Jolly
Assistant Director
Water and Shorelands

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-2519 City of Redmond.

Description of Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The proposed amendment revises the environment designation from rural to urban for a site of approximately 69 acres located along 2600 feet of the east side of the Sammamish River, running directly north of N.E. 90th (if extended) to the south boundary of the Puget Power right-of-way.

Reasons to Support Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry Wenger, (206) 459-6767, WDOE, Mailstop PV-11, Olympia, Washington 98504.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Department of Ecology, state government.

Agency Comments or Recommendation 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 information supplied by agency.]

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order DE 86-27, filed 10/20/86)

WAC 173-19-2519 REDMOND, CITY OF. City of Redmond master program approved September 20, 1974. Revision approved December 15, 1981. Revision approved October 20, 1986. Revision approved July 5, 1989.

WSR 89-09-076
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed April 19, 1989]

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 Bothell, city of, amending WAC 173-19-2505;

that the agency will at 7:00 p.m., Thursday, May 25, 1989, in the City Council Chambers, 18305 101st Avenue N.E., Bothell, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 5, 1989.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 1, 1989.

Dated: April 19, 1989

By: D. R. Mack
for Carol Jolly
Assistant Director
Water and Shorelands

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-2505 City of Bothell.

Description of Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The proposed amendment designates as urban environment a site of approximately 100 acres located north and west of the intersection of I-405 and SR-522. This site was designated rural under the King County shoreline master program prior to the city of Bothell annexation.

Reasons to Support Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry Wenger, (206) 459-6767, WDOE, Mailstop PV-11, Olympia, Washington 98504.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Department of Ecology, state government.

Agency Comments or Recommendation 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 information supplied by agency.]

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order 84-40, filed 12/5/84)

WAC 173-19-2505 BOTHELL, CITY OF. City of Bothell master program approved February 27, 1975. Revision approved July 2, 1976. Revision approved January 31, 1977. Revision approved March 8, 1983. Revision approved December 5, 1974. Revision approved July 5, 1989.

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 89-09-077

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 88-22—Filed April 19, 1989]

I, Carol Jolly, assistant director of Water and Shorelands, Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to San Juan County, amending WAC 173-19-360.

This action is taken pursuant to Notice No. WSR 88-19-102 filed with the code reviser on September 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 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 April 19, 1989.

By D. R. Mack
for Carol Jolly
Assistant Director

AMENDATORY SECTION (Amending Order DE 84-36, filed 10/31/84)

WAC 173-19-360 SAN JUAN COUNTY. San Juan County master program approved May 28, 1976. Revision approved October 29, 1976. Revision approved April 13, 1981. Revision approved October 30, 1984. Revision approved April 19, 1989.

WSR 89-09-078

NOTICE OF PUBLIC MEETINGS

LOTTERY COMMISSION

[Memorandum—April 19, 1989]

At its regular meeting held April 7, 1989, the Lottery Commission changed the date of its next regular meeting from Friday, June 2, 1989, to Thursday, June 1, 1989.

WSR 89-09-079

PROPOSED RULES

LOTTERY COMMISSION

[Filed April 19, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Lottery Commission intends to adopt, amend, or repeal rules concerning:

Amd	WAC 315-06-020	Authorization to sell tickets.
Amd	WAC 315-06-120	Payment of prizes—General provisions.
Amd	WAC 315-12-030	Description of central and field organization of the Commission and the Director.

Amd	WAC 315-30-040	Drawings and end of sales prior to drawings.
Amd	WAC 315-30-050	Validation requirements.
Amd	WAC 315-30-070	Retailer settlement.
Amd	WAC 315-31-020	Price of daily game tickets.
Amd	WAC 315-31-030	Types of play for daily game.
Amd	WAC 315-31-040	Prizes for daily game.
Amd	WAc 315-31-050	Ticket purchases.
Amd	WAC 315-31-060	Drawings.
Amd	WAC 315-32-050	Ticket purchases.
New	WAC 315-11-440	Definitions for Instant Game Number 44 ("Pot O' Gold").
New	WAC 315-11-441	Criteria for Instant Game Number 44 ("Pot O' Gold").
New	WAC 315-11-442	Ticket validation requirements for Instant Game Number 44 ("Pot O' Gold").
New	WAC 315-11-450	Definitions for Instant Game Number 45 ("Happy Returns").
New	WAC 315-11-451	Criteria for Instant Game Number 45 ("Happy Returns").
New	WAC 315-11-452	Ticket validation requirements for Instant Game Number 45 ("Happy Returns");

that the agency will at 10:00 a.m., Thursday, June 1, 1989, in the Washington State Lottery, Region 3 Office, 5963 Corson Avenue, Suite 106, Seattle, WA 98108, 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 67.70.040.

The specific statute these rules are intended to implement is RCW 67.70.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 1, 1989.

Dated: April 19, 1989

By: Scott L. Milne
Deputy Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s):
See above.

Statutory Authority: RCW 67.70.040.

Specific Statute that Rules are Intended to Implement: RCW 67.70.040.

Summary of the Rule(s): WAC 315-06-020, this amendment establishes the requirement that liquor agencies of the state Liquor Control Board be licensed as lottery retailers; WAC 315-06-120, this amendment permits the lottery to use a claimant's name and photograph for lottery-related publicity purposes; WAC 315-12-030, this amendment updates the addresses of lottery offices; WAC 315-30-040, this amendment states that drawings will be broadcast live provided that broadcast time is available; WAC 315-30-050, this amendment clarifies that when a ticket is issued in error the only liability of the lottery shall be replacement of the ticket for a future on-line drawing; WAC 315-30-070, this amendment provides that lottery retailers shall hold funds from sale of on-line tickets in trust for the lottery; WAC 315-31-020, this amendment updates the name of the three-digit on-line game; WAC 315-31-030, this amendment updates the name of the three-digit on-line game and provides for selection of numbers by a computer-operated random number generator; WAC 315-

31-040, this amendment updates the name of the three-digit on-line game; WAC 315-31-050, this amendment updates the name of the three-digit on-line game and extends the hours for purchase and redemption of daily game tickets; WAC 315-31-060, this amendment updates the name of the three-digit on-line game; WAC 315-32-050, this amendment extends the hours for purchase and redemption of Lotto tickets; WAC 315-11-440, this rule provides definitions of the terms used in Instant Game Number 44 rules; WAC 315-11-441, this rule sets forth criteria for Instant Game Number 44; WAC 315-11-442, this rule states the ticket validation requirements for Instant Game Number 44; WAC 315-11-450, this rule provides definitions of the terms used in Instant Game Number 45 rules; WAC 315-11-451, this rule sets forth criteria for Instant Game Number 45; and WAC 315-11-452, this rule states the ticket validation requirements for Instant Game Number 45.

Reasons Supporting the Proposed rule(s): WAC 315-06-020, liquor agencies need to be treated in the same manner as other private business lottery retailers; WAC 315-06-120, the lottery produces educational and public relations materials which inform players about the lottery and inclusion of news about winners is an important aspect of the materials; WAC 315-12-030, the public must be aware of the correct addresses of lottery offices; WAC 315-30-040, the lottery needs to have the flexibility whether to broadcast a drawing if network program scheduling eliminates available broadcast time; WAC 315-30-050, players and retailers need to be aware of the circumstances under which the lottery's liability is limited to replacement of an on-line ticket; WAC 315-30-070, retailers need to know that funds generated by the sale of on-line tickets are the property of the lottery; WAC 315-31-020, the name of the three-digit game needs to be updated; WAC 315-31-030, the lottery desires to give players a choice of how to choose numbers in the three-digit game; WAC 315-31-040, the name of the three-digit game needs to be updated; WAC 315-31-050, the lottery desires to extend the hours for purchase and redemption of daily game tickets for player convenience; WAC 315-31-060, the name of the three-digit game needs to be updated; WAC 315-32-050, the lottery desires to extend the hours for purchase and redemption of Lotto tickets for player convenience; WAC 315-11-440, certain terms need to be defined in order to provide consistency in understanding and interpreting the rules and regulations under WAC 315-11-441 and 315-11-442; WAC 315-11-441, licensed retailers and players of Instant Game Number 44 need to know how the game will function. Specifying the criteria which apply to Instant Game Number 44 will provide this information; WAC 315-11-442, tickets for Instant Game Number 44 which are found to be counterfeit or tampered with will be declared void by the lottery and no prize(s) will be paid. Rigid validation requirements are set forth to discourage persons from tampering with tickets and to prevent the lottery from paying out prize money on invalid tickets; WAC 315-11-450, certain terms need to be defined in order to provide consistency in understanding and interpreting the rules and regulations under WAC 315-11-

451 and 315-11-452; WAC 315-11-451, licensed retailers and players of Instant Game Number 45 need to know how the game will function. Specifying the criteria which apply to Instant Game Number 45 will provide this information; and WAC 315-11-452, tickets for Instant Game Number 45 which are found to be counterfeit or tampered with will be declared void by the lottery and no prize(s) will be paid. Rigid validation requirements are set forth to discourage persons from tampering with tickets and to prevent the lottery from paying out prize money on invalid tickets.

Agency Personnel Responsible for Drafting: Judith Giniger, Contract Specialist 3, Washington State Lottery, P.O. Box 9770, Olympia, Washington 98504, (206) 586-1088; Implementation and Enforcement: Washington State Lottery Commission, P.O. Box 9770, Olympia, Washington 98504, (206) 753-1412, Evelyn Y. Sun, Director, (206) 753-3330, Scott Milne, Deputy Director, (206) 753-3334 and Roger Wilson, Assistant Director, (206) 586-1065.

Name of person or Organization, Whether Private, Public, or Governmental, that is Proposing this rule: Washington State Lottery Commission.

Agency Comments or Recommendations, if any, Regarding the Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: None.

The rule is not necessary to comply with federal law or a federal/state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement Requirements: The Office of the Director, Washington State Lottery, has reviewed the requirements to file a small business economic impact statement and has determined that such a statement is not required for the rules proposed by the Washington State Lottery Commission for the following reason: These rules will only affect those businesses, large and small, which voluntarily apply to be licensed retailers for the sale of lottery tickets, or contractors who provide other services to the Office of the Director, Washington State Lottery, or who voluntarily interact with the Office of the Director, Washington State Lottery. No business or industry will be required to comply with these rules unless they wish to provide services to, or interact with, the Office of the Director, Washington State Lottery.

AMENDATORY SECTION (Amending Order 103, filed 8/10/87)

WAC 315-06-020 AUTHORIZATION TO SELL TICKETS. Lottery retailers are authorized, as limited by WAC 315-04-140, to sell tickets directly to the public. ~~((Retail outlets))~~ Liquor stores of the state liquor control board and the lottery are not required to be licensed as lottery retailers. Liquor agencies of the state liquor control board are required to be licensed as lottery retailers.

AMENDATORY SECTION (Amending Order 103, filed 8/10/87)

WAC 315-06-120 PAYMENT OF PRIZES—GENERAL PROVISIONS. (1) The director may designate claim centers for the filing of prize claims, and the location of such centers shall be publicized from time to time by the director.

(2) A claim shall be entered in the name of a single legal entity as claimant, either one individual or one organization. A claim which includes one or more tickets with an address label or stamp on the back

of the ticket shall be deemed to have been entered in the name of one individual: PROVIDED, That if the address label or stamp contains the name of more than one individual, the ticket and/or claim form must be signed by one of the persons listed on the address label or stamp. The claimant must submit his or her Social Security number (SSN) or the federal employer's identification number (FEIN) when claiming any prize exceeding six hundred dollars. A claim may be entered in the name of an organization only if the organization is a legal entity and possesses a federal employer's identification number (FEIN) as issued by the internal revenue service and such number is shown on the claim form. Groups, family units, organizations, clubs, or other organizations which are not a legal entity, or do not possess a federal employer's identification number, shall designate one individual in whose name the claim is to be entered.

(3) Unless otherwise provided in the rules for a specific type of game, a claimant shall sign the back of the ticket and/or complete and sign a claim form approved by the director. The claimant shall submit the claim form and/or claimant's ticket to the lottery in accordance with the director's instructions as stated in the players' manual and/or on the back of the ticket or submit a request for reconstruction of an alleged winning ticket and sufficient evidence to enable reconstruction and that the claimant had submitted a claim for the prize, if any, for that ticket. The claimant, by submitting the claim or request for reconstruction, agrees to the following provisions:

(a) The discharge of the state, its officials, officers, and employees of all further liability upon payment of the prize; and

(b) The authorization to use the claimant's name and photograph for publicity purposes ~~((upon award of the prize))~~ by the lottery.

(4) A prize must be claimed within the time limits prescribed by the director in the instructions for the conduct of a specific game, but in no case shall a prize be claimed later than one hundred eighty days after the official end of that instant game or the on-line game drawing for which that on-line ticket was purchased.

(5) The director may deny awarding a prize to a claimant if:

(a) The ticket was not legally issued initially;

(b) The ticket was stolen from the commission, director, its employees or retailers, or from a lottery retailer; or

(c) The ticket has been altered or forged, or has otherwise been mutilated such that the authenticity of the ticket cannot be reasonably assured by the director.

(6) The director may delay payment of any prize that exceeds six hundred dollars and debts are owed by the claimant to a state agency or political subdivision, or that the state is authorized to enforce or collect as provided in WAC 315-06-125.

(7) No person entitled to a prize may assign his or her right to claim it except:

(a) That payment of a prize may be made to any court appointed legal representative, including, but not limited to, guardians, executors, administrators, receivers, or other court appointed assignees; or

(b) For the purposes of paying federal, state or local tax.

(8) In the event that there is a dispute or it appears that a dispute may occur relative to any prize, the director may refrain from making payment of the prize pending a final determination by the director or by a court of competent jurisdiction relative to the same.

(9) A ticket that has been legally issued by a lottery retailer is a bearer instrument until signed. The person who signs the ticket or has possession of an unsigned ticket is considered the bearer of the ticket. Payment of any prize may be made to the bearer, and all liability of the state, its officials, officers, and employees and of the commission, director and employees of the commission terminates upon payment.

(10) All prizes shall be paid within a reasonable time after the claims are validated by the director and a winner is determined. Provided, prizes paid for claims validated pursuant to WAC 315-10-070(2) shall not be paid prior to one hundred eighty-one days after the official end of that instant game. The date of the first installment payment of each prize to be paid in installment payments shall be the date the claim is validated. Subsequent installment payments shall be made as follows:

(a) If the prize was awarded as the result of a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date of the drawing in accordance with the type of prize awarded; or

(b) If the prize was awarded in a manner other than a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date the claim is validated in accordance with the type of prize awarded.

(11) The director may, at any time, delay any payment in order to review a change of circumstances relative to the prize awarded, the payee, the claim or any other matter that may have come to his or her attention. All delayed payments shall be brought up to date immediately upon the director's confirmation and continue to be paid on each originally scheduled payment date thereafter.

(12) If any prize is payable for the life of the claimant, only a natural person may claim such a prize and, if claiming on behalf of a group, corporation or the like, the life of such natural person claiming the prize shall be the measuring life.

(13) The director's decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from the payment or awarding of prizes shall be final and binding upon all participants in the lottery.

(14) Each lottery retailer shall pay all prizes authorized to be paid by the lottery retailer by these rules during its normal business hours at the location designated on its license.

(15) In the event a dispute between the director and the claimant occurs as to whether the ticket is a winning ticket, and if the ticket prize is not paid, the director may, solely at his or her option, replace the disputed ticket with an unplayed ticket (or tickets of equivalent sales price from any game). This shall be the sole and exclusive remedy of the claimant.

AMENDATORY SECTION (Amending Order 96, filed 12/16/86)

WAC 315-12-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF THE COMMISSION AND THE DIRECTOR. The administrative office of the commission and director is located at ((600 Park Village Plaza, 1200 Cooper Point Road SW)) 814 - 4th Avenue, Olympia, WA ((98502)) 98506. Regional offices of the director located in other cities are as follows:

CITY

EVERETT REGION
Casino Square Shopping Plaza
205 E. Casino Road
Everett, WA 98204

OLYMPIA REGION
((600 Park Village Plaza
1200 Cooper Point Road SW))
814 - 4th Avenue
Olympia, WA ((98502)) 98506

((TUKWILA REGION
814 Industry Drive
Tukwila, WA 98188))

SEATTLE REGION
Georgetown Center
5963 Corson Ave. S., Suite 106
Seattle, WA 98108-2611

SPOKANE REGION
Montgomery Commerce Center
Suite #1
East 10807 Montgomery Avenue
Spokane, WA 99207

VANCOUVER REGION
((Yearout Industrial Park
Suite 800
12004 Northeast 95th Street
Vancouver, WA 98662))
El Camino Fountain Shopping Mall
Suite 4
1503 NE 78th Street
Vancouver, WA 98665

YAKIMA REGION
((421 East Chestnut Avenue))
9 South 5th
Yakima, WA 98901

All records of the commission and director are maintained in the administrative office in Olympia.

AMENDATORY SECTION (Amending Order 64, filed 9/17/84)

WAC 315-30-040 DRAWINGS AND END OF SALES PRIOR TO DRAWINGS. (1) Drawings shall be conducted in a location and at days and times designated by the director. Each on-line drawing script shall contain the statement, "Digits/Numbers/Symbols drawn are not official until validated."

(2) The director shall announce for each type of on-line game the time for the end of sales prior to the drawings. TDMs will not process orders for on-line tickets for that drawing after the time established by the director.

(3) The director shall designate the type of equipment to be used and shall establish procedures to randomly select the winning combination for each type of on-line game.

(4) The equipment used to determine the winning combination shall not be electronically or otherwise connected to the central computer or to any tapes, discs, files, etc., generated or produced by the central computer. The equipment shall be tested prior to and after each drawing to assure proper operation and lack of tampering or fraud. Drawings shall not be certified until all checks are completed. No prizes shall be paid until after the drawing is certified.

(5) All drawings shall be broadcast live on television provided the facilities for such broadcasts are available and operational and broadcast time is available.

(6) The director shall establish procedures governing the conduct of drawings for each type of on-line game. The procedures shall include provisions for deviations which include but are not limited to: (a) Drawing equipment malfunction before validation of the winning combination; (b) video and/or audio malfunction during the drawing; (c) fouled drawing; (d) delayed drawing; and (e) other equipment, facility and/or personnel difficulties.

(7) In the event a deviation occurs, the drawing will be completed under lottery supervision. The drawing shall be video taped for later broadcast, if broadcast time is available. The drawing shall be certified and the deviation documented on the certification form. The winning combination will be provided to the television network for dissemination to the public.

(8) If during any live-broadcast drawing for a game, a mechanical failure or operator error causes an interruption in the selection of all digits, numbers, or symbols, a "foul" shall be called by the lottery drawing official. Any digit/number/symbol drawn prior to a "foul" being called will stand and be deemed official after passing lottery validation tests.

(9) The director shall delay payment of all prizes if any evidence exists or there are grounds for suspicion that tampering or fraud has occurred. Payment shall be made after an investigation is completed and the drawing certified. If the drawing is not certified, another drawing will be conducted to determine the actual winner.

AMENDATORY SECTION (Amending Order 81, filed 11/5/85)

WAC 315-30-050 VALIDATION REQUIREMENTS. (1) To be a valid winning on-line ticket, all of the following conditions must be met:

(a) All printing on the ticket shall be present in its entirety, be legible, and correspond, using the computer validation file, to the combination and date printed on the ticket.

(b) The ticket shall be intact.

(c) The ticket shall not be mutilated, altered, or tampered with in any manner.

(d) The ticket shall not be counterfeit or an exact duplicate of another winning ticket.

(e) The ticket must have been issued by an authorized on-line retailer in an authorized manner.

(f) The ticket must not have been stolen.

(g) The ticket must not have been cancelled or previously paid.

(h) The ticket shall pass all other confidential security checks of the lottery.

(2) Any ticket failing any validation requirement listed in WAC 315-30-050(1) is invalid and ineligible for a prize. Provided, if a court of competent jurisdiction determines that a claim based on a ticket which has failed to validate solely because of subsection (1)(g) of this section is valid, the claim shall be paid as a prize pursuant to WAC 315-06-120, 315-30-030, and the rules for that specific type of game. The agent that cancelled or paid such ticket shall indemnify the lottery for payment of the prize and from any other claim, suit, or action based on that ticket.

(3) The director may replace an invalid on-line ticket with an on-line ticket for a future drawing of the same game. The director may pay the prize for a ticket that is partially mutilated or is not intact if the on-line ticket can still be validated by the other validation requirements.

(4) In the event a ticket is issued in error or a defective on-line ticket is purchased, the only responsibility or liability of the lottery or

the on-line retailer shall be the replacement of the erroneous or defective on-line ticket with another on-line ticket for a future drawing of the same game.

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

WAC 315-30-070 RETAILER SETTLEMENT. (1) Each on-line retailer shall establish an account for deposit of monies derived from on-line games with a financial institution that has the capability of electronic funds transfer (EFT). Funds generated from the sale of on-line tickets shall be held in trust by the retailer for the lottery.

(2) Each on-line retailer shall make a deposit to that account at least once each week. The amount deposited shall be sufficient to cover monies due the lottery for that weekly accounting period. The lottery will withdraw by EFT the amount due the lottery on the day specified by the director. In the event the day specified for withdrawal falls on a legal holiday, withdrawal will be accomplished on the following business day.

Chapter 315-31 WAC

~~((TRIPLE CHOICE))~~ DAILY GAME RULES

WAC

315-31-020	Price of ((Triple Choice)) <u>Daily Game</u> on-line ticket.
315-31-030	Types of play for ((Triple Choice)) <u>Daily Game</u> .
315-31-040	Prizes for ((Triple Choice)) <u>Daily Game</u> .
315-31-050	Ticket purchases.
315-31-060	Drawings.

AMENDATORY SECTION (Amending Order 64, filed 9/17/84)

WAC 315-31-020 PRICE OF ~~((TRIPLE CHOICE))~~ DAILY GAME ON-LINE TICKET. The base price of a ~~((Triple Choice))~~ Daily Game on-line ticket shall be \$.50 or \$1.00, except six-way straight box and three-way straight box tickets, which cost \$1.00 each.

AMENDATORY SECTION (Amending Order 44, filed 12/8/83)

WAC 315-31-030 TYPES OF PLAY FOR ~~((TRIPLE CHOICE))~~ DAILY GAME. (1) The following play options may be selected by the player for ~~((Triple Choice))~~ Daily Game:

~~((+))~~ (a) Straight. A play in which winning is achieved only when the three digits selected by the player match in exact order the winning digits drawn for the day selected. For example, if the winning digits are "123," only straight plays of "123" in that exact order will be winners.

~~((+))~~ (b) Six-way box. A play in which winning is achieved only when the three digits selected by the player contains three unique digits and those three digits are contained in any combination of the winning digits drawn for the day selected. For example, if the winning digits are "123," only box plays of "123," "132," "213," "231," "312," and "321" will be winners.

~~((+))~~ (c) Three-way box. A play in which winning is achieved only when the three digits selected by the player contains two identical digits and one unique digit and those three digits are contained in the winning digits drawn for the day selected. For example, if the winning digits are "122," only box plays of "122," "212," and "221" will be winners.

~~((+))~~ (d) Front-pair. A play in which winning is achieved only when the player selects two digits and those two digits match in exact order the first two winning digits drawn for the day selected. For example, if the player selects a front-pair play of "12*," the player will win only if the winning digits are "120," "121," "122," "123," "124," "125," "126," "127," "128," or "129."

~~((+))~~ (e) Back-pair. A play in which winning is achieved only when the player selects two digits and those two digits match in exact order the last two winning digits drawn for the day selected. For example, if the player selects a back-pair play of "*12," the player will win only if the winning digits are "012," "112," "212," "312," "412," "512," "612," "712," "812," or "912."

~~((+))~~ (f) Six-way straight box. A play in which the player selects three digits with three unique digits and plays \$.50 on a straight play and \$.50 on a box play for a particular day. For example, if the player selects a "123" six-way straight/box play:

~~((+))~~ (i) The player will win both the straight and box plays if the winning digits are "123" for the day selected.

~~((+))~~ (ii) The player will win the box play only if the winning digits are "132," "213," "231," "312," or "321" for the day selected.

~~((+))~~ (g) Three-way straight/box. A play in which the player selects three digits with two identical digits and one unique digit and plays \$.50 on a straight play and \$.50 on a box play for a particular day. For example, if the player selects a "122" three-way straight/box play:

~~((+))~~ (i) The player will win both the straight and box plays if the winning digits are "122" for the day selected.

~~((+))~~ (ii) The player will win the box play only if the winning digits are "212" or "221" for the day selected.

~~((+))~~ (h) Super six-way box. A play in which winning is achieved only when the three digits selected by the player contain three unique digits and those three digits are contained in the winning digits drawn for the day selected. This play is the equivalent of six straight plays on a single on-line ticket. The cost of this type of play is 6 times the base price. For example, if the player selects a "123" super six-way box play, the player will win one straight play if the winning digits are "123," "132," "213," "231," "312," or "321."

~~((+))~~ (i) Super three-way box. A play in which winning is achieved only when the three digits selected by the player contain two identical digits and one unique digit and those three digits are contained in the winning digits drawn for the day selected. This play is the equivalent of three straight plays on a single on-line ticket. The cost of this type of play is three times the base price. For example, if the player selects a "122" super three-way box play, the player will win one straight play if the winning digits are "122," "212," or "221."

(2) Method of play: The player may use play slips to make number selections. The TDM will read the play slip and issue ticket(s) with corresponding plays. If a play slip is not available, the on-line retailer may enter the selected numbers via the keyboard. A player may leave all play selections to a random number generator operated by the computer, commonly referred to as "quick play."

AMENDATORY SECTION (Amending Order 44, filed 12/8/83)

WAC 315-31-040 PRIZES FOR ~~((TRIPLE CHOICE))~~ DAILY GAME. (1) The prize amounts for winning \$.50 plays are:

(a) Straight	\$250.00
(b) Six-way box	\$ 40.00
(c) Three-way box	\$ 80.00
(d) Front-pair or back-pair	\$ 25.00

(2) The prize amounts for winning \$1.00 plays are:

(a) Straight	\$500.00
(b) Six-way box	\$ 80.00
(c) Three-way box	\$160.00
(d) Front-pair or back-pair	\$ 50.00
(e) Six-way straight/box	
Straight play win	\$290.00
Box play only win	\$ 40.00
(f) Three-way straight/box	
Straight play win	\$330.00
Box play only win	\$ 80.00

(3) The prize amounts for winning super six-way plays are:

(a) Base price \$.50, cost \$3.00	\$250.00
(b) Base price \$1.00, cost \$6.00	\$500.00

(4) The prize amounts for winning super three-way plays are:

(a) Base price \$.50, cost \$1.50	\$250.00
(b) Base price \$1.00, cost \$3.00	\$500.00

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

WAC 315-31-050 TICKET PURCHASES. (1) ~~((Triple Choice))~~ Daily Game tickets may be purchased or redeemed between 6:00 a.m. and ~~((11:00 p.m.))~~ 2:00 a.m. the following day, seven days a week, provided on-line retailers shall only sell and redeem tickets during their normal business hours.

(2) ~~((Triple Choice))~~ Daily Game tickets may be purchased only from a lottery retailer authorized by the director to sell on-line tickets.

(3) Each ~~((Triple Choice))~~ Daily Game ticket shall contain the player's selection of digits, amount, type of play, and drawing date.

AMENDATORY SECTION (Amending Order 44, filed 12/8/83)

WAC 315-31-060 DRAWINGS. (1) Drawings for ~~((triple choice))~~ Daily Game shall be held on a daily basis, Monday through

Saturday, except that the director may exclude certain holidays from the drawing schedule.

(2) The drawing shall determine, at random, three winning digits or symbols with the aid of mechanical drawing equipment which shall be tested before and after each drawing. Any drawn digits are not declared winning digits until the drawing is certified by the lottery. The winning digits shall be used in determining all (~~triple-choice~~) Daily Game winners for the day of the drawing. If a drawing is not certified, another drawing will be conducted to determine actual winners.

(3) The winning digits shall not be invalidated based on the liability of the lottery.

AMENDATORY SECTION (Amending Order 107, filed 2/12/88)

WAC 315-32-050 **TICKET PURCHASES.** (1) Lotto tickets may be purchased between 6:00 a.m. and (~~11:00 p.m., Sunday, Monday, Tuesday, Thursday, Friday~~) 2:00 a.m. the following day, on nondrawing days and from 6:00 a.m. to the time established under WAC 315-30-040(2) and immediately following the drawing on Wednesdays and Saturdays, provided that on-line retailers shall sell tickets only during their normal business hours.

(2) Lotto tickets may be purchased only from a lottery retailer authorized by the director to sell on-line tickets.

(3) Lotto tickets shall on the front of the ticket contain the player's selection of numbers, amount, game grids played, drawing date, and validation and reference numbers. The back of the ticket shall contain overall odds of winning, player instructions, player information and signature area, and the ticket serial number.

NEW SECTION

WAC 315-11-440 **DEFINITIONS FOR INSTANT GAME NUMBER 44 ("POT O' GOLD").** (1) Play symbols: The following are the "play symbols": a graphic representation of a pot containing gold coins; \$2.00; \$5.00; 10.00; 20.00; 50.00; \$500\$. One of these symbols appears in each of the six blocks under the scratch-off material covering the game play data.

(2) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(3) Pack-ticket number: The ten-digit number of the form 4400001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 44 constitute the "pack number" which starts at 4400001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 44, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
a graphic representation of a pot containing gold coins	\$ENTRY\$
\$2.00	TWO DOL
\$5.00	FIV DOL
10.00	TEN DOL
20.00	TTY DOL
50.00	\$FIFTY\$
\$500\$	FIV HUN

(5) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners below \$25. For Instant Game Number 44, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The agent verification codes are:

VERIFICATION CODE	PRIZE
TWO	\$ 2.00
FIV	\$ 5.00
TEN	\$ 10.00
TTY	\$ 20.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

NEW SECTION

WAC 315-11-441 **CRITERIA FOR INSTANT GAME NUMBER 44.** (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having the following play symbol in any three of the six spots beneath the removable covering on the front of the ticket shall win the following prize:

Three \$2.00 play symbols - Win	\$ 2.00
Three \$5.00 play symbols - Win	\$ 5.00
Three 10.00 play symbols - Win	\$ 10.00
Three 20.00 play symbols - Win	\$ 20.00
Three 50.00 play symbols - Win	\$ 50.00
Three \$500\$ play symbols - Win	\$ 500.00

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 44 set forth in WAC 315-11-442, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) There will be a grand prize drawing held in conjunction with this instant game. It will be conducted at a time and place and pursuant to procedures to be established and announced by the director. The prizes awarded at the grand prize drawing will be as follows:

One	\$ 10,000 prize
One	\$ 20,000 prize
One	\$ 30,000 prize
One	\$ 40,000 prize
One	\$ 60,000 prize
One	\$ 70,000 prize
One	\$ 80,000 prize
One	\$ 90,000 prize
One	\$ 100,000 prize

Qualifying entries from Instant Game Number 44 will be entered into the grand prize drawing.

(a) To be eligible for entry into the grand prize drawings, an entrant must:

(i) Be eligible to win a prize pursuant to chapter 67.70 RCW and Title 315 WAC.

(ii) Collect three tickets with one play symbol which is a graphic representation of a pot containing gold coins on each ticket.

(iii) Write or print legibly, the entrant's name, address, and telephone number on the tickets. An entry containing more than one name shall be disqualified.

(iv) Place the tickets in an envelope. An envelope which contains extraneous material or which has had the exterior altered for the apparent sole purpose of making the envelope more prominent shall be disqualified.

(v) Mail the envelope with proper postage and a legible return address of the entrant to the address specified in the player's brochure, or deliver it in person during normal business hours to lottery headquarters or any of the regional offices at the address listed in the player's brochure.

(b) There is no limit to the number of entries a person may submit, but each entry must be submitted in a separate envelope and both the entry and the entrant of each must meet the qualifications set forth above.

(c) An entry which contains one or more stolen tickets may be disqualified by the director.

(d) A nonconforming entry, at the sole discretion of the director, may be disqualified.

(e) The lottery shall not be responsible for any other material, including winning tickets, mailed or delivered to the "GRAND PRIZE DRAWING." All mail not drawn will be shredded unopened.

(f) The lottery shall not be responsible for, nor place in the grand prize drawing, any entries mailed or delivered to the wrong address.

(6) A preliminary drawing will be held to select one hundred grand prize entries that will be retained and will be eligible for the grand prize drawing. Each of the entries selected at the preliminary drawing

will be awarded a \$1,000 prize. Entries received by the lottery at lottery headquarters by 10:00 a.m. local time on the day of the preliminary drawing shall be entitled to participation in the preliminary drawing. The preliminary drawing will be conducted at a time and place and pursuant to procedures established and announced by the director. Entries selected during the preliminary drawing will be retained and be eligible for the grand prize drawing provided they have not been disqualified pursuant to these rules.

(7) Notwithstanding any other provisions of these rules, the director may:

- (a) Vary the length of Instant Game Number 44 and/or
- (b) Vary the number of tickets sold in Instant Game Number 44 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-442 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 44. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 44 all of the following validation requirements apply.

- (a) Exactly one play symbol must appear under each of the six rub-off spots on the front of the ticket.
- (b) Each of the six play symbols have a caption below and each must agree with its caption.
- (c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Positive Archer Font
Captions	Positive 5 x 9 Font
Pack-Ticket Number	Positive 5 x 12 Font
Validation Number	Positive 9 x 12 Font
Retail Verification Code	Positive Archer Font

(d) Each of the play symbols and their captions, the validation number, pack-ticket number and retailer verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-440(1) and each of the captions must be exactly one of those described in WAC 315-11-440(4).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

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 315-11-450 DEFINITIONS FOR INSTANT GAME NUMBER 45 ("HAPPY RETURNS"). (1) Play symbols: The following are the "play symbols": \$1.00; \$2.00; \$5.00; 10.00; 20.00; 50.00; \$100\$; 5,000. One of these symbols appears in each of the six blocks under the scratch-off material covering the game play data.

(2) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(3) Pack-ticket number: The ten-digit number of the form 4500001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 45 constitute the "pack number" which starts at 4500001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 45, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
\$1.00	ONE DOL
\$2.00	TWO DOL
\$5.00	FIV DOL
10.00	TEN DOL

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
20.00	TTY DOL
50.00	\$FIFTY\$
\$100\$	ONE HUN
5,000	FIVTHOU

(5) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners below \$25. For Instant Game Number 45, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The agent verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00
FIV	\$ 5.00
TEN	\$10.00
TTY	\$20.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

NEW SECTION

WAC 315-11-451 CRITERIA FOR INSTANT GAME NUMBER 45. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having the following play symbol in any three of the six spots beneath the removable covering on the front of the ticket shall win the following prize:

Three \$2.00	play symbols - Win	\$ 2.00
Three \$5.00	play symbols - Win	\$ 5.00
Three 10.00	play symbols - Win	\$ 10.00
Three 20.00	play symbols - Win	\$ 20.00
Three 50.00	play symbols - Win	\$ 50.00
Three \$100\$	play symbols - Win	\$100.00
Three 5,000	play symbols - Win	\$ 5,000

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 45 set forth in WAC 315-11-452, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) Notwithstanding any other provisions of these rules, the director may:

- (a) Vary the length of Instant Game Number 45 and/or
- (b) Vary the number of tickets sold in Instant Game Number 45 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-452 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 45. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 45 all of the following validation requirements apply.

(a) Exactly one play symbol must appear under each of the six rub-off spots on the front of the ticket.

(b) Each of the six play symbols must have a caption below and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Positive Archer Font
Captions	Positive 5 x 9 Font
Pack-Ticket Number	Positive 5 x 9 Font
Validation Number	Positive 9 x 12 Font
Retail Verification Code	Positive Archer Font

(d) Each of the play symbols and their captions, the validation number, pack-ticket number and retailer verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-450(1) and each of the captions must be exactly one of those described in WAC 315-11-450(4).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

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 89-09-080
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed April 19, 1989]

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;

that the agency will at 2:00 p.m., Wednesday, May 24, 1989, in the NOAA Western Regional Center, Building 9, 7600 Sandpoint Way N.E., Seattle, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 7, 1989.

The authority under which these rules are proposed is RCW 75.28.014 and 75.08.080.

The specific statute these rules are intended to implement is RCW 75.28.014 and 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 24, 1989.

Dated: April 19, 1989
By: Judith Merchant
for Joseph R. Blum
Director

STATEMENT OF PURPOSE

Title: WAC 220-20-017 Commercial salmon licenses—Renewal; 220-22-030 Puget sound salmon management and catch reporting areas; and chapter 220-47 WAC.

Description of Purpose: Modify rules for Puget Sound salmon harvest.

Statutory Authority: RCW 75.28.014 and 75.08.080.

Summary of Rule and Reasons Supporting Proposed Action: WAC 220-20-017 establishes December 31st as last date to obtain a commercial salmon license; WAC 220-22-030 redefines boundary lines of Areas 7, 7A, 7B and 7D. Describes areas with greater precision and eliminates vague references; and chapter 220-47 WAC provides adjustment for 1989 Puget Sound salmon fishing schedule based on preseason forecast and harvest criteria.

Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, WA, 586-2429; **Implementation:** Gene DiDonato, 115 General Administration Building, Olympia, WA, 753-5012;

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: None.

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 86-191, filed 11/26/86)

WAC 220-20-017 COMMERCIAL SALMON LICENSES—RENEWAL. The license application deadline for ((1987)) commercial salmon licenses is December 31((,-1987)).

AMENDATORY SECTION (Amending Order 88-48, filed 7/6/88)

WAC 220-22-030 PUGET SOUND SALMON MANAGEMENT AND CATCH REPORTING AREAS. (1) Area 4B shall include those waters of Puget Sound easterly of a line projected from the Bonilla Point light on Vancouver Island to the Tatoosh Island light, thence to the most westerly point on Cape Flattery and westerly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River.

(2) Area 5 shall include those waters of Puget Sound easterly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River and westerly of a line projected true north from Low Point.

(3) Area 6 shall include those waters of Puget Sound easterly of a line projected from the Angeles Point Monument to the William Head light on Vancouver Island, northerly of a line projected from the Dungeness Spit light to the Partridge Point light, westerly of a line projected from the Partridge Point light to the Smith Island light, and southerly of a line projected from the Smith Island light to vessel traffic lane buoy R to the Trial Island light.

(4) Area 6A shall include those waters of Puget Sound easterly of a line projected from the Partridge Point light to the Smith Island light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island and westerly of a line projected from Reservation Head on Fidalgo Island to West Point on Whidbey Island.

(5) Area 6B shall include those waters of Puget Sound southerly of a line projected from the Dungeness Spit light to the Partridge Point light, westerly of a line projected from the Partridge Point light to the Point Wilson light and easterly of a line projected 155° true from Dungeness Spit light to Kulo Kala Point.

(6) Area 6C shall include those waters of Puget Sound easterly of a line projected true north from Low Point and westerly of a line projected from the Angeles Point Monument to the William Head light on Vancouver Island.

(7) Area 6D shall include those waters of Puget Sound westerly of a line projected 155° true from Dungeness Spit light to Kulo Kala Point.

(8) Area 7 shall include those waters of Puget Sound southerly of a line projected true east-west ((from the)) through Sandy Point Light No. 2 (48 degrees, 47.2 minutes north latitude, 122 degrees, 42.7 minutes west longitude as per U.S. Coast Guard Light List No. 19880), northerly of a line projected from the Trial Island light to vessel traffic lane buoy R to the Smith Island light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island, and westerly of a line projected from Sandy Point Light No. 2 to Point Migley, thence along the eastern shore-line of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island, excluding those waters of East Sound northerly of a line projected due west from Rosario Point on Orcas Island.

(9) Area 7A shall include those waters of Puget Sound northerly of a line projected true east-west from the Sandy Point Light No. 2 (48 degrees, 47.2 minutes north latitude, 122 degrees, 42.7 minutes west longitude as per U.S. Coast Guard Light List No. 19880), terminating

on the west at the international boundary and at the east at landfall on Sandy Point.

(10) Area 7B shall include those waters of Puget Sound westerly of a line projected 154 degrees true from ((the most westerly point of Gooseberry Point to the westernmost tip of)) Sandy Point Light No. 2 (48 degrees, 47.2 minutes north latitude, 122 degrees, 42.7 minutes west longitude as per U.S. Coast Guard Light List No. 19880) to landfall on Gooseberry Point, easterly of a line projected from ((the westernmost tip of)) Sandy Point Light No. 2 to Point Migley, thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island, northerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and westerly of a line projected from William Point light on Samish Island 28° true to the range light near Whiskey Rock on the north shore of Samish Bay.

(11) Area 7C shall include those waters of Puget Sound easterly of a line projected from William Point light on Samish Island 28° true to the range light near Whiskey Rock on the north shore of Samish Bay.

(12) Area 7D shall include those waters of Puget Sound easterly of a line projected ((from the westernmost tip of)) 154 degrees true from Sandy Point Light No. 2 (48 degrees, 47.2 minutes north latitude, 122 degrees, 42.7 minutes west longitude as per U.S. Coast Guard Light List No. 19880) to the ((most westerly point of)) landfall on Gooseberry Point and south of a line projected true east from Sandy Point Light No. 2 to landfall on Sandy Point.

(13) Area 7E shall include those waters of Puget Sound within East Sound northerly of a line projected due west from Rosario Point on Orcas Island.

(14) Area 8 shall include those waters of Puget Sound easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, westerly of a line projected from the light on East Point 340° true to the light on Camano Island (Saratoga Pass light #2, Fl Red 4 Sec) southerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and northerly of the state highway 532 bridges between Camano Island and the mainland.

(15) Area 8A shall include those waters of Puget Sound easterly of a line projected from the East Point light on Whidbey Island 340° true to the light on Camano Island (Saratoga Pass light #2, Fl Red 4 Sec), northerly of a line projected from the southern tip of Possession Point 110° true to the shipwreck on the opposite shore, southerly of the State Highway 532 bridges between Camano Island and the mainland excluding those waters of Area 8D.

(16) Area 8D shall include those waters of Puget Sound inside and easterly of a line projected 225 degrees from the pilings at old Bower's Resort to a point 2,000 feet offshore, thence northwesterly to a point 2,000 feet off Mission Point, thence across the mouth of Tulalip Bay to a point 2,000 feet off Hermosa Point, thence northwesterly following a line 2,000 feet offshore to the intersection with a line projected 233 degrees from the fishing boundary marker on the shore at the slide north of Tulalip Bay.

(17) Area 9 shall include those waters of Puget Sound southerly and easterly of a line projected from the Partridge Point light to the Point Wilson light, northerly of the site of the Hood Canal Floating Bridge, northerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble, southerly of a line projected from the southern tip of Possession Point 110° true to the shipwreck on the opposite shore and northerly of a line projected from the Apple Cove Point light to the light at the south end of the Edmond's breakwater at Edwards Point.

(18) Area 9A shall include those waters of Puget Sound known as Port Gamble Bay southerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble.

(19) Area 10 shall include those waters of Puget Sound southerly of a line projected from the Apple Cove Point light to the light at the south end of the Edmond's breakwater at Edwards Point, westerly of a line projected 233° true from the Acapulco Restaurant near Shilshole Marina through entrance piling No. 8 to the southern shore of the entrance to the Lake Washington Ship Canal, westerly of a line projected 185° true from the southwest corner of Pier 91 through the Duwamish Head light to Duwamish Head, northerly of a true east-west line passing through the Point Vashon light, easterly of a line projected

from Orchard Point to Beans Point on Bainbridge Island, and northerly and easterly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(20) Area 10A shall include those waters of Puget Sound easterly of a line projected 185° true from the southwest corner of Pier 91 through the Duwamish Head light to Duwamish Head.

(21) Area 10C shall include those waters of Lake Washington southerly of the Evergreen Point Floating Bridge.

(22) Area 10D shall include those waters of the Sammamish River south of the State Highway 908 Bridge and Lake Sammamish.

(23) Area 10E shall include those waters of Puget Sound westerly of a line projected from Orchard Point to Beans Point on Bainbridge Island and southerly and westerly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(24) Area 10F shall include those waters of Puget Sound easterly of a line projected 233° true from the Acapulco Restaurant near Shilshole Marina through entrance piling Number 8 to the southern shore of the entrance to the Lake Washington Ship Canal and those waters of the Lake Washington Ship Canal westerly of a line projected from Webster Point true south to the Evergreen Point Floating Bridge including the waters of Salmon Bay, the Lake Washington Ship Canal, Lake Union and Portage Bay.

(25) Area 10G shall include those waters of Lake Washington northerly of the Evergreen Point Floating Bridge, easterly of a line projected from Webster Point true south to the Evergreen Point Floating Bridge and those waters of the Sammamish River north of the State Highway 908 Bridge.

(26) Area 11 shall include those waters of Puget Sound southerly of a true east-west line passing through the Point Vashon light, northerly of a line from Browns Point to the Asarco smelter stack on the opposite shore of Commencement Bay, and northerly of the Tacoma Narrows Bridge.

(27) Area 11A shall include those waters of Puget Sound southerly of a line from Browns Point to the Asarco smelter stack on the opposite shore of Commencement Bay.

(28) Area 12 shall include those waters of Puget Sound southerly of the site of the Hood Canal Floating Bridge and northerly and easterly of a line projected from the Tskutsko Point light to Misery Point.

(29) Area 12A shall include those waters of Puget Sound northerly of a line projected from Pulali Point true east to the mainland.

(30) Area 12B shall include those waters of Puget Sound southerly of a line projected from Pulali Point true east to the mainland, northerly of a line projected from Ayock Point true east to the mainland, and westerly of a line projected from the Tskutsko Point light to Misery Point.

(31) Area 12C shall include those waters of Puget Sound southerly of a line projected from Ayock Point true east to the mainland and northerly and westerly of a line projected from Ayres Point to the public boat ramp at Union.

(32) Area 12D shall include those waters of Puget Sound easterly of a line projected from Ayres Point to the public boat ramp at Union.

(33) Area 13 shall include those waters of Puget Sound southerly of the Tacoma Narrows Bridge and a line projected from Green Point to Penrose Point and northerly and easterly of a line projected from the Devil's Head light to Treble Point, thence through lighted buoy No. 3 to the mainland and westerly of the railroad trestle at the mouth of Chambers Bay.

(34) Area 13A shall include those waters of Puget Sound northerly of a line projected from Green Point to Penrose Point.

(35) Area 13C shall include those waters of Puget Sound easterly of the railroad trestle at the mouth of Chambers Bay.

(36) Area 13D shall include those waters of Puget Sound westerly of a line projected from the Devil's Head light to Treble Point, thence through lighted buoy Number 3 to the mainland, northerly of a line projected from Johnson Point to Dickenson Point, northerly of a line projected from the light at Dofflemeyer Point to Cooper Point, easterly of a line projected from Cooper Point to the southeastern shore of Sanderson Harbor, easterly of a line projected from the northern tip of Steamboat Island to the light at Arcadia to Hungerford Point and southerly of a line projected true east-west through the southern tip of Stretch Island.

(37) Area 13E shall include those waters of Puget Sound southerly of a line projected from Johnson Point to Dickenson Point.

(38) Area 13F shall include those waters of Puget Sound southerly of a line projected from the light at Dofflemeyer Point to Cooper Point.

(39) Area 13G shall include those waters of Puget Sound southerly of a line projected from Cooper Point to the southeastern shore of Sanderson Harbor.

(40) Area 13H shall include those waters of Puget Sound southwesterly of a line projected from the northern tip of Steamboat Island to the light at Arcadia and those waters easterly of a line projected 64° true from Kamilche Point to the opposite shore.

(41) Area 13I shall include those waters of Puget Sound southwest-erly of a line projected 64° true from Kamilche Point to the opposite shore.

(42) Area 13J shall include those waters of Puget Sound northwest-erly of a line projected from the light at Arcadia to Hungerford Point.

(43) Area 13K shall include those waters of Puget Sound northerly of a line projected true east-west through the southern tip of Stretch Island.

AMENDATORY SECTION (Amending Order 88-48, filed 7/6/88)

WAC 220-47-311 PURSE SEINE—SEASONS. It is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective Management and Catch Reporting Area:

Areas 4B, 5, 6, 6A, 6B, 6C, 7 and 7A – closed.

Area 6D – September ((+8)) 17 through October ((29)) 28.

Area 7B – September ((+2)) 11 through November 30.

Areas 7C and 7D – closed.

Area 7E – July ((24)) 23 through ((September 3)) August 19.

Area 8 – ((closed)) October 29 through November 18.

Area 8A – ((July 24)) September 11 through November 30.

Area 8D – ((July 24)) September 24 through November 30.

Areas 9 and 9A – closed.

Areas 10 and 11 – September 11 through November 30.

Areas 10A, 10C, 10D, 10E, 10F, 10G, and 11A – closed.

Area 12 – ((October 23)) September 11 through November ((+9))

30.

Area 12A – September ((4)) 11 through ((October 15)) November

30.

Area 12B – ((July 24)) September 11 through November ((+9)) 30.

Area 12C – ((July 24)) September 11 through November ((27)) 30.

Areas 12D and 13 – closed.

((Area 13A – September 18 through November 30:))

Areas 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, 13K and all freshwater areas – closed.

AMENDATORY SECTION (Amending Order 88-48, filed 7/6/88)

WAC 220-47-312 PURSE SEINE—OPEN PERIODS. It is unlawful to take, fish for or possess salmon taken with purse seine gear except during the open periods hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas:

Area 6D – 5:00 a.m. Sunday ((9+9)) 9/17 through 4:00 p.m. Friday ((+0/28)) 10/27.

Area 7B – 5:00 a.m. Monday ((9+12)) 9/11 through 4:00 p.m. Friday ((+0/28)) 10/27;

5:00 a.m. ((=8:00 p.m. daily, Tuesday 11/1 and Wednesday 11/2)) Monday 10/30 through 4:00 p.m. Friday 11/3;

5:00 a.m. ((=8:00 p.m. daily, Monday 11/7 and Tuesday 11/8)) Monday 11/6 through 4:00 p.m. Friday 11/10.

((Area 8A – 5:00 a.m. – 9:00 p.m. Monday 10/24;

5:00 a.m. – 8:00 p.m. Tuesday 11/1:))

Areas 10 and 11 – 5:00 a.m. – 9:00 p.m. Tuesday ((9+13)) 9/12;

5:00 a.m. – 9:00 p.m. Monday ((9+19)) 9/18;

5:00 a.m. – 9:00 p.m. Tuesday ((9+27)) 9/26;

5:00 a.m. – 9:00 p.m. ((Monday 10/3)) Tuesday 10/17;

5:00 a.m. – 9:00 p.m. daily Monday 10/23 and Tuesday 10/24;

5:00 a.m. – 8:00 p.m. daily Tuesday ((+1+1)) 10/31 and Wednesday 11/1.

Areas 12, 12A, and 12B – 5:00 a.m. – ((9:00 p.m. Monday 10/24)) Tuesday 9/12; 5:00 a.m. – 9:00 p.m. Monday 9/18;

5:00 a.m. – ((8:00)) 9:00 p.m. Monday 10/23; 5:00 a.m. to 8:00 p.m. Tuesday ((+1+1)) 10/31.

AMENDATORY SECTION (Amending Order 88-48, filed 7/6/88)

WAC 220-47-313 PURSE SEINE—DAILY HOURS. It is unlawful during any open day to take, fish for or possess salmon taken

with purse seine gear in the following Puget Sound Salmon Management and Catch Reporting Areas except during the daily open hours hereinafter designated:

Area((s)) 6D ((and 7B)) from September ((+2)) 17 to October ((27)) 26 – 24 hours per day.

Area 7B from September 11 to October 26 – 24 hours per day.

Areas 6D and 7B on October ((28)) 27 – 12:01 a.m. to 4:00 p.m. Pacific daylight time.

All other open areas – July ((24)) 23 through October ((29)) 28: 5:00 a.m. to 9:00 p.m. Pacific daylight time. October ((30)) 29 through November 30: 5:00 a.m. to 8:00 p.m. Pacific standard time.

AMENDATORY SECTION (Amending Order 88-48, filed 7/6/88)

WAC 220-47-401 REEF NET—SEASONS. It is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the seasons provided for hereinafter in each respective area:

Areas 7 and 7A – September ((25)) 3 through November 30.

AMENDATORY SECTION (Amending Order 88-48, filed 7/6/88)

WAC 220-47-411 GILL NET—SEASONS. It is unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

Areas 4B, 5, 6, 6A, 6B, 6C, 7 and 7A – closed.

Area 6D – September ((+8)) 17 through October ((29)) 27.

Area 7B – July ((25)) 24 through November 30.

Area 7C – July ((25)) 24 through August ((27)) 26.

Area 7D – closed.

Area((s)) 7E ((and 8)) – July ((24)) 23 through ((September 3)) August 19.

Area 8 – August 20 through November 25.

Area 8A – July ((24)) 23 through November 30.

Area 8D – July ((24)) 23 through November 30.

Areas 9 and 9A – closed.

Area 10 – September ((+)) 10 through November 30.

Areas 10A, 10C, 10D, 10E, 10F, and 10G – closed.

Area 11 – September ((+)) 10 through November 30.

Area 11A – closed.

Area 12 – ((October 23)) September 10 through November ((+9))

30.

Area 12A – September ((4)) 10 through ((October 15)) November

30.

Area 12B – July ((24)) 23 through November 30.

Area 12C – July ((24)) 23 through November ((27)) 30.

((Areas 12D and 13 – closed:))

Area 13A – September 18 through November 30:))

Areas 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, 13K and all freshwater areas – closed.

AMENDATORY SECTION (Amending Order 88-48, filed 7/6/88)

WAC 220-47-412 GILL NET—OPEN PERIODS. It is unlawful to take, fish for or possess salmon taken with gill net gear except during the open periods hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas:

Area 6D – 5:00 p.m. Sunday ((9+18)) 9/17 through 4:00 p.m. Friday ((+0/28)) 10/27.

Area 7B – 7:00 p.m. – 9:30 a.m. nightly, Monday ((7+25)) 7/24 and Tuesday ((7+26)) 7/25;

7:00 p.m. – 9:30 a.m. nightly, Monday ((8+1)) 7/31, Tuesday ((8+2)) 8/1, and Wednesday ((8+3)) 8/2;

6:00 p.m. – 9:00 a.m. nightly, Monday ((8+8)) 8/7, Tuesday ((8+9)) 8/8, and Wednesday ((8+10)) 8/9;

6:00 p.m. through 9:00 a.m. nightly, Monday 8/14 and Tuesday 8/15;

6:00 p.m. Sunday ((9+11)) 9/10 through 4:00 p.m. Friday ((+0/28)) 10/27;

((4:00 p.m. – 8:00 a.m. nightly:)) 5:00 a.m. Monday ((+0/31 and Tuesday 11/1)) 10/30 through 4:00 p.m. Friday 11/3;

((4:00 p.m. – 8:00 a.m. nightly:)) 5:00 a.m. Monday ((+1/7 and Tuesday 11/8)) 11/6 through 4:00 p.m. Friday 11/10.

Area 7C – 7:00 p.m. – 9:30 a.m. nightly, Monday ((7+25)) 7/24 and Tuesday ((7+26)) 7/25;

7:00 p.m. - 9:30 a.m. nightly, Monday ~~((8/1))~~ 7/31, Tuesday ~~((8/2))~~ 8/1, and Wednesday ~~((8/3))~~ 8/2;
 6:00 p.m. - 9:00 a.m. nightly, Monday ~~((8/8))~~ 8/7, Tuesday ~~((8/9))~~ 8/8, and Wednesday ~~((8/10))~~ 8/9 6:00 p.m. through 9:00 a.m. nightly, Monday 8/14 and Tuesday 8/15.

~~((Area 8A - 5:00 p.m. - 9:00 a.m. Monday 10/24;~~

~~4:00 p.m. - 8:00 a.m. Monday 10/31:))~~

Areas 10 and 11 - 6:00 p.m. - 9:00 a.m. Monday ~~((9/12))~~ 9/11;

5:00 p.m. - 9:00 a.m. Monday ~~((9/19))~~ 9/18;

5:00 p.m. - 9:00 a.m. Monday ~~((9/26))~~ 9/25;

5:00 p.m. - 9:00 a.m. Monday ~~((10/3))~~ 10/16;

5:00 p.m. - 9:00 a.m. nightly Monday 10/23 and Tuesday 10/24;

4:00 p.m. - 8:00 a.m. nightly Monday 10/30 and Tuesday 10/31.

Areas 12, 12A, and 12B - 5:00 p.m. - 9:00 a.m. nightly Monday ~~((10/24))~~ 9/11, Monday 9/18, and Monday 10/23;

4:00 p.m. - 8:00 a.m. Monday ~~((10/31))~~ 10/30.

minimum mesh; October ~~((16))~~ 15 through November 30: 6 inch minimum mesh.

Area 12C - July ~~((24))~~ 23 through August ~~((13))~~ 12: 7 inch minimum mesh. ~~((September 11 through October 22: 5 inch minimum mesh; October 23))~~ November 5 through November 30: 6 inch minimum mesh.

~~((Area 13A - September 18 through October 22: 5 inch minimum mesh; October 23 through November 30: 6 inch minimum mesh:))~~

AMENDATORY SECTION (Amending Order 88-48, filed 7/6/88)

WAC 220-47-413 GILL NET—DAILY HOURS. It is unlawful during any open day to take, fish for or possess salmon taken with gill net gear in the following Puget Sound Salmon Management and Catch Reporting Areas except during the daily open hours hereinafter designated:

July ~~((24))~~ 23 through August ~~((6))~~ 5 - 7:00 p.m. to 9:30 a.m. Pacific daylight time in all open areas.

August ~~((7))~~ 6 through September ~~((17))~~ 16 - 6:00 p.m. to 9:00 a.m. Pacific daylight time in all open areas unless otherwise provided.

September ~~((11))~~ 10 through October ~~((27))~~ 26 - open 24 hours per day in Area 7B.

September ~~((18))~~ 17 through October ~~((27))~~ 26 - open 24 hours per day in Area 6D.

October ~~((28))~~ 27 - 12:01 a.m. to 4:00 p.m. Pacific daylight time in Areas 6D and 7B.

September ~~((18))~~ 17 through October ~~((29))~~ 28 - 5:00 p.m. to 9:00 a.m. Pacific daylight time in all open areas unless otherwise provided.

October ~~((30))~~ 29 through November ~~((12))~~ 11 - 4:00 p.m. to 8:00 a.m. Pacific standard time in all open areas.

November ~~((13))~~ 12 through November 30 - 3:00 p.m. to 9:00 a.m. Pacific standard time in all open areas.

AMENDATORY SECTION (Amending Order 88-48, filed 7/6/88)

WAC 220-47-414 GILL NET—MESH SIZES. It is unlawful to take or possess salmon taken with gill net gear containing mesh smaller than the minimum size stretch measure or larger than the maximum size stretch measure as hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas during the periods specified:

Area 6D - September ~~((18))~~ 17 through October ~~((29))~~ 28: 5 inch minimum mesh.

Area 7B - July ~~((24))~~ 23 through September ~~((10))~~ 9: 7 inch minimum mesh; September ~~((11))~~ 10 through October ~~((29))~~ 28: 5 inch minimum mesh; October ~~((30))~~ 29 through November 30: 6 inch minimum mesh.

Area 7C - July ~~((24))~~ 23 through August ~~((27))~~ 26: 7 inch minimum mesh.

Area ~~((s))~~ 7E ~~((and 8))~~ - July ~~((24))~~ 23 through ~~((September 3))~~ August 19: 7 inch minimum mesh.

Area 8 - August 20 through September 16: 5 inch minimum and 6 inch maximum mesh; October 29 through November 25: 6 inch minimum mesh.

Area 8A - ~~((July 24))~~ August 20 through September ~~((10))~~ 9: ~~((7))~~ 5 inch minimum and 6 inch maximum mesh; September ~~((11))~~ 10 through October ~~((22))~~ 21: 5 inch minimum mesh; October ~~((23))~~ 22 through November ~~((12))~~ 11: 6 inch minimum mesh.

Area 8D - September ~~((25))~~ 24 through November ~~((12))~~ 11: 5 inch minimum mesh.

Areas 10 and 11 - September ~~((11))~~ 10 through October ~~((15))~~ 14: 5 inch minimum mesh; October ~~((16))~~ 15 through November ~~((12))~~ 11: 6 inch minimum mesh.

Areas 12 and 12A - September ~~((4))~~ 10 through October ~~((15))~~ 14: 5 inch minimum mesh; October ~~((16))~~ 15 through November ~~((12))~~ 30: 6 inch minimum mesh.

~~((Area 12A - September 4 through October 15: 5 inch minimum mesh:))~~

Area 12B - July ~~((24))~~ 23 through August ~~((13))~~ 12: 7 inch minimum mesh; September ~~((4))~~ 10 through October ~~((15))~~ 14: 5 inch

Table of WAC Sections Affected

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.

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
1-12-005	REP-P 89-09-068	1-13-120	REP-P 89-09-068	16-30-070	AMD 89-06-014
1-12-010	REP-P 89-09-068	1-13-125	REP-P 89-09-068	16-30-090	AMD-P 89-02-056
1-12-020	REP-P 89-09-068	1-13-130	REP-P 89-09-068	16-30-090	AMD 89-06-014
1-12-030	REP-P 89-09-068	1-13-140	REP-P 89-09-068	16-30-100	AMD-P 89-02-056
1-12-032	REP-P 89-09-068	1-13-150	REP-P 89-09-068	16-30-100	AMD 89-06-014
1-12-033	REP-P 89-09-068	1-13-155	REP-P 89-09-068	16-59	AMD 89-06-007
1-12-034	REP-P 89-09-068	1-13-160	REP-P 89-09-068	16-59-030	AMD 89-06-007
1-12-035	REP-P 89-09-068	1-13-170	REP-P 89-09-068	16-212-087	NEW-P 89-08-019
1-12-040	REP-P 89-09-068	1-13-180	REP-P 89-09-068	16-212-110	AMD-P 89-08-019
1-12-045	REP-P 89-09-068	1-13-190	REP-P 89-09-068	16-212-230	AMD-P 89-08-019
1-12-050	REP-P 89-09-068	1-13-200	REP-P 89-09-068	16-224-010	AMD-P 89-08-019
1-12-060	REP-P 89-09-068	1-13-210	REP-P 89-09-068	16-225-001	REP-P 89-08-019
1-12-070	REP-P 89-09-068	1-13-230	REP-P 89-09-068	16-225-010	REP-P 89-08-019
1-12-080	REP-P 89-09-068	1-13-240	REP-P 89-09-068	16-225-020	REP-P 89-08-019
1-12-090	REP-P 89-09-068	1-13-910	REP-P 89-09-068	16-225-030	REP-P 89-08-019
1-12-100	REP-P 89-09-068	1-13-930	REP-P 89-09-068	16-225-040	REP-P 89-08-019
1-12-110	REP-P 89-09-068	1-13-940	REP-P 89-09-068	16-225-050	REP-P 89-08-019
1-12-120	REP-P 89-09-068	1-13-950	REP-P 89-09-068	16-228	AMD-C 89-06-006
1-12-125	REP-P 89-09-068	1-21-005	NEW-P 89-09-068	16-228-162	AMD 89-07-006
1-12-130	REP-P 89-09-068	1-21-010	NEW-P 89-09-068	16-228-164	NEW 89-07-006
1-12-140	REP-P 89-09-068	1-21-020	NEW-P 89-09-068	16-228-165	REP 89-07-006
1-12-150	REP-P 89-09-068	1-21-030	NEW-P 89-09-068	16-228-166	NEW 89-07-006
1-12-155	REP-P 89-09-068	1-21-040	NEW-P 89-09-068	16-228-400	NEW-E 89-09-012
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1-12-180	REP-P 89-09-068	1-21-070	NEW-P 89-09-068	16-228-430	NEW-E 89-09-012
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1-12-200	REP-P 89-09-068	1-21-100	NEW-P 89-09-068	16-228-460	NEW-E 89-09-012
1-12-210	REP-P 89-09-068	1-21-110	NEW-P 89-09-068	16-228-470	NEW-E 89-09-012
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1-13-010	REP-P 89-09-068	4-25-040	AMD 89-03-062	16-228-521	NEW-E 89-09-017
1-13-020	REP-P 89-09-068	4-25-180	REP 89-03-062	16-230	NEW-C 89-04-056
1-13-030	REP-P 89-09-068	4-25-191	NEW 89-03-062	16-230	NEW-C 89-07-051
1-13-032	REP-P 89-09-068	16-30-010	AMD-P 89-02-056	16-230-800	NEW-P 89-03-065
1-13-033	REP-P 89-09-068	16-30-010	AMD 89-06-014	16-230-805	NEW-P 89-03-065
1-13-034	REP-P 89-09-068	16-30-020	AMD-P 89-02-056	16-230-810	NEW-P 89-03-065
1-13-035	REP-P 89-09-068	16-30-020	AMD 89-06-014	16-230-815	NEW-P 89-03-065
1-13-040	REP-P 89-09-068	16-30-025	NEW-P 89-02-056	16-230-820	NEW-P 89-03-065
1-13-045	REP-P 89-09-068	16-30-025	NEW 89-06-014	16-230-825	NEW-P 89-03-065
1-13-050	REP-P 89-09-068	16-30-030	AMD-P 89-02-056	16-230-830	NEW-P 89-03-065
1-13-060	REP-P 89-09-068	16-30-030	AMD 89-06-014	16-232-405	NEW-E 89-05-004
1-13-070	REP-P 89-09-068	16-30-050	AMD-P 89-02-056	16-232-405	REP-E 89-08-006
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1-13-100	REP-P 89-09-068	16-30-060	AMD 89-06-014	16-232-425	NEW-E 89-05-004
1-13-110	REP-P 89-09-068	16-30-070	AMD-P 89-02-056	16-232-425	REP-E 89-08-006

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16-232-440	NEW-E	89-08-006	55-01-030	AMD	89-06-001	132D-10-078	REP-P	89-07-069
16-232-445	NEW-E	89-05-004	55-01-050	AMD	89-06-001	132D-10-084	REP-P	89-07-069
16-232-445	REP-E	89-08-006	55-01-060	AMD	89-06-001	132D-10-087	REP-P	89-07-069
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16-232-455	REP-E	89-08-006	98-08-150	AMD	89-08-043	132D-10-144	REP-P	89-07-069
16-232-460	NEW-E	89-08-006	98-11-010	AMD-P	89-05-054	132D-10-147	REP-P	89-07-069
16-232-465	NEW-E	89-05-004	98-11-010	AMD	89-08-043	132D-10-150	REP-P	89-07-069
16-232-465	REP-E	89-08-006	98-12-010	REP-P	89-05-054	132D-10-153	REP-P	89-07-069
16-232-470	NEW-E	89-08-006	98-12-010	REP	89-08-043	132D-10-165	REP-P	89-07-069
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16-300-010	AMD-P	89-07-074	98-14-100	NEW-P	89-05-054	132D-10-177	REP-P	89-07-069
16-304-040	AMD-P	89-07-074	98-14-100	NEW	89-08-043	132D-10-180	REP-P	89-07-069
16-316-160	AMD-P	89-07-074	98-16-020	AMD-P	89-05-054	132D-10-183	REP-P	89-07-069
16-316-185	AMD-P	89-07-074	98-16-020	AMD	89-08-043	132D-10-186	REP-P	89-07-069
16-316-230	AMD-P	89-07-074	98-20-010	REP-P	89-05-054	132D-10-189	REP-P	89-07-069
16-316-270	AMD-P	89-07-074	98-20-010	REP	89-08-043	132D-10-192	REP-P	89-07-069
16-316-315	AMD-P	89-07-074	98-20-020	AMD-P	89-05-054	132D-10-195	REP-P	89-07-069
16-316-350	AMD-P	89-07-074	98-20-020	AMD	89-08-043	132D-10-198	REP-P	89-07-069
16-316-350	AMD-E	89-09-013	98-40-020	AMD-P	89-05-054	132D-10-201	REP-P	89-07-069
16-316-360	AMD-P	89-07-074	98-40-020	AMD	89-08-043	132D-10-204	REP-P	89-07-069
16-316-370	AMD-P	89-07-074	98-40-030	AMD-P	89-05-054	132D-10-207	REP-P	89-07-069
16-316-440	AMD-P	89-07-074	98-40-030	AMD	89-08-043	132D-10-210	REP-P	89-07-069
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16-316-525	AMD-P	89-07-074	98-40-040	AMD	89-08-043	132D-10-215	REP-P	89-07-069
16-316-660	AMD-P	89-07-074	98-40-050	AMD-P	89-05-054	132D-10-228	REP-P	89-07-069
16-316-800	AMD-P	89-07-074	98-40-050	AMD	89-08-043	132D-10-231	REP-P	89-07-069
16-316-810	AMD-P	89-07-074	98-40-070	AMD-P	89-05-054	132D-10-261	REP-P	89-07-069
16-316-820	AMD-P	89-07-074	98-40-070	AMD	89-08-043	132D-10-264	REP-P	89-07-069
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16-400-007	AMD	89-08-040	98-40-080	AMD	89-08-043	132D-10-270	REP-P	89-07-069
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16-400-010	AMD	89-08-040	98-70-010	AMD-E	89-03-033	132D-10-276	REP-P	89-07-069
16-400-040	AMD-P	89-05-040	98-70-010	AMD	89-06-074	132D-10-279	REP-P	89-07-069
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16-400-050	REP	89-08-040	131-28-021	AMD-P	89-06-054	132D-10-287	REP-P	89-07-069
16-400-100	AMD-P	89-05-040	131-28-025	AMD-P	89-06-054	132D-10-290	REP-P	89-07-069
16-400-100	AMD	89-08-040	131-28-026	AMD-P	89-06-054	132D-10-293	REP-P	89-07-069
16-400-150	AMD-P	89-05-040	131-28-030	AMD-P	89-06-054	132D-10-296	REP-P	89-07-069
16-400-150	AMD	89-08-040	131-28-040	AMD-P	89-06-054	132D-10-299	REP-P	89-07-069
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16-400-210	AMD	89-08-040	131-28-080	AMD-P	89-06-054	132D-10-305	REP-P	89-07-069
16-400-270	AMD-P	89-05-040	131-28-085	AMD-P	89-06-054	132D-10-308	REP-P	89-07-069
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16-403-280	AMD-P	89-09-011	132D-08-020	REP-P	89-07-061	132D-10-320	REP-P	89-07-069
16-528-020	AMD-P	89-04-049	132D-08-025	REP-P	89-07-061	132D-10-323	REP-P	89-07-069
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16-550-020	AMD-P	89-09-057	132D-10-006	REP-P	89-07-069	132D-10-329	REP-P	89-07-069
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16-690-015	AMD	89-08-039	132D-10-012	REP-P	89-07-069	132D-10-335	REP-P	89-07-069
44-10-120	AMD	89-06-026	132D-10-015	REP-P	89-07-069	132D-10-338	REP-P	89-07-069
44-10-300	NEW	89-06-025	132D-10-018	REP-P	89-07-069	132D-10-341	REP-P	89-07-069
44-10-310	NEW	89-06-025	132D-10-021	REP-P	89-07-069	132D-10-344	REP-P	89-07-069
44-10-320	NEW	89-06-025	132D-10-024	REP-P	89-07-069	132D-10-347	REP-P	89-07-069
50-44-020	AMD-P	89-06-059	132D-10-027	REP-P	89-07-069	132D-10-350	REP-P	89-07-069
50-44-020	AMD	89-09-004	132D-10-030	REP-P	89-07-069	132D-10-353	REP-P	89-07-069
51-12-102	AMD	89-04-043	132D-10-033	REP-P	89-07-069	132D-10-356	REP-P	89-07-069
51-12-206	AMD	89-04-043	132D-10-036	REP-P	89-07-069	132D-10-359	REP-P	89-07-069
51-12-219	AMD	89-04-043	132D-10-037	REP-P	89-07-069	132D-10-362	REP-P	89-07-069
51-12-223	AMD	89-04-043	132D-10-039	REP-P	89-07-069	132D-10-365	REP-P	89-07-069
51-12-305	AMD	89-04-043	132D-10-042	REP-P	89-07-069	132D-10-368	REP-P	89-07-069
51-12-402	AMD	89-04-043	132D-10-045	REP-P	89-07-069	132D-10-371	REP-P	89-07-069
51-12-411	AMD	89-04-043	132D-10-048	REP-P	89-07-069	132D-10-374	REP-P	89-07-069
51-12-426	AMD	89-04-043	132D-10-051	REP-P	89-07-069	132D-10-377	REP-P	89-07-069
51-12-503	AMD	89-04-043	132D-10-054	REP-P	89-07-069	132D-10-380	REP-P	89-07-069
51-12-601	AMD	89-04-043	132D-10-057	REP-P	89-07-069	132D-10-383	REP-P	89-07-069
51-12-602	AMD	89-04-043	132D-10-060	REP-P	89-07-069	132D-10-386	REP-P	89-07-069
51-12-605	AMD	89-04-043	132D-10-063	REP-P	89-07-069	132D-10-389	REP-P	89-07-069
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132D-10-404	REP-P	89-07-069	132D-20-130	REP-P	89-07-070	132D-276-090	NEW-P	89-07-062
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132D-10-408	REP-P	89-07-069	132D-20-140	REP-W	89-05-046	132D-276-110	NEW-P	89-07-062
132D-10-410	REP-P	89-07-069	132D-20-140	REP-P	89-07-070	132D-276-120	NEW-P	89-07-062
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132D-10-416	REP-P	89-07-069	132D-20-150	REP-W	89-05-046	132D-276-140	NEW-P	89-07-062
132D-10-419	REP-P	89-07-069	132D-20-150	REP-P	89-07-070	132D-280-010	NEW-P	89-07-063
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132D-10-425	REP-P	89-07-069	132D-20-160	REP-W	89-05-046	132D-280-025	NEW-P	89-07-063
132D-10-428	REP-P	89-07-069	132D-20-160	REP-P	89-07-070	132D-280-030	NEW-P	89-07-063
132D-10-431	REP-P	89-07-069	132D-20-170	REP-P	89-05-012	132D-280-035	NEW-P	89-07-063
132D-10-434	REP-P	89-07-069	132D-20-170	REP-W	89-05-046	132D-280-040	NEW-P	89-07-063
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132D-12-015	REP	89-09-038	132D-20-200	REP-P	89-05-012	132D-350-030	NEW-P	89-07-064
132D-12-020	REP-P	89-05-012	132D-20-200	REP-W	89-05-046	132D-350-040	NEW-P	89-07-064
132D-12-020	REP-W	89-05-046	132D-20-200	REP-P	89-07-070	132D-350-050	NEW-P	89-07-064
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132D-18-020	REP-P	89-07-062	132D-20-220	REP-P	89-05-012	132I-120-400	AMD	89-08-016
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132D-18-040	REP-P	89-07-062	132D-20-220	REP-P	89-07-070	132I-120-405	AMD	89-08-016
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132D-18-140	REP-P	89-07-062	132D-20-260	REP-P	89-05-012	132I-136-020	REP-P	89-08-015
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232-12-829	NEW-P	89-05-064	232-12-829	NEW-P	89-08-107
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232-28-217	REP-P	89-05-064	232-28-217	REP-P	89-08-108
232-28-218	NEW-P	89-09-047	232-28-218	NEW-P	89-08-108
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232-28-61713	NEW	89-05-064	232-28-61713	NEW	89-04-037
232-28-61715	NEW-E	89-09-047	232-28-61715	NEW-E	89-04-009
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232-28-61719	NEW-E	89-05-064	232-28-61719	NEW-E	89-04-010
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232-28-61726	NEW-E	89-05-064	232-28-61726	NEW-E	89-08-032
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232-28-712	NEW	89-05-064	232-28-712	NEW	89-06-002
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232-28-810	REP-C	89-05-064	232-28-810	REP-C	89-09-059
232-28-811	NEW-P	89-09-047	232-28-811	NEW-P	89-06-083
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248-16-031	NEW	89-05-064	248-16-031	NEW	89-09-034
248-16-033	NEW	89-09-047	248-16-033	NEW	89-09-034
248-16-035	REP	89-05-064	248-16-035	REP	89-09-034
248-16-036	NEW	89-09-047	248-16-036	NEW	89-09-034
248-16-040	REP	89-05-064	248-16-040	REP	89-09-034
248-16-045	REP	89-09-047	248-16-045	REP	89-09-034
248-16-046	NEW	89-05-024	248-16-046	NEW	89-09-034
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352-32-047	NEW	89-07-020	360-44-080	AMD	89-09-020	388-49-190	AMD	89-07-001
352-32-047	NEW	89-07-020	360-44-090	AMD-P	89-04-058	388-49-191	REP	89-03-053
352-32-250	AMD-P	89-03-067	360-44-090	AMD	89-09-020	388-49-191	REP-E	89-03-054
352-32-250	AMD	89-07-020	360-44-100	AMD-P	89-04-058	388-49-250	AMD	89-05-032
356-05-238	NEW-C	89-03-056	360-44-100	AMD	89-09-020	388-49-310	AMD-P	89-03-073
356-05-238	NEW	89-06-028	360-44-130	AMD-P	89-04-058	388-49-310	AMD	89-07-001
356-05-390	AMD-P	89-08-059	360-44-130	AMD	89-09-020			

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388-49-420	AMD 89-07-001	399-30-045	NEW-C 89-06-057	456-08-715	REP-P 89-06-062
388-49-450	AMD 89-05-032	399-30-050	AMD-P 89-02-057	456-08-720	REP-P 89-06-062
388-49-450	AMD-E 89-08-051	399-30-050	AMD-C 89-06-057	456-08-725	REP-P 89-06-062
388-49-450	AMD-P 89-08-100	399-30-060	AMD-P 89-02-057	456-08-730	REP-P 89-06-062
388-49-460	AMD 89-05-032	399-30-065	NEW-P 89-06-057	456-08-735	REP-P 89-06-062
388-49-470	AMD-E 89-08-051	419-64-010	NEW 89-04-050	456-08-740	REP-P 89-06-062
388-49-470	AMD-P 89-08-100	419-64-020	NEW 89-04-050	456-09-010	NEW-P 89-06-063
388-49-480	AMD-P 89-03-074	419-64-030	NEW 89-04-050	456-09-110	NEW-P 89-06-063
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388-49-550	AMD 89-05-031	419-64-060	NEW 89-04-050	456-09-140	NEW-P 89-06-063
388-49-660	AMD-P 89-08-101	419-64-070	NEW 89-04-050	456-09-150	NEW-P 89-06-063
388-49-670	AMD-P 89-09-032	419-64-080	NEW 89-04-050	456-09-160	NEW-P 89-06-063
388-55-010	AMD 89-03-008	419-64-090	NEW 89-04-050	456-09-170	NEW-P 89-06-063
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388-70-640	AMD 89-05-063	456-08-003	REP-P 89-06-062	456-09-230	NEW-P 89-06-063
388-73-044	AMD 89-05-063	456-08-003	REP-E 89-07-031	456-09-310	NEW-P 89-06-063
388-73-136	AMD-P 89-03-025	456-08-004	REP-P 89-06-062	456-09-315	NEW-P 89-06-063
388-73-136	AMD 89-07-097	456-08-004	REP-E 89-07-031	456-09-320	NEW-P 89-06-063
388-76-080	NEW 89-05-033	456-08-005	REP-P 89-06-062	456-09-325	NEW-P 89-06-063
388-76-170	AMD 89-05-033	456-08-006	REP-P 89-06-062	456-09-330	NEW-P 89-06-063
388-77-005	AMD 89-03-053	456-08-007	REP-P 89-06-062	456-09-335	NEW-P 89-06-063
388-77-005	AMD-E 89-03-054	456-08-010	REP-P 89-06-062	456-09-340	NEW-P 89-06-063
388-77-230	AMD-P 89-09-033	456-08-040	REP-P 89-06-062	456-09-345	NEW-P 89-06-063
388-77-240	AMD-P 89-09-033	456-08-045	REP-P 89-06-062	456-09-350	NEW-P 89-06-063
388-77-610	AMD 89-03-053	456-08-070	REP-P 89-06-062	456-09-355	NEW-P 89-06-063
388-77-610	AMD-E 89-03-054	456-08-080	REP-P 89-06-062	456-09-360	NEW-P 89-06-063
388-77-820	AMD 89-03-053	456-08-090	REP-P 89-06-062	456-09-365	NEW-P 89-06-063
388-77-820	AMD-E 89-03-054	456-08-092	REP-P 89-06-062	456-09-410	NEW-P 89-06-063
388-78-210	AMD-P 89-05-062	456-08-150	REP-P 89-06-062	456-09-420	NEW-P 89-06-063
388-78-210	AMD 89-08-050	456-08-160	REP-P 89-06-062	456-09-430	NEW-P 89-06-063
388-81-043	AMD 89-05-029	456-08-170	REP-P 89-06-062	456-09-440	NEW-P 89-06-063
388-81-060	AMD 89-05-029	456-08-180	REP-P 89-06-062	456-09-510	NEW-P 89-06-063
388-82-140	NEW 89-05-029	456-08-190	REP-P 89-06-062	456-09-520	NEW-P 89-06-063
388-82-140	AMD-P 89-08-044	456-08-200	REP-P 89-06-062	456-09-530	NEW-P 89-06-063
388-82-140	AMD-E 89-08-053	456-08-220	REP-P 89-06-062	456-09-540	NEW-P 89-06-063
388-83-015	AMD-P 89-08-045	456-08-230	REP-P 89-06-062	456-09-550	NEW-P 89-06-063
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388-83-032	AMD-P 89-08-044	456-08-250	REP-P 89-06-062	456-09-570	NEW-P 89-06-063
388-83-032	AMD-E 89-08-053	456-08-260	REP-P 89-06-062	456-09-610	NEW-P 89-06-063
388-84-115	AMD-P 89-07-011	456-08-270	REP-P 89-06-062	456-09-615	NEW-P 89-06-063
388-84-115	AMD-E 89-07-030	456-08-280	REP-P 89-06-062	456-09-620	NEW-P 89-06-063
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388-86-100	AMD 89-08-052	456-08-300	REP-P 89-06-062	456-09-630	NEW-P 89-06-063
388-87-011	AMD-P 89-07-037	456-08-310	REP-P 89-06-062	456-09-635	NEW-P 89-06-063
388-87-011	AMD-E 89-07-039	456-08-320	REP-P 89-06-062	456-09-640	NEW-P 89-06-063
388-87-060	AMD-P 89-07-012	456-08-330	REP-P 89-06-062	456-09-645	NEW-P 89-06-063
388-87-060	AMD-E 89-07-013	456-08-340	REP-P 89-06-062	456-09-650	NEW-P 89-06-063
388-88-080	AMD-P 89-07-094	456-08-350	REP-P 89-06-062	456-09-655	NEW-P 89-06-063
388-88-095	AMD 89-06-050	456-08-360	REP-P 89-06-062	456-09-705	NEW-P 89-06-063
388-88-097	NEW 89-06-050	456-08-365	REP-P 89-06-062	456-09-710	NEW-P 89-06-063
388-88-098	NEW-P 89-07-094	456-08-370	REP-P 89-06-062	456-09-715	NEW-P 89-06-063
388-88-099	NEW-P 89-07-094	456-08-380	REP-P 89-06-062	456-09-720	NEW-P 89-06-063
388-88-101	AMD-P 89-07-094	456-08-400	REP-P 89-06-062	456-09-725	NEW-P 89-06-063
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388-96-221	AMD-P 89-08-046	456-08-408	REP-P 89-06-062	456-09-740	NEW-P 89-06-063
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388-99-020	AMD 89-05-029	456-08-430	REP-P 89-06-062	456-09-750	NEW-P 89-06-063
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388-99-030	AMD-E 89-08-049	456-08-520	REP-P 89-06-062	456-09-760	NEW-P 89-06-063
388-330-010	NEW-P 89-02-067	456-08-532	REP-P 89-06-062	456-09-765	NEW-P 89-06-063
388-330-010	NEW 89-07-096	456-08-535	REP-P 89-06-062	456-09-770	NEW-P 89-06-063
388-330-020	NEW-P 89-02-067	456-08-540	REP-P 89-06-062	456-09-775	NEW-P 89-06-063
388-330-020	NEW 89-07-096	456-08-600	REP-P 89-06-062	456-09-910	NEW-P 89-06-063
388-330-030	NEW-P 89-02-067	456-08-610	REP-P 89-06-062	456-09-915	NEW-P 89-06-063
388-330-030	NEW 89-07-096	456-08-620	REP-P 89-06-062	456-09-920	NEW-P 89-06-063
388-330-040	NEW-P 89-02-067	456-08-630	REP-P 89-06-062	456-09-925	NEW-P 89-06-063
388-330-040	NEW 89-07-096	456-08-635	REP-P 89-06-062	456-09-930	NEW-P 89-06-063
388-330-050	NEW-P 89-02-067	456-08-640	REP-P 89-06-062	456-09-935	NEW-P 89-06-063
388-330-050	NEW 89-07-096	456-08-650	REP-P 89-06-062	456-09-940	NEW-P 89-06-063
388-330-060	NEW-P 89-02-067	456-08-660	REP-P 89-06-062	456-09-945	NEW-P 89-06-063
388-330-060	NEW 89-07-096	456-08-670	REP-P 89-06-062	456-09-950	NEW-P 89-06-063
399-30-020	AMD-P 89-02-057	456-08-700	REP-P 89-06-062	456-09-955	NEW-P 89-06-063
399-30-020	AMD-C 89-06-057	456-08-705	REP-P 89-06-062	456-09-970	NEW-P 89-06-063

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456-10-110	NEW-P 89-06-064	458-14-027	NEW-P 89-07-087	460-46A-080	REP-P 89-03-044
456-10-120	NEW-P 89-06-064	458-14-029	NEW-P 89-07-087	460-46A-080	REP 89-07-042
456-10-130	NEW-P 89-06-064	458-14-030	REP-P 89-07-087	460-46A-085	REP-P 89-03-044
456-10-140	NEW-P 89-06-064	458-14-031	NEW-P 89-07-087	460-46A-085	REP 89-07-042
456-10-150	NEW-P 89-06-064	458-14-040	REP-P 89-07-087	460-46A-090	AMD-P 89-03-044
456-10-160	NEW-P 89-06-064	458-14-042	NEW-P 89-07-087	460-46A-090	AMD 89-07-042
456-10-170	NEW-P 89-06-064	458-14-045	REP-P 89-07-087	460-46A-092	NEW-P 89-03-044
456-10-180	NEW-P 89-06-064	458-14-050	REP-P 89-07-087	460-46A-092	NEW 89-07-042
456-10-210	NEW-P 89-06-064	458-14-052	REP-P 89-07-087	460-46A-095	AMD-P 89-03-044
456-10-220	NEW-P 89-06-064	458-14-055	REP-P 89-07-087	460-46A-095	AMD 89-07-042
456-10-230	NEW-P 89-06-064	458-14-060	REP-P 89-07-087	460-46A-105	AMD-P 89-03-044
456-10-310	NEW-P 89-06-064	458-14-062	REP-P 89-07-087	460-46A-105	AMD 89-07-042
456-10-315	NEW-P 89-06-064	458-14-065	REP-P 89-07-087	460-46A-110	AMD-P 89-03-044
456-10-320	NEW-P 89-06-064	458-14-070	REP-P 89-07-087	460-46A-110	AMD 89-07-042
456-10-325	NEW-P 89-06-064	458-14-075	REP-P 89-07-087	460-46A-120	REP-P 89-03-044
456-10-330	NEW-P 89-06-064	458-14-080	REP-P 89-07-087	460-46A-120	REP 89-07-042
456-10-335	NEW-P 89-06-064	458-14-085	REP-P 89-07-087	460-46A-145	AMD-P 89-03-044
456-10-340	NEW-P 89-06-064	458-14-086	REP-P 89-07-087	460-46A-145	AMD 89-07-042
456-10-345	NEW-P 89-06-064	458-14-090	REP-P 89-07-087	460-46A-150	AMD-P 89-03-044
456-10-350	NEW-P 89-06-064	458-14-091	REP-P 89-07-087	460-46A-150	AMD 89-07-042
456-10-355	NEW-P 89-06-064	458-14-092	REP-P 89-07-087	460-46A-155	AMD-P 89-03-044
456-10-360	NEW-P 89-06-064	458-14-094	REP-P 89-07-087	460-46A-155	AMD 89-07-042
456-10-410	NEW-P 89-06-064	458-14-098	REP-P 89-07-087	468-06	REVIEW 89-06-038
456-10-420	NEW-P 89-06-064	458-14-100	REP-P 89-07-087	468-10	REVIEW 89-06-038
456-10-430	NEW-P 89-06-064	458-14-110	REP-P 89-07-087	468-12	REVIEW 89-06-038
456-10-440	NEW-P 89-06-064	458-14-115	REP-P 89-07-087	468-14	REVIEW 89-08-061
456-10-505	NEW-P 89-06-064	458-14-120	REP-P 89-07-087	468-16-010	NEW-P 89-07-034
456-10-510	NEW-P 89-06-064	458-14-121	REP-P 89-07-087	468-16-010	NEW-W 89-08-064
456-10-515	NEW-P 89-06-064	458-14-122	REP-P 89-07-087	468-16-020	NEW-P 89-07-034
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456-10-525	NEW-P 89-06-064	458-14-126	REP-P 89-07-087	468-16-030	NEW-P 89-07-034
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456-10-535	NEW-P 89-06-064	458-14-135	REP-P 89-07-087	468-16-040	NEW-P 89-07-034
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456-10-545	NEW-P 89-06-064	458-14-145	REP-P 89-07-087	468-16-050	NEW-P 89-07-034
456-10-550	NEW-P 89-06-064	458-14-150	REP-P 89-07-087	468-16-050	NEW-W 89-08-064
456-10-555	NEW-P 89-06-064	458-14-152	REP-P 89-07-087	468-16-060	NEW-P 89-07-034
456-10-560	NEW-P 89-06-064	458-14-155	REP-P 89-07-087	468-16-060	NEW-W 89-08-064
456-10-565	NEW-P 89-06-064	458-14-160	NEW-P 89-07-087	468-16-070	NEW-P 89-07-034
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456-10-710	NEW-P 89-06-064	458-16-115	NEW-W 89-08-036	468-16-080	NEW-P 89-07-034
456-10-715	NEW-P 89-06-064	458-16-115	NEW-E 89-08-037	468-16-080	NEW-W 89-08-064
456-10-720	NEW-P 89-06-064	458-16-115	NEW-P 89-09-074	468-16-090	NEW-P 89-07-034
456-10-725	NEW-P 89-06-064	458-20-193B	AMD-C 89-02-052	468-16-090	NEW-W 89-08-064
456-10-730	NEW-P 89-06-064	458-20-193B	AMD 89-06-015	468-16-100	NEW-P 89-07-034
456-10-735	NEW-P 89-06-064	458-20-221	AMD-C 89-02-052	468-16-100	NEW-W 89-08-064
456-10-740	NEW-P 89-06-064	458-20-221	AMD 89-06-016	468-16-110	NEW-P 89-07-034
456-10-745	NEW-P 89-06-064	458-20-252	AMD-C 89-04-042	468-16-110	NEW-W 89-08-064
456-10-750	NEW-P 89-06-064	458-20-252	AMD-E 89-06-005	468-16-120	NEW-P 89-07-034
456-10-755	NEW-P 89-06-064	458-20-252	AMD-W 89-07-084	468-16-120	NEW-W 89-08-064
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456-12-020	NEW-P 89-06-065	458-30-260	AMD 89-05-009	468-16-140	NEW-P 89-07-034
456-12-030	NEW-P 89-06-065	458-30-261	NEW 89-05-008	468-16-140	NEW-W 89-08-064
456-12-040	NEW-P 89-06-065	458-30-590	AMD 89-05-010	468-16-150	NEW-P 89-07-034
456-12-050	NEW-P 89-06-065	458-53-020	AMD-P 89-05-053	468-16-150	NEW-W 89-08-064
456-12-060	NEW-P 89-06-065	458-53-020	AMD 89-09-021	468-16-160	NEW-P 89-07-034
456-12-070	NEW-P 89-06-065	458-53-030	AMD-P 89-05-053	468-16-160	NEW-W 89-08-064
456-12-080	NEW-P 89-06-065	458-53-030	AMD 89-09-021	468-16-170	NEW-P 89-07-034
456-12-090	NEW-P 89-06-065	458-53-070	AMD-P 89-05-053	468-16-170	NEW-W 89-08-064
456-12-100	NEW-P 89-06-065	458-53-070	AMD 89-09-021	468-16-180	NEW-P 89-07-034
456-12-110	NEW-P 89-06-065	458-53-100	AMD-P 89-05-053	468-16-180	NEW-W 89-08-064
456-12-120	NEW-P 89-06-065	458-53-100	AMD 89-09-021	468-16-190	NEW-P 89-07-034
456-12-130	NEW-P 89-06-065	458-53-110	AMD-P 89-05-053	468-16-190	NEW-W 89-08-064
456-12-140	NEW-P 89-06-065	458-53-110	AMD 89-09-021	468-16-200	NEW-P 89-07-034
458-14-005	NEW-P 89-07-087	458-53-150	AMD-P 89-05-053	468-16-200	NEW-W 89-08-064
458-14-009	NEW-P 89-07-087	458-53-150	AMD 89-09-021	468-16-210	NEW-P 89-07-034
458-14-010	REP-P 89-07-087	458-53-163	AMD-P 89-05-053	468-16-210	NEW-W 89-08-064
458-14-014	NEW-P 89-07-087	458-53-163	AMD 89-09-021	468-18	REVIEW 89-06-038
458-14-015	NEW-P 89-07-087	460-46A-010	AMD-P 89-03-044	468-30	REVIEW 89-08-061
458-14-016	NEW-P 89-07-087	460-46A-010	AMD 89-07-042	468-34	REVIEW 89-08-061
458-14-017	NEW-P 89-07-087	460-46A-050	AMD-P 89-03-044	468-34-020	AMD 89-05-022
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458-14-021	NEW-P 89-07-087	460-46A-060	REP 89-07-042	468-34-110	AMD 89-05-022
458-14-023	NEW-P 89-07-087	460-46A-070	REP-P 89-03-044	468-34-120	AMD 89-05-022

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468-34-140	AMD	89-05-022	480-90-206	REP-P	89-05-042	504-25-010	NEW-P	89-05-036
468-34-150	AMD	89-05-022	480-90-206	REP	89-08-030	504-25-015	NEW-P	89-05-036
468-34-170	AMD	89-05-022	480-90-216	REP-P	89-05-042	504-25-020	NEW-P	89-05-036
468-34-190	AMD	89-05-022	480-90-216	REP	89-08-030	504-25-025	NEW-P	89-05-036
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