

OCTOBER 18, 1989

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This issue contains documents officially
filed not later than October 4, 1989

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 34.05 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 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).

REPUBLICATION OF OFFICIAL DOCUMENTS

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of October 1989 pursuant to RCW 19.52.020 is twelve point three one percent (12.31%).

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 fourteen point two five percent (14.25%) for the fourth calendar quarter of 1989.

The maximum allowable retail installment contract service charge for the purchase of a vessel pursuant to RCW 63.14.130(3)(a) is fourteen point two five percent (14.25%) for the fourth 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
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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 34.05 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 34.05.395 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 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 normally 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 or advanced and such an 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 unless a later date is provided by the agency. They remain effective for a maximum of one-hundred-twenty days from the date of filing.
- (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.

1989 – 1990

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing on or after
89-14	Jun 7	Jun 21	Jul 5	Jul 19	Aug 8
89-15	Jun 21	Jul 5	Jul 19	Aug 2	Aug 22
89-16	Jul 5	Jul 19	Aug 2	Aug 16	Sep 5
89-17	Jul 26	Aug 9	Aug 23	Sep 6	Sep 26
89-18	Aug 9	Aug 23	Sep 6	Sep 20	Oct 10
89-19	Aug 23	Sep 6	Sep 20	Oct 4	Oct 24
89-20	Sep 6	Sep 20	Oct 4	Oct 18	Nov 7
89-21	Sep 20	Oct 4	Oct 18	Nov 1	Nov 21
89-22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
89-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
89-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1990
<hr/>					
90-01	Nov 22	Dec 6	Dec 20, 1989	Jan 3, 1990	Jan 23
90-02	Dec 6	Dec 20, 1989	Jan 3, 1990	Jan 17	Feb 6
90-03	Dec 27, 1989	Jan 10, 1990	Jan 24	Feb 7	Feb 27
90-04	Jan 10	Jan 24	Feb 7	Feb 21	Mar 13
90-05	Jan 24	Feb 7	Feb 21	Mar 7	Mar 27
90-06	Feb 7	Feb 21	Mar 7	Mar 21	Apr 10
90-07	Feb 21	Mar 7	Mar 21	Apr 4	Apr 24
90-08	Mar 7	Mar 21	Apr 4	Apr 18	May 8
90-09	Mar 21	Apr 4	Apr 18	May 2	May 22
90-10	Apr 4	Apr 18	May 2	May 16	Jun 5

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 1-21-040.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. 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.

³At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

STATEMENT OF OWNERSHIP, MANAGEMENT, AND CIRCULATION
(Required by 39 U.S.C. 3685)

The WASHINGTON STATE REGISTER (ISSN 0164-6389), is published twice each month by the Statute Law Committee, Office of the Code Reviser, Legislative Building, Olympia, Washington 98504. The filing date of this report was October 2, 1989. The 1989 annual subscription price is \$150 for 24 issues. The general business offices of the publisher are located in the Legislative Building, Olympia, Washington 98504.

The editor is Kerry S. Radcliff, Code Reviser's Office, Legislative Building, Olympia, Washington 98504. There is no managing editor.

The owner is the Statute Law Committee, State of Washington, Legislative Building, Olympia, Washington 98504.

There are no known bondholders, mortgagees, or other security holders.

The extent and nature of the circulation is as follows:

	Average no. copies each issue during preceding 12 mos.	Actual no. copies of single issue published nearest to filing date
Total no. copies printed	800	800
Paid circulation		
Sales through dealers & carriers, street vendors, & counter sales	57	59
Mail subscriptions	425	484
Total paid circulation	482	543
Free distribution by mail, carrier, or other means; samples, complimentary, and other free copies	81	82
Total distribution	563	625
Copies not distributed		
Office use, left over, unaccounted, spoiled after printing	237	175
Returns from news agents	0	0
Total	800	800

I certify that the statements made by me are correct and complete.

Kerry S. Radcliff
Editor

WSR 89-19-083
PROPOSED RULES
GAMBLING COMMISSION
 [Filed September 20, 1989, 4:58 p.m.]

Original Notice.

Title of Rule: WAC 230-02-022 Cost defined; 230-04-110 Licensing of manufacturers (~~of punchcard, pull tab, or devices for dispensing of pull tabs~~); 230-04-120 Licensing of distributors (~~of punchboards, pull tabs, or devices for dispensing of pull tabs~~); 230-04-124 Licensing of manufacturers and distributors representatives; 230-04-190 Issuance of license; 230-40-201 Fees; 230-08-010 Monthly records; 230-08-017 Control and use of identification and inspection services stamps; 230-08-025 Accounting records to be maintained by distributors and manufacturers; 230-08-060 Electronic crane amusement game records; 230-08-140 Quarterly activity reports by distributors; 230-08-150 Quarterly activity reports by manufacturers; 230-08-180 Quarterly activity reports by electronic crane operators; 230-20-605 Types of amusement games authorized; 230-20-630 Amusement games—Fees, rules, prizes and variations in objects to be posted—Fees to be paid in cash or script—Prizes not to differ from those posted; and 230-20-670 (~~Limited Locations for~~) electronic (~~cranes claw amusement~~) games—Approved locations.

Purpose: To set up a system of regulation necessary to ensure the proper operation and control of electronic cranes. Rules also set forth fee schedule for operating electronic cranes.

Statutory Authority for Adoption: RCW 9.46.070 (4), (11), and (14).

Statute Being Implemented: RCW 9.46.0201 and [9.46].0311.

Summary: These rules set the requirements for licensing of all manufacturers of electronic cranes, the distribution, the manner of operations, the record-keeping requirements, specifications of construction and fees.

Reasons Supporting Proposal: This area has been tested for the last year and should the commission decide to approve these devices in new locations, these rules are necessary to ensure adequate regulation and control.

Name of Agency Personnel Responsible for Drafting: Frank L. Miller, Deputy Director, 4511 Woodview Drive S.E., Lacey, WA, 348-7640 [438-7640]; Implementation and Enforcement: Ronald O. Bailey, 4511 Woodview Drive S.E., Lacey, WA, 348-7640 [438-7640].

Name of Proponent: Ronald Farley representing the Washington Association Music Operators of America, private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Program implementation will result in increase of three to four FTEs.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These rules are necessary to ensure proper regulation and control of electronic cranes. The rules would

authorize cranes in new locations which include bowling alleys, cocktail lounges, taverns, arcades, movie theaters and miniature golf facilities.

Proposal Changes the Following Existing Rules: Proposal expands authorized locations for electronic cranes, and formalizes requirements that have been in existence for the last 18 months.

Small Business Economic Impact Statement: The commission has considered whether these rules are subject to [the] Regulatory Fairness Act and has determined that they are not for the following reasons: These rules, if passed would implement the system that has been used during the last 18 months under a test; and these rules would allow businesses choosing to utilize electronic cranes to realize a profit from these devices. Without the rules there will be restrictive usage of electronic cranes, and the profitability of that market will be significantly diminished.

Hearing Location: Sea-Tac Red Lion Inn, 18740 Pacific Highway South, Seattle, WA 98188, on November 15, 1989, at 10:00 a.m.

Submit Written Comments to: Washington State Gambling Commission, 4511 Woodview Drive S.E., Lacey, WA 98504-8121, by November 15, 1989.

Date of Intended Adoption: November 15, 1989.

September 20, 1989

Frank L. Miller
Deputy Director

NEW SECTION

WAC 230-02-022 COST DEFINED. "Cost" means the monetary value paid or owed by the purchaser, for any gambling or non-gambling product or service, at the time of the transaction and documented on the sales receipt/transfer document. "Cost" includes all sales taxes paid by the purchaser. "Cost" does not include any markup or value added by the purchaser.

AMENDATORY SECTION (Amending Order 90, filed 6/14/79)

WAC 230-04-110 LICENSING OF MANUFACTURERS (~~OF PUNCHBOARDS, PULL TABS AND PULL TAB DISPENSING DEVICES~~). (1) A manufacturer shall (~~first~~) obtain a license from the commission prior to manufacturing, (~~within the state of Washington, or~~) selling or supplying to any person(s) within this state, or for use within this state, (~~any punchboard, pull tab or device for the dispensing of pull tabs or engaging in any intrastate activities whatsoever in connection with such devices.~~) one or more of the following devices:

(a) Punchboards;

(b) Pull tabs;

(c) Devices for the dispensing of pull tabs; and

(d) Electronic cranes.

(2) The applicant shall include upon the application form supplied by the commission, the following information, as well as all other information and materials which are elsewhere required under these rules:

((+)) (a) The name and address of the applicant (~~and~~);

(b) The name and address of each of its separate locations manufacturing such devices;

((+)) (c) The name and home address of all owners of the manufacturing business if the business is not a corporation. If the business is a corporation, the name and address of each of the officers and each of the directors of the corporation and of each stockholder owning ten percent or more of any class of stock in the corporation;

((+)) (d) A full description of each separate type of punchboard, pull tab, (~~or~~) device for the dispensing of pull tabs, or electronic crane which the applicant seeks to manufacture or to market in this state; and

((+)) (e) (~~For each such device, t~~) The brand name under which ((t)) each device is sold;

~~((5))~~ (3) If the applicant is a foreign manufacturer, then the full name, business and home address of the agent who is a resident of this state designated pursuant to WAC 230-12-300;

~~((6))~~ (4) A list of all distributors of such devices, punchboards or pull tabs, and of all businesses or organizations located within the state of Washington in which the licensee has some financial interest and the details of that financial interest. For the purpose of this subsection, the term financial interest shall include, among all other interests, indebtedness from the licensee to the other person, or vice versa, in excess of five hundred dollars.

(5) The applicant shall notify the commission within thirty days of any change in the information submitted on or with the application form. The applicant shall comply with all applicable laws of the United States and the state of Washington and all applicable rules of this commission.

AMENDATORY SECTION (Amending Order 145, filed 12/18/84)

WAC 230-04-120 LICENSING OF DISTRIBUTORS ~~((OF PUNCHBOARDS, PULL TABS OR DEVICES FOR THE DISPENSING OF PULL TABS))~~. (1) Prior to selling or supplying to any person ~~(, any punchboard, pull tab or device for the dispensing of pull tabs, or any gambling equipment or paraphernalia for use in connection with licensed fund-raising events;)~~ within the state of Washington or for use within the state of Washington, a distributor shall first obtain a license from the commission ~~(:)~~ for one or more of the following separate licensed activities:

- ~~(a) Punchboards;~~
- ~~(b) Pull tabs;~~
- ~~(c) Devices for the dispensing of pull tabs;~~
- ~~(d) Any gambling equipment or paraphernalia for use in connection with licensed fund raising events; and~~
- ~~(e) Electronic cranes.~~

(2) The applicant shall include upon the application form supplied by the commission, the following information, as well as all other information and materials required elsewhere in these rules:

~~((1))~~ (a) The full name and address of the applicant ~~((and, if a distributor, t))~~;

(b) The business name and address of each of the separate locations operated by the distributor;

~~((2))~~ (c) The name and home address of all owners ~~((of a distributorship))~~ if the business is not a corporation. If the business is a corporation, the name and address of each of the officers, ~~((and of))~~ each ~~((of the))~~ director ~~((s))~~, ~~((of the corporation))~~ and ~~((of))~~ each ~~((of the))~~ stockholder ~~((s))~~ having ten percent or more of the shares of any class of stock in the corporation;

~~((3))~~ (d) A full description of each type of punchboard, pull tab, ~~((or))~~ device for the dispensing of pull tabs, or electronic cranes that the distributor intends to market in this state or for use in this state;

~~((4))~~ (3) For each such device, the brand name under which it will be sold;

~~((5))~~ (4) If the applicant is a distributor located out of state, then the name, business and home address of the agent who is a resident of this state designated by the applicant pursuant to WAC 230-12-300;

~~((6))~~ (5) A list of all manufacturers of such devices and all businesses or organizations located in the state of Washington in which the applicant has some financial interest. For the purposes of this subsection, the term financial interest shall include, among all other interests, an indebtedness from the other person to the applicant, or vice versa, in excess of five hundred dollars.

NEW SECTION

WAC 230-04-124 LICENSING OF MANUFACTURERS AND DISTRIBUTORS REPRESENTATIVES. (1) Prior to selling or supplying to any person gambling equipment, gambling paraphernalia or electronic cranes for use in connection with licensed gambling activities, a representative or agent of a licensed manufacturer or distributor shall first obtain a license from the Commission.

(2) A sole owner, partner, major officer and/or owner of a substantial interest in a corporation licensed as a manufacturer or distributor shall not be required to be additionally licensed as a representative to engage in the selling or supplying of the manufacturer's or distributor's products or services. Office, clerical or warehouse personnel employed by the manufacturer or distributor who have contact with the public and potential customers occasionally and only by telephone or at the manufacturer's or distributor's own premises when working under the

immediate and direct supervision of the owner, a partner, or major officer of a corporation, shall also be exempt from this licensing requirement. A manager or supervisor who is not a sole owner, partner or a major officer or owner of a substantial interest in a licensed manufacturer or distributor and whose duties and responsibilities include the supervision of selling, supplying and/or the promotion of the manufacturer's or distributor's products shall be licensed as required by this rule prior to performing such functions. A manufacturer or distributor shall not allow an unlicensed person to represent them in such transactions and shall take all measures necessary to prevent an unlicensed person from doing so.

(3) On or before the first day he or she actually performs work as a representative, a person shall submit a complete application for a license to the Commission. The application shall not be deemed complete until all questions on the application form and attachments are fully and truthfully answered and the form, with all attachments and the required fee, has been delivered to the Commission office during regular business hours (or actually deposited in the United States mail properly addressed to the Commission).

(4) The manufacturer or distributor for which the representative will work shall sign the application of each such representative acknowledging that the applicant will be representing them with their full knowledge and consent.

(5) In addition to the above requirements, an applicant applying for a license as a distributor's representative shall:

(a) Complete a training course provided by the Commission within 30 days after the first day worked; and

(b) Represent only one licensed distributor at a time and shall not represent a manufacturer: Provided, That this rule shall not bar the distributor's representative from representing his own distributor who is also licensed as a manufacturer.

AMENDATORY SECTION (Amending Order 179 [190], filed 6/14/88 [4/18/89])

WAC 230-04-190 ISSUANCE OF LICENSE. (1) Charitable and nonprofit organizations and agricultural fairs. The commission may issue a license to qualified bona fide charitable or nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specified location:

- (a) Bingo;
- (b) Raffles;
- (c) Amusement games;
- (d) Punchboards and pull tabs;
- (e) Social cards; and
- (f) Electronic cranes.

(2) Fund raising event as defined in RCW 9.46.0233. The commission may issue a license to a bona fide charitable or bona fide nonprofit organization defined in RCW 9.46.0209, other than any agricultural fair defined therein, to conduct fund raising events.

(3) Special amusement game license. The commission may issue a license to any person, association or organization other than a bona fide charitable or bona fide nonprofit organization to conduct amusement games only at one or more of the locations set out by the commission in WAC 230-20-380.

(4) Commercial stimulant card games. The commission may issue a license to persons operating a business primarily engaged in the selling of items of food or drink for consumption on the premises ~~((operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board;))~~ to allow a specified portion of a specified premises to be used by persons to play authorized card games.

(5) Public card room employee. The commission may issue a license to a person to perform duties in a public card room.

(6) Commercial stimulant punchboards and pull tabs. The commission may issue a license to a person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises ~~((operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board;))~~ to operate punchboards and pull tabs upon specified premises.

(7) ~~((Punchboard and pull tab manufacturer and distributor. The commission may issue a separate license to:~~

- ~~(a) Punchboard and pull tab manufacturers;~~
- ~~(b) Distributors to sell and distribute punchboards and pull tabs and related equipment within the state of Washington;~~

~~(c) Manufacturer's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the manufacturer in the state of Washington, and~~

~~(d) Distributor's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the distributor in the state of Washington;~~ Commercial electronic cranes.

(a) Electronic crane operator - The commission may issue a license to any person, association or organization other than a bona fide charitable or nonprofit organization to operate electronic cranes at a single or multiple locations as defined in WAC 230-20-670(1): Provided, that if electronic cranes are operated at more than one location, each separate location shall be licensed per subparagraph (b) below.

(b) Electronic crane separate premises - The commission may issue a license to any person operating a business, as defined in WAC 230-20-670 (1)(a), (b), or (c), to allow an electronic crane operator to locate and operate electronic cranes upon their premises.

(8) Manufacturers and distributors of gambling equipment, paraphernalia and electronic cranes. The commission may issue a separate or combination license to the following:

(a) Manufacturers of punchboards, pull tabs, devices for the dispensing of pull tabs and electronic cranes; and

(b) Distributors of punchboards, pull tabs, devices for the dispensing of pull tabs, any gambling equipment or paraphernalia for use in connection with licensed fund raising events and electronic cranes;

(9) Representatives of manufacturers or distributors. The commission may issue a separate license to a representative of a manufacturer or distributor to engage in the sale and distribution of gambling equipment, paraphernalia and electronic cranes.

(10) License expiration. Each such license shall be valid for one year from the date that it is issued: Provided, That

(a) All annual licenses for punchboard and pull tab and Class C and above bingo shall be issued with an expiration date adjusted to expire on March 31, June 30, September 30, or December 31, whichever date is closest to the license issuance date and does not exceed one year. All other applicants or licensees may request specific license expiration dates to correspond with the above dates. Whenever license expiration dates are adjusted under this provision, the required fee shall be prorated by the commission. This prorating of fees shall be computed on a monthly basis (i.e., one-twelfth of the annual payment per month) and subtracted from the regular annual fee. Prorating shall be based on the number of whole months remaining upon approval of a license. For the purposes of this proration, any part of a month in which the activity is licensed shall be deemed to be a whole month when computing an annual fee. Any difference between the required fee which exceeds twenty dollars, shall be refunded to the applicant.

(b) Licenses issued to conduct any authorized activity in connection with and upon the site of a qualified agricultural fair, qualified community-wide civic festival, qualified world's fair, or qualified civic center shall be valid only for the duration of the fair or festival, or, in the case of an activity at a civic center, for the seasons during which the civic center is operating and open to the public. In no event shall such license exceed one calendar year.

(c) Notwithstanding the provisions of subsection (a), a license issued for the conduct of a raffle in connection with a qualified agricultural fair, qualified community-wide civic festival or qualified world's fair shall authorize the licensee to sell tickets for said raffle at any time during the period from the issuance of the license through the conclusion of the fair or festival.

(d) Licenses issued for card tournaments shall be valid only for the duration of the tournament, but in no event shall exceed ten consecutive days.

(e) Licenses issued for fund raising events shall be valid for one year from the date issued but the event (or events) permitted under the license shall be held only at the place and time set forth in the application or otherwise approved by the commission. The number of events permitted under the license in any calendar year is subject to the limitations set out in RCW ~~((9.46.020-33)-f))~~ 9.46.0233(~~+~~) defining fund raising events.

(f) Licenses issued to individuals shall be valid for a period of one year from the date of employment or issuance, whichever occurs first: Provided that; licenses issued to bingo game managers shall expire as set out in WAC 230-04-145.

(g) If the licensee fails to renew the license prior to the expiration date, the license shall expire. The licensee must reapply for licensure according to the statutory and regulatory conditions then in force as would any other person.

(h) Licenses approved under the six month payment plan shall be issued with an expiration date of six months from the license approval date or the original license expiration date, whichever is applicable. Upon receipt and validation of the second half payment, a licensee may be granted a second license for an additional six month period. Second half payments must be received by the commission on or before the due date. If the licensee fails to submit the second half of the fee payment(s) as established by WAC 230-04-201 prior to the expiration date, the license shall expire.

~~((9))~~ (11) Conditions of license issuance. All activities so licensed are licensed subject to compliance with all of the applicable provisions of chapter 9.46 RCW, including any amendments thereto, all applicable rules and regulations passed by the commission, all other applicable laws of the United States, the state of Washington and all political subdivisions of the state of Washington which include but are not limited to the following:

- (a) Business licenses or permits;
- (b) Health certificates;
- (c) Fire inspections;
- (d) Use and occupancy permit; and
- (e) Liquor license or permit.

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

Reviser's note: RCW 34.05.395 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 192, filed 5/16/89)

WAC 230-04-201 FEES. Tables 1 and 2 contain the fees that shall be paid to the commission for gambling licenses, permits, miscellaneous changes, and special investigative and inspection services.

Table 1. (For bona fide nonprofit/charitable organizations)

LICENSE TYPE		DEFINITION	FEE
1.	AMUSEMENT GAMES	(Fee based on annual ((net)) gross receipts)	
	Class A	((500 or less)) Up to \$ 5,000	\$ ((35)) 50
	Class B	((501 - 1,000)) Up to \$15,000	((50)) 150
	Class C	((1,001 - 5,000)) Up to \$25,000	((75)) 250
	Class D	((5,001 - 15,000)) Up to \$50,000	((250)) 400
	Class E	((over \$15,000)) over \$50,000	((350)) 700
2.	BINGO		
	GROUP	CLASS	(Fee based on annual gross receipts)
	I	Class A	Up to \$15,000
		Class B	\$ 15,001 to 50,000
		Class C	\$ 50,001 to 100,000
		Class D	\$ 100,001 to 300,000
			\$ 50
			150
			300
			800

LICENSE TYPE		DEFINITION	FEE
II	Class E	\$ 300,001 to 500,000	1,350
	Class F	\$ 500,001 to 1,000,000	2,700
	Class G	\$ 1,000,001 to 1,500,000	3,900
	Class H	\$ 1,500,001 to 2,000,000	5,200
	Class I	\$ 2,000,001 to 2,500,000	6,500
	Class J	\$ 2,500,001 to 3,000,000	7,800
III	Class K	\$ 3,000,001 to 3,500,000	8,750
	Class L	\$ 3,500,001 to 4,000,000	10,000
	Class M	Over \$4,000,000	11,250
3.	BINGO GAME MANAGER	Original Renewal	\$ 150 75
4.	CARD GAMES Class A Class B Class C Class D Class R	General (fee to play charged) Limited card games - to hearts, rummy, mah-jongg, pitch, pinochle, coon-can and/or cribbage - (fee to play charged) Tournament only - no more than ten consec. days per tournament General (no fee to play charged) Primarily for recreation (WAC 230-04-199)	\$ 500 150 50 50 25
5.	CHANGES NAME LOCATION FRE LICENSE CLASS DUPLICATE LICENSE REPLACEMENT IDENTIFICATION STAMPS	(See WAC 230-04-310) (See WAC 230-04-320) (Reno Nite date(s)/time(s)) (See WAC 230-04-325) (See WAC 230-04-260) New class fee, less previous fee paid, plus (See WAC 230-04-290) (See WAC 230-30-016)	\$ 25 25 25 25 25 25
6.	FUND RAISING EVENT Class A Class B Class C	One event not more than 24 consec. hrs. One event not more than 72 consec. hrs. Additional participant in joint event (not lead organization)	\$ 300 500 150
7.	PERMITS Class A	Agricultural fair/special property bingo One location and event only (see WAC 230-04-191)	\$ 25
8.	PUNCHBOARDS/ PULL TABS Class A Class B Class C Class D Class E Class F Class G Class H Class I Class J Class K	(Fee based on annual gross receipts) Up to \$ 10,000 Up to \$ 50,000 Up to \$100,000 Up to \$200,000 Up to \$300,000 Up to \$400,000 Up to \$500,000 Up to \$600,000 Up to \$700,000 Up to \$800,000 Over \$800,000	\$ 300 475 960 1,560 2,360 3,150 3,775 4,350 4,825 5,225 5,900
9.	RAFFLES Class A Class B Class C Class D Class E Class F	(Fee based on annual gross receipts) Up to \$ 5,000 Up to \$ 10,000 Up to \$ 25,000 Up to \$ 50,000 Up to \$ 75,000 Over \$ 75,000	\$ 50 150 300 500 800 1,200
10.	SEPARATE PREMISES BINGO	Occasion (see WAC 230-04-300)	\$ 25

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
11. SPECIAL FEES		
INVESTIGATION	(See WAC 230-04-240)	As required
IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-30-015 and 230-30-030)	As required
EXCEEDING LICENSE CLASS	(See WAC 230-04-260) In addition to all normal license fees, a licensee may be assessed an exceeding class fee for a present or previous license year, not to exceed 50% of the difference between the present class fee and the new license class or \$1,000, whichever is less.	As required
12. SIX-MONTH PAYMENT PLAN	The Commission may allow an applicant renewing an annual license or an applicant applying for an additional license with a fee of \$800 or above, to pay a license fee in two payments. SIX-MONTH PAYMENT PLAN PROCEDURE: The administrative processing fee, plus the first half of the annual license fee must be submitted at the time of application/renewal. The second half payment must be submitted and received in the Commission's Olympia headquarters office, prior to the expiration date of the first six-month period: Provided, That participants electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual gross receipts during the first six month period. Licensees exceeding 50% of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.	\$ 25

Table 2. (For commercial stimulant/profit seeking organizations)

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
1. CARD GAMES		
Class B	(Fee to play charged) limited card games – to hearts, rummy, pitch, pinochle, mah-jongg, coon-can and/or cribbage	\$ 150
Class C	Tournament only, no more than ten consec. days per tournament	150
Class D	General (no fee to play charged)	50
Class E	General (fee to play charged)	
E-1	One table only	350
E-2	Up to two tables	600
E-3	Up to three tables	1,000
E-4	Up to four tables	2,000
E-5	Up to five tables	3,000
2. CHANGES		
NAME	(See WAC 230-04-310)	\$ 25
LOCATION	(See WAC 230-04-320)	25
BUSINESS CLASSIFICATION	(Same owners – see WAC 230-04-340(3))	50
LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25
DUPLICATE LICENSE	(See WAC 230-04-290)	25
OWNERSHIP OF STOCK REPLACEMENT	(See WAC 230-04-340(1))	50
IDENTIFICATION STAMPS	(See WAC 230-30-016)	25
LICENSE TRANSFERS	(See WAC 230-04-125, 230-04-340 and 230-04-350)	50
3. DISTRIBUTOR	(Fee based on annual gross receipts)	
		Original Renewal
Class A	up to \$600,000	\$2,750 \$1,250
Class B	over \$600,000	\$2,750 \$1,700

LICENSE TYPE		DEFINITION	FEE
4.	DISTRIBUTOR'S REPRESENTATIVE	Original Renewal	\$ 220 110
5.	<u>ELECTRONIC CRANE SEPERATE PREMISES</u>	(For locations only see WAC 230-04-190) <u>Original</u> <u>Renewal</u>	 <u>\$ 250</u> <u>150</u>
6.	MANUFACTURER	Original Renewal	\$3,300 1,650
((6)) 7.	MANUFACTURER'S REPRESENTATIVE	Original Renewal	\$ 220 110
((7)) 8.	PERMITS Class A Class B	Agricultural fair/special property bingo One location and event only (see WAC 230-04-191) Annual permit for specified different events and locations (see WAC 230-04-193)	\$ 25 150
((8)) 9.	PUBLIC CARD ROOM EMPLOYEE	Original Renewal	\$ 150 75
((9)) 10.	PUNCHBOARDS/ PULL TABS Class A Class B Class C Class D Class E Class F Class G Class H Class I Class J Class K	(Fee based on annual gross receipts) Up to \$ 10,000 Up to \$ 50,000 Up to \$100,000 Up to \$200,000 Up to \$300,000 Up to \$400,000 Up to \$500,000 Up to \$600,000 Up to \$700,000 Up to \$800,000 Over \$800,000	\$ 300 475 960 1,560 2,360 3,150 3,775 4,350 4,825 5,225 5,900
((10)) 11.	SPECIAL FEES INVESTIGATION IDENTIFICATION AND INSPECTION STAMP EXCEEDING LICENSE CLASS	(See WAC 230-04-240) (See WAC 230-30-015 and 230-30-030) (See WAC 230-04-260) In addition to all normal license fees, a licensee may be assessed an exceeding class fee for a present or previous license year, not to exceed 50% of the difference between the present class fee and the new license class or \$1,000, whichever is less.	As Required As Required As Required
((11)) 12.	SPECIAL LOCATION/ <u>ELECTRONIC CRANE OPERATOR</u> AMUSEMENT GAMES Class A Class B Class C Class D Class E Class F	(Fee based on annual ((net)) gross receipts) ((One event per year lasting no longer than 12 consecutive days Up to \$50,000 (((\$25,000 or less)) \$ 50,000 to \$ 100,000 (((\$25,001 - 100,000)) 100,001 to 250,000 (((\$100,001 - 500,000)) 250,001 to 500,000 ((Over \$500,000)) 500,001 to 1,000,000 Over 1,000,000	 \$ -500)) \$ 500 ((500)) 900 ((1,500)) 2,000 ((3,000)) 3,500 ((5,000)) 6,000 <u>7,500</u>
((12)) 13.	SIX-MONTH PAYMENT PLAN	The Commission may allow an applicant renewing an annual license or an applicant applying for an additional license with a fee of \$800 or above, to pay a license fee in two payments. SIX-MONTH PAYMENT PLAN PROCEDURE: The administrative processing fee, plus the first half	\$ 25

LICENSE TYPE

DEFINITION

FEE

of the annual license fee must be submitted at the time of application/renewal. The second half payment must be submitted and received in the Commission's Olympia headquarters office, prior to the expiration date of the first six-month period: Provided, That participants electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual gross receipts during the first six month period. Licensees exceeding 50% of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.

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

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

AMENDATORY SECTION (Amending Order 179, filed 6/14/88)

WAC 230-08-010 MONTHLY RECORDS. Every person or organization licensed to operate any authorized gambling activity shall keep and maintain permanent monthly records of all of the activities of the licensee related to each licensed activity. ((f))Each of these records shall be maintained by the licensee for a period of not less than three years from the end of the fiscal year for which the record is kept unless the licensee is released by the commission from this requirement as to any particular record or records.((h)) These records must include all financial transactions and contain enough detail to determine compliance with the requirements of WAC 230-04-((050 and)) 024, 230-04-080 and 230-08-122. The record for each licensed activity shall be a separate unit, covering all transactions occurring during a calendar month. These records shall be complete in every detail and available for audit or inspection by agents of the commission or other law enforcement personnel no later than thirty days following the end of each month. Each record shall include, but not necessarily be limited to, all details of the following:

(1) The gross gambling receipts from the conduct of each of the activities licensed.

(2) Full details on all expenses related to each of the activities licensed.

(3) The total cost of all prizes paid out for each of the activities licensed.

(4) With respect to those organizations licensed as qualified bona fide charitable or bona fide nonprofit organizations, except agricultural fairs, records shall clearly show in detail how those proceeds from each licensed activity obtained by the licensee were used or disbursed by that licensee.

(5) With respect to commercial stimulant licensees, records shall include at least the following details:

(a) Gross sales of food and drink for consumption on their licensed premises;

(b) Gross sales of food and drink for consumption off the licensed premises; and

(c) Gross sales from all other business activities occurring on the licensed premises.

(6) In addition to any other requirement set forth in these rules, licensees for the operation of punchboards and pull tabs shall be required to prepare a detailed monthly record for punchboards and pull tab series removed from play during that month. This detailed monthly record shall be recorded in a standard format prescribed by the commission and shall disclose for each set at minimum the following information:

(a) The name of the punchboard or pull tab series;

(b) The Washington state identification and inspection services stamp number issued by the commission and placed thereon: Provided, that after December 31, 1988, when records entry labels are attached to the punchboard or pull tab series flare, a label shall be attached to the record in lieu of a written entry;

(c) The date removed from play;

(d) The total number of tabs in each pull tab series or the total number of punches in each punchboard;

(e) The number of pull tabs or punches remaining after removal from play;

(f) The number of pull tabs or punches played from the pull tab series or punchboard;

(g) The cost to the players to purchase one pull tab or one punch;

(h) The gross gambling receipts as defined in WAC 230-02-110;

(i) The total prizes paid, including both cash and merchandise (calculated by the cost to the licensee) prizes;

(j) The net gambling receipts (gross gambling receipts less total prizes paid);

(k) The cash over or short determined by (1) subtracting actual cash from net gambling receipts for punchboards and pull tabs which pay cash prizes, and (2) subtracting actual cash from gross receipts for punchboards and pull tabs which award merchandise prizes; and

(l) The actual cash received from the operation of each pull tab series or punchboard; and,

((m)) ((In the alternative, w)) With written commission approval, licensees operating pull tabs may record (k) and (l) in total on a daily, weekly, or monthly basis, if their record keeping procedures meet commission standards and cash over and short ratio for the last four quarters is less than one quarter of one percent (.0025) of gross receipts.

(7) In addition to any other requirements set forth in these rules, electronic crane operators who own or lease the games shall be required to prepare a detailed monthly record covering the operation of each machine. This record shall contain the following for each machine and location:

(a) The Commission identification stamp number of each game;

(b) The coin-in meter reading at the beginning of the month;

(c) The coin-in meter reading at the ending of the month;

(d) The number of plays;

(e) The gross gambling receipts;

(f) Number of prizes awarded;

(g) Cost of prizes awarded;

(h) Net gambling receipts;

(i) The actual cash removed; and

(j) The cash over and short.

((7)) (8) Copies of all additional financial data which support tax reports to any and all governmental agencies.

((Each of these records shall be maintained by the licensee for a period of not less than three years from the end of the fiscal year for which the record is kept unless the licensee is released by the commission from this requirement as to any particular record or records.))

AMENDATORY SECTION (Amending Order 179, filed 6/14/88)

WAC 230-08-017 CONTROL AND USE OF IDENTIFICATION AND INSPECTION SERVICES STAMPS. No punchboard, series of pull tabs, ((or)) mechanical or electronic device for dispensing pull tabs or electronic crane game shall be sold or purchased for use within this state until an identification and inspection services stamp obtained from the commission has been permanently and conspicuously affixed thereto. Once attached, such stamp shall not be removed, disfigured, or otherwise tampered with by any person. These stamps shall be attached and controlled in the following manner:

(1) Identification and inspection services stamps shall be sold only to licensed manufacturers. The fee charged for each stamp shall be twenty-five cents. After September 1, 1988, all punchboards and pull tabs

series manufactured, if for sale in Washington state must have identification and inspection stamps plus records entry labels attached. Manufacturers who have identification and inspection services stamps on hand after September 1, 1988, which do not have records entry labels attached, will be afforded the opportunity to exchange these stamps, one for one and without cost by submitting them to the commission's Olympia headquarters office prior to October 1, 1988. After October 1, 1988, any stamps returned will be exchanged only after payment of a ten cent service charge, for each stamp as set out in WAC 230-30-018;

(2) Identification stamps shall only be affixed to punchboards, pull tab series flares, ~~((and))~~ mechanical or electronic devices for dispensing pull tabs and electronic crane games in such a manner as to assure reasonable inspection without obstruction. If punchboards or pull tabs series flares are packaged with protective materials, after stamps are affixed, then the stamps shall be readily visible for inspection without removal of any portion of the protective packaging: Provided that when more than one device is packed in a shipping carton, this requirement shall not apply if the identification and service stamp numbers of all devices contained in the carton are printed or otherwise noted on the outside of the carton. Stamps and records entry labels shall be affixed only by licensed manufacturers in the following manner:

(a) On the reverse side of all punchboards in an area that will not obstruct removal of punches: Provided, that if sufficient space is not available on the reverse side, the records entry labels may be wrapped around and/or partially attached to the edge of a punchboard in a manner that will not obstruct display of prizes available or other information required by rules of the commission;

(b) On the face or reverse side of the flare for all pull tab series. If placed on the face, then they must be in an area that will not obstruct prizes available or any other information required by rules of the commission; and

(c) On the outside of the main body of pull tab dispensing devices, in an area that is not normally removed and replaced, and in a manner that will not obstruct the view of the pull tabs available for play. The records entry labels shall not be affixed to dispensing devices and may be discarded.

(d) On electronic crane games inside the prize area of the device in a location as approved by the commission staff.

(3) Identification and inspection services stamps shall not be attached to punchboards, pull tab series flares, ~~((or))~~ pull tab dispensing devices, or electronic crane games that do not comply with rules of the commission. Stamps shall not be affixed to any device prior to approval of the device by the commission.

AMENDATORY SECTION (Amending Order 179, filed 6/14/88)

WAC 230-08-025 ACCOUNTING RECORDS TO BE MAINTAINED BY DISTRIBUTORS AND MANUFACTURERS. Every licensed distributor and manufacturer shall keep and maintain a complete set of records which include all details of all activities of the licensee related to the conduct of the licensed activity. These records shall be recorded using the double entry accounting system [prepared] and maintained in accordance with generally accepted accounting principles. This system shall also be on the same basis as the licensee's federal income tax return. All records shall be maintained for a period of not less than three years following the end of the licensee's fiscal year. These records shall be updated at least once a month and provide a monthly balance for each account. The minimum record system shall include the following:

(1) Sales invoices - every manufacturer and distributor shall record every sale, return, or any other type of transfer of punchboards/pull tabs ~~((or))~~, pull tab dispensing devices or electronic crane game by completing a standard sales invoice or credit memo. These invoices shall set out the following information:

(a) Each invoice must be prenumbered at the time of purchase. The numbering must be consecutive, using not less than four digits: Provided, that manufacturers may use a computer generated numbering system if the same system is used for all sales and specific numbers can not be input by use of a manual override function;

(b) The date of sale. For distributors only: If the date of delivery is different, then the delivery date must also be entered;

(c) The customer's name and an adequate business address;

(d) A full description of each item sold, including the identification and inspection services stamp number for each item. For all sales occurring after December 31, 1988, distributors shall use a standard invoice in a format prescribed and approved by the commission. A separate line shall be used for each stamp number. This invoice shall provide space for the operator to either attach a records entry label or enter the identification and inspection services stamp number and the date the device was placed out for play. These spaces shall be adjacent to the written entry of the I.D. stamp number made by the distributor;

(e) The quantity and sales price of each individual item, including individual items of merchandise to be used as prizes on punchboards and pull tabs;

(f) The gross amount of each sale to each customer including all discount terms and the total dollar amount of any discount;

(g) The sales invoice shall be prepared in at least three parts: Provided that after December 31, 1988, all distributor invoices shall have at least four parts; and the invoices shall be distributed and maintained as follows:

(i) The original shall be issued to the customer: Provided that after December 31, 1988, an additional copy of distributor invoices shall be provided to the customer;

(ii) One shall be retained in an invoice file by customer name; and

(iii) One shall be retained in an invoice file by invoice number or in an alternative manner that accounts for each invoice numerically. This provision may be waived if the licensee receives written commission approval.

(h) Credit memos for returned items shall be prepared in the same detail as items (a) through (g) above.

(2) Sales journal - the sales journal shall contain at least, but not be limited to, the following by month:

(a) The date of the sale;

(b) The invoice number of the sale;

(c) The customer name or person remitting a payment;

(d) Sales shall be categorized at least by the following:

(i) Punchboards that pay out cash prizes;

(ii) Punchboards that pay out merchandise prizes;

(iii) Pull tabs that pay out cash prizes;

(iv) Pull tabs that pay out merchandise prizes;

(v) Pull tab dispensing devices;

(vi) Merchandise: Only that which is used as a prize on a punchboard, ~~((or series of))~~ pull tab(s) series or in an electronic crane game.

(vii) Electronic crane games;

(viii) Other types of sales including but not limited to, equipment leases, equipment sales, and bingo supplies.

(e) Total amount of the invoice;

(3) Cash disbursements book (check register) - this record shall include a recording of all checks issued by the licensee, cash payments made by the licensee, or payments made by any other means. All expenses by the licensee, both gambling and nongambling related, shall be documented by invoices or other appropriate supporting documents. Entries to this record shall contain at least, but not limited to, the following information by month:

(a) The date the check was issued or payment made;

(b) The number of the check issued;

(c) The name of the payee; and

(d) Each disbursement shall be categorized by type of expense.

(4) Cash receipts - all cash receipts shall be recorded in an original book of entry whether it be a sales journal, a check register, or a separate cash receipts journal, and at a minimum shall include a recording of not only cash sales, but also cash received from all sources, and shall contain at least, but not limited to, the following by month:

(a) The date the payment was received;

(b) The name of the person remitting the payment;

(c) The amount of payment received;

(5) General ledger - each licensee whose gambling related sales exceed \$500,000 per year, shall have a general ledger which shall contain, in addition to all other accounts by month, a separate sales account for each type of sale.

(6) Bank reconciliation - a bank reconciliation shall be performed each month. In addition, all undeposited funds at year end shall be reconciled in an account titled cash on hand.

(7) Copies of all financial data which support tax reports to any and all governmental agencies.

(8) Manufacturer shall maintain records that provide an accountability trail for all identification and inspection stamps purchased. These records shall include enough details to allow audit of all used,

unused, and damaged stamps and includes the following minimum items:

- (a) The name of the purchaser;
 - (b) The date of the sale; and
 - (c) The invoice number recording the sale.
- (9) An alternative format may be used for sections (1)(a), (1)(g)(ii), (1)(g)(iii), (1)(h), (2), and (3), above upon advance written approval from the commission.

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

NEW SECTION

WAC 230-08-060 ELECTRONIC CRANE AMUSEMENT GAME RECORDS. Licensees for the operation of electronic crane games shall be required to prepare a detailed record for each machine operated. Licensees who do not own electronic crane games are exempt from all portions of this rule. This record shall be a prescribed format provided by the Commission. Each record shall include the following:

(1) Cash Withdrawal Record. A separate cash withdrawal record shall be maintained for each game and shall include the following entries for each cash withdrawal:

- (a) Date;
 - (b) Ending "coin-in" meter reading;
 - (c) Beginning "coin-in" meter reading;
 - (d) Cost per play;
 - (e) Expected cash;
 - (f) Actual cash removed.
- (2) Prize Reconciliation Record. The prize reconciliation record shall include at a minimum the following information:
- (a) The number of prizes in each machine at the beginning of each month;
 - (b) The average cost of each prize in each machine;
 - (c) The number of prizes purchased during the period and the average cost of each prize purchased;
 - (d) A physical count of the number of prizes on hand at the end of the period and the average cost of each prize on hand; and
 - (e) The total number of prizes awarded and the average cost of each prize awarded.

AMENDATORY SECTION (Amending Order 147, filed 2/22/85)

WAC 230-08-140 QUARTERLY ACTIVITY REPORTS BY DISTRIBUTORS. (1) Each licensed distributor shall submit an activity report to the commission concerning ~~((the operation of the licensed activity and other matters set forth below during each of the following periods of the year))~~ sales and services relating to gambling activities each quarter. The report form shall be furnished by the commission.

Quarterly reporting periods are defined as:

- (a) January 1st through March 31st;
 - (b) April 1st through June 30th;
 - (c) July 1st through September 30th; and
 - (d) October 1st through December 31st.
- ~~((If the licensee does not renew his license, then he shall file a report for the period between the previous report filed and the expiration date of his license:~~

~~The report form shall be furnished by the commission and t)) (2) The completed report shall be received in the office of the commission or postmarked no later than 30 days following the end of the period for which it is made.~~

~~(3) The report shall be signed by the highest ranking executive officer or ((his)) their designee. If the report is prepared by someone other than the licensee or ((his)) their employee, then the preparer ((shall also sign the report))'s name and business telephone number must be provided.~~

~~(4) The report shall include, among other items, the following:~~

~~((+)) (a) The gross receipts from all sales of devices, equipment or merchandise of any kind which could be used to operate, or in connection with, punchboards, pull tabs, ((or)) pull tab dispensing devices, or electronic crane games, where such sales are made in the state of Washington or for use or distribution within this state.~~

~~((+)) (b) The quantity of each specific type of device, equipment or merchandise sold within this state or for distribution and use within this state by the licensee.~~

~~((+)) (c) A listing of the name and address of each person who was a distributor's representative for the licensee during the three~~

month period or who attempted to solicit sales of such devices, equipment or merchandise, either within the state of Washington or for use or distribution within the state.

~~((+)) (d) The number of employees in the state of Washington other than those listed in (3) above.~~

~~(5) Each distributor with an active license must submit a report regardless of the level of activity. If no activity was conducted during the period, a report stating "no activity" shall be submitted.~~

~~(6) If a licensee does not renew their license, then they shall file a report for the period between the previous report filed and the expiration date of the license.~~

AMENDATORY SECTION (Amending Order 147, filed 2/22/85)

WAC 230-08-150 QUARTERLY ACTIVITY REPORTS BY MANUFACTURERS. Each licensed manufacturer shall submit an activity report to the commission concerning ~~((the operation of the licensed activity and other matters set forth below during each of the following periods of the year))~~ all sales and services relating to gambling activities each quarter. The report form shall be furnished by the commission. Quarterly reporting periods are defined as:

- (a) January 1st through March 31st;
 - (b) April 1st through June 30th;
 - (c) July 1st through September 30th; and
 - (d) October 1st through December 31st.
- ~~((If the licensee does not renew his license, then he shall file a report for the period between the previous report filed and the expiration date of his license:~~

~~The report form shall be furnished by the commission and t)) (2) The completed report shall be received in the office of the commission or postmarked no later than 30 days following the end of the period for which it is made.~~

~~(3) The report shall be signed by the highest ranking executive officer or ((his)) their designee. If the report is prepared by someone other than the licensee or ((his)) their employee ((t)),((t)) then the preparer shall also sign the report.~~

~~(4) The report shall include, among other items, the following:~~

~~((+)) (a) The gross receipts from all sales of devices, equipment, or merchandise of any kind which could be used to operate, or in connection with, punchboards, pull tabs, ((or)) pull tab dispensing devices, or electronic crane games, when such sales are made in the state of Washington or for distribution or use within the state of Washington.~~

~~((+)) (b) The quantity of each specific type of such device, equipment, or merchandise sold within the state or for distribution or use within the state of Washington by the licensee.~~

~~((+)) (c) A listing of the name and address of each person who was a manufacturer's representative for the licensee or who solicited sales of such devices or equipment for or on behalf of the licensee within the state of Washington or for use or distribution within the state.~~

~~((+)) (d) The number of employees in the state of Washington other than those listed in (3) above.~~

~~((A summary of the prices charged by the licensee for each specific type of such device, equipment, paraphernalia, or merchandise of any kind sold or furnished by the licensee during the period for which the report is made. If the price of a particular item has varied during the period, each such change shall be listed together with the date each such change was made:))~~

~~Each manufacturer with an active license must submit a report regardless of the level of activity. If no activity was conducted during the period, a report stating "no activity" shall be submitted.~~

~~(6) If a licensee does not renew their license, then they shall file a report for the period between the previous report filed and the expiration date of the license.~~

Reviser's note: RCW 34.05.395 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 230-08-180 QUARTERLY ACTIVITY REPORTS BY ELECTRONIC CRANE OPERATORS. (1) Each licensee for the operation of electronic crane games shall submit an activity report to the commission concerning the operation of the licensed activity and other matters set forth below during each of the following periods of the year:

- (a) January 1st through March 31st
- (b) April 1st through June 30th
- (c) July 1st through September 30th
- (d) October 1st through December 31st

(2) The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than 30 days following the end of the period for which it is made.

(3) The report shall be signed by the highest ranking executive officer or their designee. If the report is prepared by someone other than the licensee or their employee, then the preparer's name and business telephone number must be provided.

(4) If the licensee does not renew his license, then he shall file a report for the period between the previous report filed and the expiration date of his license.

(5) The report shall be completed in accordance with the related instructions furnished with the report. The report shall include the following:

- (a) The total gross gambling receipts;
 - (b) The total cost to the licensee of all prizes paid out;
 - (c) Full details of all expenses related to the purchase and operation of electronic crane games;
 - (d) Total net gambling income;
 - (e) The number of machines by denomination of price of play at the end of the period;
- (6) In addition to the above, electronic crane operators operating electronic cranes at separate premises shall provide:
- (a) The business name and address;
 - (b) The number of machines by each denomination of price of play at the end of the reporting period;
 - (c) The total gross gambling receipts;
 - (d) The amount of funds distributed to the separate premise licensee.

AMENDATORY SECTION (Amending Order 175, filed 3/15/88)

WAC 230-20-605 TYPES OF AMUSEMENT GAMES AUTHORIZED. The commission hereby authorizes the following amusement games whether coin operated or not, to be operated by persons possessing a special location amusement games license, or bona fide charitable or nonprofit organizations possessing a license issued by the gambling commission or when conducted as authorized by RCW 9.46.032(1) at an authorized location. For clarification, games will be classified as either "nondispensing" (operator awards prize or redeems tickets or tokens for prize) or "self-dispensing" (game awards merchandise prize).

(1) Nondispensing amusement games.

(a) Fish pond (duck pond). The player "catches" a fish or other object floating in a pond of water by using a pole, hand, net or string. All fish or objects are marked on the bottom indicating the size of prize the player wins. The player is awarded a prize every time and the player must be allowed to continue playing until a prize is won.

When played at school carnivals, the game may be played without the pond of water and the operator of the game may assist the player by attaching a prize to the pole, hand, net or string.

(b) Hoop or ring toss. The player must toss a hoop(s) or ring(s) over a target which may consist of bottles, pegs, blocks, or prizes. The operator must specifically advise the player as to the degree that the hoop(s) or ring(s) must go over the target. All hoops of the same color used at an individual stand must be the same size. All targets used at an individual booth must be the same size or the operator must advise the player by posting signs or using color codes denoting the different sizes.

(c) Dart games. The target area for all dart games must be of a material capable of being penetrated and retaining a metal tip dart. The target area will be in the rear of the stand and will be at least three feet but not more than fifteen feet from the foul line. Target must be stationary at all times.

(i) Balloon (poparoo) (balloon smash). The targets are inflated balloons. The player throws one or more darts to burst a predetermined number of balloons. If the predetermined number of balloons are burst by the dart(s), the player receives the prize indicated.

(ii) Dart throw. The targets are various sizes and shapes located on the target area. The player must throw dart(s) individually at the target. The player must hit and the dart must stick in a predetermined target to win the prize as designated.

(iii) Tic tac toe dart. The target is a tic tac toe board located in the target area. The player throws darts at the target and wins a designated prize when the thrown darts line up in a row in the target. The darts may line up vertically, horizontally or diagonally to win.

(iv) Add um up darts. The target consists of numbered squares located in the target area. Prizes are awarded based on the total score obtained by the player by throwing and sticking the darts in the numbered squares. All darts stuck on lines will receive a rethrow. The player has the right to add up the score of the darts thrown.

(d) Ball tosses. In all ball toss games, the balls used at a specific stand must be of the same weight and size. Targets must be of the same weight and size or the operator must color code the targets and advise the player of the difference in targets by posting a sign or providing a duplicate of the target showing the limitations or restrictions readily visible to the player.

(i) Milk bottle toss. The player tosses or throws ball(s) at simulated milk bottles. The player wins by either tipping over or knocking bottles off the raised platform as designated by the operator. The bottles may be constructed of wood, metal or plastic or a combination of the above three. Operators may vary the number of bottles and balls used in each game. No floating or loose weights in bottles shall be allowed. The weight of individual bottles shall not exceed seven and one-half pounds.

(ii) Milk can (Mexican hat, cone). The player tosses a ball(s) into the opening of a milk can or a fiber glassed Mexican hat turned upside down or through a cone to win.

(iii) Football toss (tire toss). The player tosses or throws a football(s) through a stationary tire or hoop to win.

(iv) Basketball toss/throw. The player tosses or throws a basketball(s) through a basketball type hoop to win.

(v) Bushel baskets. The player tosses a ball(s) into a bushel type basket mounted on a stationary backdrop at a fixed angle. The ball(s) must stay in the basket to win. All rim shots will be allowed except the operator may designate the top 6 inches of the basket rim by color and disallow ball(s) striking this area as winning tosses.

(vi) Cat-ball-toss (star/diamond toss). The player tosses a ball(s) into a simulated cat's mouth or a round, diamond or star shaped hole to win.

(vii) Ping pong toss. The player tosses ping pong balls into dishes, saucers, cups or ashtrays floating in water. A predetermined number of balls must remain in the dishes, saucers, cups or ashtrays for the player to win. The dishes, saucers, cups or ashtrays must have water covering the bottom of the surface which is facing up.

(viii) Fish bowl game. The player tosses ping pong balls into a water-filled fish bowl to win.

(ix) Volley ball toss (soccer ball). The player tosses a volley or soccer ball(s) into a keg type container mounted on a stationary backdrop at a fixed angle. The ball(s) must stay in the keg to win a prize. Rim shots are authorized as stated in paragraph (e) above for bushel baskets.

(x) Goblet ball (whiffle ball). The player tosses a whiffle ball(s) into a target area of glass or plastic goblets. Located in the target area are colored goblets which determine the type of prize the player wins. At least 33 percent of the goblets in the target area must be winners. The ball(s) must stay in the goblet to win a prize.

(xi) Break the plate/bottle. The player tosses or throws a ball(s) at a plate, phonograph record or bottle. The type of prize won is determined by the number of targets broken by the player.

(xii) Punk rack. The targets for this game are rows of dolls or cats on a ledge at the rear of the stand. The dolls or cats must be filled with sawdust, styrofoam, cotton or other like material which provides a firm base for the ball to strike. The hair protruding from the side of the dolls or cats shall not exceed three inches. The prize is determined by how many dolls or cats the player knocks over or off the ledge as posted by the operator.

(xiii) Teeth game. The target consists of a large face with wooden teeth. The prize is determined by how many teeth the player knocks down by throwing a ball(s).

(xiv) Toilet game (doniker). The player tosses or throws a ball or other object through a toilet seat, which is located at the rear of the stand, to win.

(xv) (Coke roll). The player rolls a ball(s) down an alley with the object of knocking over two coke bottles standing at the end of the alley. The player must tip over both bottles to win. Bottles shall be placed on predetermined spots painted on the surface of the alley.

(xvi) Rolldown. The player rolls ball(s) down an alley with the object of putting the ball(s) in numbered slots at the end of the alley.

The scores represented by the balls in each numbered slot are added up at the conclusion of the game. Scores above or below a predetermined score win. The alley surface shall at all times be smooth and free from defects.

(xvii) Fascination (I got it). A group game which involves competition among the players. The target area consists of twenty-five holes and the player tosses or rolls a ball into one of the holes. The object of the game is to get five balls in a row either vertically, horizontally or diagonally. The first player to accomplish this is the winner. Prize size is determined by the number of players participating in each game.

(xviii) Pokereño. The target area consists of twenty-five squares with each square given the value of a poker card. The player rolls or tosses five balls to land in the squares. The operator has predetermined winning poker hands and the player wins when balls land in the squares that duplicate the operators selection.

(xiv) Batter-up. The player uses a whiffle ball bat to swing and strike whiffle balls which are pitched at medium speed from a pitching machine. The player wins when he "hits" a ball into the "home run" shelf. The "home run" shelf is located at the back of the batting cage approximately fifteen feet from the player.

(xxi) Sky bowling. Two bowling pins are set on predetermined painted spots on a shelf. A ball is attached to a chain suspended from a stationary support at least 6 inches to the right or left of the bowling pins. The object is to swing the ball, miss the pins with the ball as it goes forward and knock the pins over as the ball returns.

(xxii) Clown rolldown. A ball is tossed through the open mouth of a moving clown or animal head. The ball then rolls down a chute to numbered slots to the rear of the clown or animal head. The scores represented by the balls in each numbered slot are added up at the conclusion of the game. Prizes are awarded on the points achieved.

(xxiii) Skee ball. The player rolls a ball(s) up the mechanical bowling alley into targets. A computer adds up the scores and predetermined scores win.

(xxiv) Speedball radar game. Player gets four balls. Player throws three balls through radar to establish speeds and to estimate at what speed fourth ball will pass through radar. Player wins prize if he accurately estimates speed of the fourth ball. Radar must be mounted and stationary.

(e) Shooting games. These games are conducted by the player using a weapon of some type to shoot at a target in the rear of the stand. The safety requirement of the local city or county ordinances must be observed by the operator and player. The target may be stationary or mobile.

(i) Short range (shooting gallery) includes where the player is given four rounds to shoot at a spot target 1/4 inches or less in diameter. The player wins when the spot target is completely shot out, or the player is given five rounds to shoot one round each at five triangular, round or square targets, 1/2 square inch. The prize is determined by the number of targets struck by the player, or the player is given five rounds to shoot one round each at five triangular, round or square targets, 1/2 square inch. Within each target is a bull's eye and the player must hit the bull's eye without touching outer surface of the target. The prize won is determined by the number of bull's eyes correctly hit.

(ii) Shoot-out-the-star (machine gun). The player, using an automatic air pellet gun, is given 100 pellets to shoot at a star shaped target. The player must shoot out all of the target to win. The star cannot be more than one and one quarter inch from point to point.

(iii) Water racer. This group game involves competition with the player winning a prize based on the number of players competing. The player, using a water pistol, shoots the water into a target. The water striking the target causes a balloon to inflate or advances an object to ring a bell. The player bursting the balloon or ringing the bell first is the winner.

(iv) Rapid fire. This group game involves competition among players similar to the water racer described in (c) above. The player uses an electronic pistol to shoot at a target. Hits on the target give the player a score and the first player to reach a predetermined score is the winner.

(v) Cork gallery. The player uses a cork gun or similar device to propel objects which could include, but are not limited to, corks, suction cup darts, or styrofoam balls, to shoot at targets located on a shelf or bull's-eye type target. The player must hit the bull's-eye or knock the target over or off the shelf to win a prize. The prize is determined by the target knocked over or off the shelf or by the number of targets knocked over or off the shelf, or by the player accomplishing other tasks as stated in the posted rules. When suction cup darts or other

darts are used and fail to stay on or in the target, the player will receive the play over. The base of each target shall be uniform front and rear.

(vi) Boomball. The player uses a cannon with compressed air to propel balls into a target area. The targets have varied point value and if the ball remains in the target, a computer adds up the scores. Prizes are awarded based on the points achieved.

(f) Coin pitchers.

(i) Spot pitch (lucky strike). The player pitches a coin at colored spots located on a table in the center of the stand. The coin must touch or stay inside of a spot to win a prize.

(ii) Plate pitch. The player pitches a coin onto a glass plate to win a prize as designated.

(iii) Glass pitch (bowl). The player pitches a coin into or onto dishes, glasses, etc. If the coin remains in one of the top "target" glass items then the player wins that item.

(g) Miscellaneous games.

(i) Skill chute (bulldozer) (penny fall). The player inserts a coin or token into a chute aiming the coin or token so that it will fall in front of a continuous sweeper, (bulldozer). If the coin or token is aimed correctly, the sweeper (bulldozer) will push additional tokens or prizes into a hole or chute which sends them to the player. Tokens are exchanged for prizes. If there is a hidden ledge, tip or similar obstruction which inhibits the passage of tokens or prizes into the hole or chute which sends them to the player, then the operator must post a sign to advise the players.

(ii) Tip-em-up bottle. The player is provided with a pole and a string which has a hoop or ring attached at the end. The player, using the pole with ring, must raise a bottle lying on its side to an upright position to win.

(iii) Hi-striker. The player, using a wooden maul, must strike a lever target which causes a metal weight to rise on a guide line or track and ring a bell. The player must ring the bell a predetermined number of times to win a prize.

(iv) Rope ladder. Player must climb up a rope ladder, which is anchored at both ends by a swivel and ring a bell or buzzer to win a prize.

(v) Whac-a-mole. A group game which has a target surface with 5 holes - animated "moles" pop up and down at random. Whac (hit) as many moles as possible with a mallet. First player to hit a predetermined number of moles wins.

(vi) Dip bowling game. Player rolls a bowling type ball over hump in track. If ball stays on the back side of hump, the player wins.

(vii) Horse race derby. A group game. Players advance their horse by shooting or rolling a ball in target area. The faster and more skillful one shoots or rolls his ball, the faster his horse will run. First horse to finish line wins.

(viii) Shuffleboard. Player pushes a puck(s) down a shuffleboard alley to knock over poly pins at end of alley. Player wins by knocking down all the pins.

(ix) Bean bag. The player tosses or throws a bean bag or a simulated bean bag at cans, bottles or other objects on a raised platform. The player wins a prize when he either knocks the object(s) off the raised platform or tips the targets over.

(x) Soccer kick. The player kicks a soccer ball(s) through a hole(s) in the target area to win.

(xi) Frog game. Plastic frog or similar object sits on a small end of teeter totter. The opposite end of the teeter totter is struck with a mallet causing the frog to fly off the teeter totter. If the frog lands in a pail or similar receptacle, the player wins a prize.

(xii) Cover the spot. The object of the game is for player to drop 5 circular discs onto a circular spot, completely covering the spot. The diameter of each of the discs utilized to cover the spot will be a minimum of 64% of the diameter of the spot to be covered. The spot to be covered shall be painted or drawn on a permanent, solid material such as metal or wood, or may be a round opened lighted circle. The spot and each disc shall have a uniform diameter.

(xiii) Pocket billiards. Using a regulation pocket billiard table, a player must run a consecutive number of balls to win a prize. The number of balls shall be set by the operator.

(2) Self-dispensing amusement games.

All self-dispensing amusement games must have nonresetable coin in meters. The following games are authorized;

(a) Digger. The player turns a crank on a mechanical crane to pick up a prize. If the player picks up a prize then the player wins that prize. There can be no stops on the digger or, if there are stops, all

prizes must be the same. All prizes must be capable of being picked up by the crane.

(b) ~~((Electronic crane (claw) games. The player uses a joystick or buttons to maneuver the crane into a position to grab the desired prize. All games must allow at least 15 seconds per play; the crane must be able to reach any prize situated on the upper tier of prizes, must be able to maneuver to the back of the game, and to the right or left to ensure all areas are accessible to the crane, and must be able to pick up and return to drop slot all prizes contained in game. The crane mechanism must be preset by the factory to be able to pick up at least 4 ounces; all prongs must be touching or within a quarter of an inch of touching each other while the crane is in the closed position. In addition, all cranes must be clearly labeled as to maximum weight and dimensions of prizes, and all operating instructions must be in plain view so as to inform players as to how the game is played.))~~ Electronic crane games. The player uses a joystick and/or push buttons to maneuver the crane into a position to retrieve a prize. All games must meet the following conditions:

- (i) At least twenty (20) seconds playing time per operation thereof;
- (ii) The crane must be capable of reaching, picking up and dispensing all prizes within the machine.
- (iii) The crane cabinet must be level so that when the crane's head descends, it makes a vertical descent to the bottom of its travel, this being perpendicular to the bottom of the prize access area and parallel to the cabinet sides.
- (iv) The controls for the crane must be clearly labeled as to function and signs posted giving instructions on crane play to the player as follows:
 - (a) Time of play;
 - (b) Functional limitations of machine;
 - (c) Weight limit of prizes in machine;
 - (d) Weight limit of machine;
 - (e) Dimensional limit of machine;
 - (f) Dimensional limits on prizes;
 - (g) Dimensional limits on claw; and
 - (h) Cost per play.
- (v) The device may not contain any controls, devices, switches or adjustments which allow the changing of any play characteristics or modes by the operator, but may have service adjustments within the device which allow maintenance of operation within the tolerances for the device as set by the manufacturer and as approved by the Commission. All such adjustment points and controls must be in a sealed compartment separate from the coin receiver, which compartment may only be accessed by certified service or Commission personnel.
- (vi) All EPROMS and circuit boards must be sealed in place and have identifying codes on them which readily identify their source and Washington use certification. All such circuit boards and EPROMS must be contained within the separate sealed compartment accessible only to service and Commission personnel as set forth in (v) above.
- (vii) The device must be certified as capable of picking up four (4) ounces, but may be certified as picking up greater weights.
- (viii) The claw must close completely or have no more than a 1/4" gap between prongs when closing is completed.
- (ix) The device must have a hard wired non-resettable coin in meter, the removal or disconnecting of which stops the play of the machine. The meter must be certified as accurate to within plus or minus 1 coin in 1,000 plays.
- (x) The device must have a coin acceptor capable of taking money for one play and may have an additional acceptor to include paper money not to exceed the cost of five plays.
- (xi) The device must maintain a constant voltage of plus or minus .2 volt to the claw solenoid during all plays, including continuous or repeated plays, voltage to be as specified by the manufacture and which shall be sufficient to close the claw even with the claw touching an object other than the prize.
- (xii) The power cord to the solenoid must be a straight cord on a reel and not a spring coiled cable.
- (xiii) The claw assembly must be a sealed unit without adjustments.
- (xiv) The game must provide a locked coin/currency container within the device to collect the monies received from plays.
- (xv) Prizes must be loose and shall not be packed, arranged or lodged in the machine in any way which would prevent the prize from being picked up by the claw.

(3) ((Any additional games or modification of the games authorized above, must be submitted to the commission staff in writing prior to being used in the state. In addition, a written request shall include

proposed rules of play and specifications for each game. A demonstration of the game may be required by the commission staff to be made in Olympia or at such place as designated by the commission staff. After review, the director may temporarily authorize a new or modified game, in writing, subject to final approval by the commission.)) Any additional games, or a modification of the games authorized above, must be submitted to the Commission staff in writing PRIOR to using the new or modified game in the state. The written request shall include proposed rules of play, game specifications and pictures of the game or modification. A demonstration of the game must be provided to the staff, upon request, in Olympia or at such place as designated by the Commission staff. Manufacturers of electronic crane games must submit a crane of each variety, model, brand or type which they will sell or use in Washington State for review, analysis and approval prior to selling or using said cranes in Washington State. A fee will be assessed by the Commission to offset the cost of review and analysis as required. Said review shall include submission of copies of all schematics, programs and program chips for the device in a form as provided by the Commission, additionally, once approved, one device from each licensed manufacturer shall be selected by the Commission staff at random from in play devices for review and analysis every other year as if it were a new device being submitted for approval, the cost of which shall be assessed against the manufacturer by the Commission. Excess fees submitted shall be returned at the completion of the review and analysis.

After review, the Director may temporarily authorize the use of a new or modified game, in writing, subject to final approval by the Commission.

Reviser's note: RCW 34.05.395 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 175, filed 3/15/88)

WAC 230-20-630 AMUSEMENT GAMES—FEES, RULES, PRIZES AND VARIATIONS IN OBJECTS TO BE POSTED—FEES TO BE PAID IN CASH OR SCRIPT—PRIZES NOT TO DIFFER FROM THOSE POSTED. (1) No person shall conduct any amusement game at any location within the state of Washington unless there is posted in a conspicuous place, readily visible to persons playing the game, a sign(s) made of permanent material, such as wood, poster board, metal or plastic with lettering at least one and one-half inches in height that contains the following information:

- (a) Fees charged for playing;
 - (b) The rules by which the game is to be played;
 - (c) Prizes to be won;
 - (d) Any variation in the size or weight of objects utilized in the game which is not readily visible to the player; and
 - (e) The name of the operator and an assigned concession number.
- (2) Licensed amusement game operators shall assign each concession a number and a list of all concessions and their assigned numbers shall be kept available in the show office.
- (3) No amusement games shall be conducted wherein the price charged for playing said game is paid other than in cash, or in an amount other than that posted upon the premises of said game. The term "cash" as used herein shall include checks. In addition, the operator may accept as consideration, tokens, script or tickets, but only under the following conditions:

- (a) The value of each token, ticket or item of script, as measured by the equivalent amount of cash which a player would have to present in lieu of said token, ticket or script, must be indicated on the face thereof;
- (b) Said tokens, tickets or script are not redeemable for cash;
- (c) Said tickets or script shall bear the name of the operator or sponsor.

(4) No amusement games shall be conducted within the state of Washington wherein the prize to be given to a prospective winner is other than that posted upon the premises of said game: Provided, however, That after an individual player has won two or more prizes, an operator may offer said player the opportunity to exchange said prizes for one or more other prizes, but only if the prize to be received by the player in exchange was available to be won during the play of the game. Any prize system which requires forfeiture of previously won prize(s) in exchange for another play is prohibited. Operators of amusement games may utilize a scheme for distribution of prizes

wherein the winners of individual prizes receive tickets, which are subsequently redeemable in combination with other tickets won for a merchandise prize. Provided further that no prize offered in an electronic crane game shall exceed a cost of \$20.00 and the step up prizes shall not exceed a cost of \$200.00 to the electronic crane operator. In locations which allow minors to play, no step up prizes shall be allowed for electronic crane games.

NEW SECTION

WAC 230-20-670 ELECTRONIC CRANE AMUSEMENT GAMES - APPROVED LOCATIONS. 1) Persons other than bona fide charitable or bona fide nonprofit organizations may operate electronic crane amusement games at the following locations if licensed by the Commission:

(a) Those locations that possess a valid license from the Washington State Liquor Board and prohibit minors on their premises; and

(b) Those locations that are frequented by minors to participate in activities other than the playing of amusement devices, limited to movie theaters, bowling alleys, and miniature golf course facilities; and

(c) Those locations who operate adult-supervised family amusement centers in enclosed shopping centers which prohibit minors from entry during school hours, maintain full-time personnel whose responsibilities include maintaining security and daily machine maintenance, and which close at the same time as surrounding businesses within enclosed shopping centers.

(2) Each location where electronic cranes are operated, other than a single premises, operated and under the control of the holder of an electronic crane operator's license, shall be required to obtain an "electronic crane separate premises" license. It shall be the responsibility of the electronic crane operator to ensure that each premises is licensed with the commission prior to operating electronic cranes at that location.

(3) A person licensed as an electronic crane operator may enter into a contract with separate premise licensees to operate electronic cranes on their premises. The contract must be written and specific in terms, setting out the time of the contract, amount of rent or consideration, rent due dates, and all expenses to be borne by each party: Provided, that the amount of rent/consideration may be based on a percentage of revenue generated by the activity if the method of distribution is specific. All contracts regarding the operation of electronic cranes shall be submitted to the Commission and become a part of the license file. Violations of the terms of the contract by an electronic crane operator shall be grounds for suspension or revocation of their license.

(4) The maximum fee to play shall be up to \$1.00 per game at the locations specified in (1)(a) above, and up to 25 cents at the locations specified in (1)(b) and (c) above.

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

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

WSR 89-19-084

PROPOSED RULES

GAMBLING COMMISSION

[Filed September 20, 1989, 5:00 p.m.]

Original Notice.

Title of Rule: WAC 230-02-035 Field offices and operations; 230-50-020 (~~Hearing examiner~~) Adjudicated proceedings; 230-50-010 Adjudicated proceedings—Hearings; 230-50-012 (~~Director may temporarily suspend license pending a hearing~~) Emergency adjudicated proceedings—Summary suspensions; 230-50-020 (~~Hearings examiners~~) Adjudicated proceedings appointment of administrative law judge; 230-50-030 (~~Hearings methods~~) Adjudicated proceedings—Hearings—Interpreter—Timing; 230-50-060 Adjudicated

proceedings—Appearance and practice before the commission—Who may appear; 230-50-150 Adjudicated proceedings—Notice ((and opportunity for hearing in contested cases)) of hearing—Requirements; 230-50-160 Adjudicated proceedings—Service of process—By whom served; 230-50-190 Adjudicated proceedings—Service of process—Method of service; 230-50-200 Adjudicated proceedings—Service of process—When service complete; 230-50-210 Adjudicated proceedings—Service of process—Filing with agency; 230-50-225 Adjudicated proceedings—Discovery; 230-50-230 Adjudicated proceedings—Subpoenas((=Issuance to parties)), issuance, service, fees, quashing and enforcement; 230-50-300 Adjudicated proceedings—Depositions and interrogatories ((in contested cases))—Right to take; 230-50-330 Adjudicated proceedings—Depositions and interrogatories ((in contested cases))—((Authorization)) Notice; 230-50-390 Adjudicated proceedings—Depositions and interrogatories ((in contested cases))—Fees of deponents—Costs of deposition; 230-50-550 (~~Form and content of decisions in contested cases and proposed orders~~) Adjudicated proceedings—Initial or final order; 230-50-560 Adjudicated proceedings—Review of initial order—Replies—Reconsideration; 230-50-570 Adjudicated proceeding—Stay; 230-50-580 Adjudicated proceedings—Hearings—Forms; 230-50-610 (~~Prehearing~~) Adjudicated proceedings settlement conferences ((rule authorized)) and prehearing conferences; 230-50-630 Submission of documentary evidence in advance; 230-50-800 Petitions for rule making, amendments or repeal((=who may petition)); 230-50-850 Declaratory ((rulings)) order; and repealing WAC 230-04-123 Licensing of distributor's representatives; 230-04-130 Licensing of manufacturer's representatives; 230-50-070 Appearance in certain proceedings may be limited to attorneys; 230-50-140 Waiver of hearing; 230-50-220 Subpoenas—Form; 230-50-240 Subpoenas—Service of; 230-50-250 Subpoenas—Fees; 230-50-260 Subpoenas—Proof of service; 230-50-270 Subpoenas—Quashing; 230-50-280 Subpoenas—Enforcement; 230-50-290 Subpoenas[—]Geographical scope; 230-50-430 Depositions upon interrogatories—Provisions of deposition rule; 230-50-600 Definition of issues before hearing; 230-50-620 Prehearing conference rule—Record of conference action; 230-50-810 Petitions for rule making, amendments or repeal—Requisites; 230-50-820 Petitions for rule making, amendments or repeal—Agency must consider; 230-50-830 Petitions for rule making, amendments or repeal—Notice of dispositions; 230-50-950 Forms; and 230-60-015 Description of central and field organization of the Gambling Commission.

Purpose: To implement the new Administrative Procedure Act, chapter 34.05 RCW.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Chapter 34.05 RCW.

Summary: These rules set up new procedures for rule making and adjudicated proceedings as required under chapter 34.05 RCW.

Reasons Supporting Proposal: Rules are necessary to carry out the regulatory function of the agency.

Name of Agency Personnel Responsible for Drafting: Frank L. Miller, Deputy Director, 4522 [4511]

Woodview Drive S.E, Lacey, 438-7640; Implementation and Enforcement: Ronald O. Bailey, Director, 4522 [4511] Woodview Drive S.E., Lacey, 438-7640.

Name of Proponent: Staff.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Housekeeping rules to implement new APA.

Proposal Changes the Following Existing Rules: Amended to establish consistency with the new requirements of chapter 34.05 RCW.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Sea-Tac Red Lion Inn, 18740 Pacific Highway South, Seattle, WA 98188, on November 15, 1989, at 10:00 a.m.

Submit Written Comments to: Washington State Gambling Commission, 4511 Woodview Drive S.E., Lacey, WA 98504, by November 15, 1989.

Date of Intended Adoption: November 15, 1989.

September 20, 1989

Frank L. Miller
Deputy Director

NEW SECTION

WAC 230-02-035 FIELD OFFICES AND OPERATIONS. The administrative office of the commission and its staff is located at 4511 Woodview Drive S.E., Lacey, 98504-8121. Commission offices located in other cities are as follows:

CITY	PHONE NUMBER
Eastern Region	
Spokane 99207 123 East Indiana	456-3167
Moses Lake 98837 Ahlers Building, Suite A 310 S. Balsam	765-0450
Yakima 98902 901 Summitview, #230	575-2820
Kennewick 99336 500 N. Morain, Suite 1202	545-2056
Northwest Region	
Seattle 98134 666 S. Dearborn International Bldg.	464-6466
Southwest Region	
Tacoma 98405 1201 S. Proctor	593-2227
Vancouver 98663 Suite 5, Angelo Plaza 1801 D Street	696-6783
Olympia 98502 2625C, Suite B, Parkmont Lane S.W.	586-4392

AMENDATORY SECTION (Amending Order 98, filed 2/25/80)

WAC 230-50-010 ADJUDICATED PROCEEDINGS - HEARINGS. (1) Adjudicated proceedings shall be commenced for any and all matters wherein the commission is causing administrative charges to be brought against any applicant, licensee or permittee within the limitations to RCW 34.05 as applicable.

(2) The commission ~~(with)~~ shall afford an applicant for a license an opportunity for a ~~(hearing)~~ n adjudicated proceeding prior to ~~(final commission action)~~ denying such application, and shall afford a licensee the opportunity for a ~~(hearing)~~ n adjudicated proceeding

prior to ~~(taking final action)~~ suspending~~(;)~~ ~~(terminating)~~ or revoking a license~~(-Provided, That the commission or the director may summarily temporarily suspend licenses in those cases where such action is deemed appropriate by the commission or the director. In cases where a license is suspended prior to hearing, an opportunity for a hearing shall be provided promptly).~~

~~((2))~~ (3) The commission will afford a person applying to the commission to exceed the limit on gross receipts in bingo games under WAC 230-20-251 an opportunity for a ~~(hearing)~~ n adjudicated proceeding prior to ~~(taking any final action)~~ denying that application.

~~((3))~~ (4) The commission will afford a person applying to the commission for approval of a pull tab dispensing device under WAC 230-30-095 an opportunity for a ~~(hearing)~~ n adjudicated proceeding prior to ~~(final commission action)~~ denying approval of such device.

~~((4))~~ (5) No hearing will be ~~(held)~~ conducted with respect to ~~(such agency action)~~ any adjudicated proceeding unless ~~(it)~~ a application for an adjudicated proceeding and request for hearing is timely ~~(demanded)~~ filed by the applicant or licensee ~~(in writing by the applicant or licensee)~~ with the commission in compliance with WAC 230-50-210. ~~(A demand for hearing)~~ The application must be made upon a form to be obtained from the commission, or facsimile thereof, and must be received ~~(in the offices of the commission)~~ within ~~(+5)~~ 20 days following service upon the party affected by the commission or the director of a ~~(summary)~~ notice of ~~(the)~~ administrative charges ~~(or complaints against the party being made or considered together with a statement of any action which may be taken in the event no hearing is demanded)~~ and opportunity for an adjudicated proceeding. Said document shall contain the maximum penalty that may be assessed should an application not be filed by the party affected. An application for an adjudicated proceeding and request for hearing shall accompany all notices of administrative charges.

(6) If ~~(demand for hearing)~~ an application for an adjudicated proceeding is not timely filed, then the party affected shall have waived the right to a hearing on the allegations set forth in the notice of administrative charges. The ~~(director)~~ party shall be deemed to be in default pursuant to RCW 34.05.440 and the commission and director may take ~~(the)~~ action ~~(set out in the statement previously served, or some action of lesser degree)~~ against the party not to exceed the maximum penalty as stated in the notice of administrative charges and opportunity for an adjudicated proceeding, which action shall be final.

AMENDATORY SECTION (Amending Order 29, filed 1/23/75)

WAC 230-50-012 ~~(DIRECTOR MAY TEMPORARILY SUSPEND LICENSE PENDING A HEARING)~~ **EMERGENCY ADJUDICATED PROCEEDINGS - SUMMARY SUSPENSIONS.** (1) The director may temporarily suspend a license or permit issued pursuant to these rules pending a hearing upon suspension or revocation of the license, or issuance of a renewal thereof, for a period not to exceed 90 days when in the opinion of the commission or the director:

~~((1))~~ (a) The licensee or permittee has obtained the license or permit by fraud, trick, misrepresentation, concealment, or through inadvertence or mistake; or

~~((2))~~ (b) The licensee or permittee has engaged in any act, practice or course of operation as would operate as a fraud or deceit on any person, or has employed any device, scheme or artifice to defraud any person; or

~~((3))~~ (c) The licensee or permittee has again violated, failed, or refused to comply with any of the provisions, requirements, limitations, or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto, after having been previously notified by the commission, its authorized representatives, or by local law enforcement personnel, that a violation or violations of the same or similar provisions had been, or were being, committed by the licensee or permittee; or

~~((4))~~ (d) Immediate cessation of the licensed or permitted activities by the licensee or permittee is necessary for the protection or preservation of the welfare of the community within which these activities are being conducted.

(2) When a license or permit has been temporarily suspended by the director, ~~(prior to a hearing)~~ an emergency adjudicated proceeding shall be commenced and ~~(pursuant hereto)~~ the licensee or permittee shall be afforded an opportunity for a hearing before an Administrative Law Judge or the commission, ~~(or a hearing officer)~~ upon the question of the suspension or revocation of the license or permit, or

upon the renewal of the license or permit ((if it would)) should it expire ((within)) during the period of temporary suspension. If a ((hearing is demanded)) n application for an adjudicated proceeding and request for hearing is timely filed by the licensee or permittee, ((it)) then a hearing shall be held within 90 days ((from)) of the effective date of the temporary suspension ordered by the director.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-020 ((HEARING EXAMINERS)) ADJUDICATED PROCEEDINGS-APPOINTMENT OF ADMINISTRATIVE LAW JUDGE. (1) The commission ((may appoint a hearing officer to conduct hearings with respect to the denial of licenses and the suspension, termination or revocation of licenses in cases where it deems it appropriate. The hearings shall be conducted in compliance with these rules:

After a hearing is concluded by a hearing officer, the hearing officer shall prepare and distribute to the parties findings of fact, conclusions of law and a decision of the matter. Each party shall have twenty days from the date of service upon that party to file written exceptions to these findings, conclusions and decision of the hearing officer with the commission. If such exceptions, together with any written argument in support thereof, are not timely filed with the commission, then the findings, conclusions and decision of the hearing officer shall be adopted by the commission and shall be final.

If written exceptions and any written argument are timely filed with the commission, then a majority of the commissioners shall consider the exceptions and any written argument, and the record of the hearing, or such part of the record as is cited as material by the parties. The commission, in its discretion, may allow the parties to present oral arguments.) hereby appoints the office of Administrative Hearings and the Administrative Law Judges to preside at all hearings which result from the commencement of adjudicated proceedings unless the commission, by its own order declares its intent to preside at a specific proceeding or the proceeding is an appeal of an initial order issued by an administrative law judge. The administrative law judge may hereinafter be referred to as the "presiding officer."

(2) All hearings shall be conducted in compliance with these rules, RCW 34.05 AND WAC 10-08 as applicable.

AMENDATORY SECTION (Amending Order 45, filed 12/30/75)

WAC 230-50-030 ((HEARINGS METHODS)) ADJUDICATED PROCEEDINGS-HEARINGS - INTERPRETER - TIMING. Hearings conducted as part of adjudicated proceedings provided for in WAC 230-50-010 shall be initiated ((called and conducted in the following manner)) as follows:

(1) The chair((man)) person of the commission, ((or)) some member of the commission acting in ((his)) the absence of the chairperson or the director, shall give written approval ((to the holding of any hearing)) to initiate a notice of administrative charges and opportunity for an adjudicated proceeding. ((When it has been determined that a hearing shall be held,)) After such approval is granted, the entire commission file and/or record ((of the premises and licensee(s) involved)) on the licensee shall be ((given to)) forwarded to the assistant attorney general assigned to prosecute at the ((commission, who will hereinafter be referred to as the attorney:

(2) The attorney shall prepare a written complaint which shall fully advise the licensee(s) of all charges which will be considered at the hearing. The complaint shall be signed by the chairman of the commission or some member of the commission acting in his absence or the director, after which the attorney shall deliver the original and such copies as may be necessary to any hearing officer appointed by the commission pursuant to WAC 230-50-020.

(3) The commission, a commissioner, or a hearing officer designated by the commission shall conduct the hearing, which shall be held as soon as feasible. Each licensee charged shall be served with a copy of the complaint together with written notice of the time and place of the hearing and the issues involved. Such notice and complaint shall be served not less than 20 days prior to the hearing unless the licensee consents to shorter notice.

(4) Subpoenas may be issued by the officer, the director, or a commissioner, who shall issue them when requested by the attorney, a licensee or a licensee's attorney, and he may issue them on his own motion. Subpoenas may be issued by the attorney general and any of his assistants, and may also be issued by any attorney of record of a party.

(5) Nothing herein contained shall prevent the director of the commission, as authorized by the commission, to temporarily suspend licenses, subject to final action by the commission, as authorized by RCW 9.46.070(1-);) hearing. The notice shall be served upon the licensee or applicant in accordance with WAC 230-50-010. An application for adjudicated proceeding and request for hearing must be filed with the commission pursuant to WAC 230-50-010.

(2) Upon receipt of an application for adjudicated proceeding and request for hearing form, the director shall issue a notice of hearing. The notice of hearing shall contain all charges upon which the hearing will be conducted, and shall be served on the licensee, applicant, permittee or attorney representing the party at least 7 days prior to the date of the hearing. A copy of the notice of hearing shall be served upon the presiding officer assigned to the proceeding.

(3)(a) All notices of hearing shall be accompanied by a standard statement in at least five (5) common foreign languages, such languages to be those known by the commission staff to be languages used by some licensees, along with forms to request an interpreter to include assistance for hearing impaired persons at the hearing.

(b) Nothing herein contained shall prevent the commission or the director, as authorized by the commission, to temporarily suspend licenses, subject to final action of the commission, as authorized by RCW 9.46.070(1) and WAC 230-50-012.

(4) The presiding officer shall conduct the hearing within 90 days from the date upon which the commission received the application for adjudicated proceeding and request for hearing from the licensee, applicant or permittee, unless all parties agree to an extension of time beyond the 90 days by mutual consent. Any deviation for the 90 day requirement shall be in writing and made a part of the permanent record of the proceeding.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-060 ADJUDICATED PROCEEDINGS - APPEARANCE AND PRACTICE BEFORE THE COMMISSION—WHO MAY APPEAR. No person may appear in a representative capacity before the Washington state gambling commission, hereinafter referred to as the commission, or its designated ((hearing officer)) Administrative Law Judge other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.

(3) A bona fide officer, authorized manager, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership or corporation.

(4) An individual representing himself, pro se.

(5) Such interpreters for persons with a limited understanding of the English language or hearing impaired persons as provided for in WAC 10-08-150.

(6) Such other persons as may be permitted by the commission upon a showing by a party to the hearing of such a necessity or such a hardship as would make it unduly burdensome upon him to have a representative as set forth under subsections (1), (2) and (3) above.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-150 ADJUDICATED PROCEEDINGS - NOTICE ((AND OPPORTUNITY FOR HEARING IN CONTESTED CASES)) OF HEARING-REQUIREMENTS. ((In any contested case, a)) All parties that have filed timely application for adjudicated proceeding shall be served with a notice of hearing at least ((twenty)) seven days before the date set for the hearing unless all parties consent to a shorter period. The notice shall state the time, place and issues involved, as required by RCW 34.04.090(1).

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-160 ADJUDICATED PROCEEDINGS - SERVICE OF PROCESS—BY WHOM SERVED. The commission shall cause to be served all orders, notices and other ((papers)) documents issued by it, together with any other ((papers)) documents which it is required by law to serve. Every other ((paper)) document shall be served by the party filing it.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-190 ADJUDICATED PROCEEDINGS - SERVICE OF PROCESS—METHOD OF SERVICE. Service of (~~papers~~) all orders, notices and other documents shall be made personally or (~~unless otherwise provided by law, by~~) first class, registered(~~;~~) or certified mail(~~or by~~), telegraph, or by commercial parcel service company.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-200 ADJUDICATED PROCEEDINGS - SERVICE OF PROCESS—WHEN SERVICE COMPLETE. Service (~~upon parties~~) of notices and other documents shall be regarded as complete as follows: (~~By mail, the third day following deposit in the United States mail properly stamped and addressed, by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid;~~)

(1) By personal service, upon delivery to the person, attorney representing the party, designated agent of the party, any person over the age of 18 residing at the residence of the party or corporate officer.

(2) By mail, upon deposit in the United States mail properly stamped and addressed; service is complete on the third day after mailing, excluding the date of mailing.

(3) By telegraph, upon deposit with a telegraph company, properly addressed and with all charges paid.

(4) By electronic telefacsimile device of confirmation of the transmission and the same day deposit in the United States mail according to section 2 above.

(5) By commercial parcel delivery service, upon delivery to the parcel delivery company, properly addressed and with all charges paid.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-210 ADJUDICATED PROCEEDINGS - SERVICE OF PROCESS—FILING WITH AGENCY. (~~Papers~~) Documents required to be filed with the commission shall be deemed filed upon actual receipt (~~by the commission at the place specified in its rules accompanied by proof of service upon parties required to be served;~~) of the documents in the headquarters office of the commission accompanied by proof of service upon parties required to be served, or by delivery to any office of the commission during normal business hours and at such time as a member of the staff of the commission is occupying such office so as to personally receive the papers. Delivery of documents to any office of the commission other than the headquarters office when said office is not occupied by a commission staff member who can personally accept the documents shall NOT constitute a lawful service of papers for any matter under the jurisdiction of the Gambling Commission.

NEW SECTION

WAC 230-50-225 ADJUDICATED PROCEEDINGS - DISCOVERY. The presiding officer of an Adjudicated Proceeding may issue subpoenas and protective orders as a part of an Adjudicated Proceeding. The agency may issue subpoenas as may the attorney representing the licensee, applicant or permittee, or the licensee, applicant or permittee may issue subpoenas if they represent themselves. All such subpoenas must be filed with the presiding officer assigned to conduct the hearing, together with proof of proper service, at least 7 days prior to the date of the hearing which they are issued for.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-230 ADJUDICATED PROCEEDINGS - SUBPOENAS(~~—ISSUANCE TO PARTIES~~), ISSUANCE, SERVICE, FEES, QUASHING AND ENFORCEMENT. (~~Upon application of counsel or other representative appearing before the commission pursuant to WAC 230-08-101 (3) and (4) of these rules, for any party to a contested case, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The commission may issue subpoenas to parties not so represented upon request or upon a showing of general relevance and reasonable scope of the testimony or evidence sought;~~)

(1) Every subpoena shall state the name of the commission, the title of the proceeding and shall command the person to whom it is directed to attend and give testimony, produce books, records, documents or things under his or her control at a specified time and place.

(2) Subpoenas shall be issued and enforced, and witness fees paid as provided for in RCW 34.05.446.

(a) Subpoenas may be served by any suitable person 18 years of age or older, by exhibiting and reading the subpoena to the witness, or by giving him or her a copy thereof, or by leaving such copy at the place of his or her abode. When service is made by any other person than an officer authorized to serve process, proof of service shall be made by affidavit.

(b) The presiding officer, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may:

(i) Quash or modify the subpoena if it is unreasonable and oppressive, or

(ii) Condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

(c) Upon application, and for good cause shown, the commission will seek judicial enforcement of subpoenas issued to parties and which have not been quashed.

(d) The attendance of witnesses and such production of evidence may be required from any place within the state of Washington to any location where a hearing is being conducted.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-300 ADJUDICATED PROCEEDINGS - DEPOSITIONS AND INTERROGATORIES (~~IN CONTESTED CASES~~)—RIGHT TO TAKE. (~~Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding. The attendance of witnesses may be compelled by the use of a subpoena. Depositions shall be taken only in accordance with this rule and the rule on subpoenas;~~) Unless otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding. The deposition of a commissioner, the Director, Deputy Director, or an Assistant Director may only be taken upon application to the presiding officer, for good cause shown and only in those circumstances where the statements or depositions of other staff members would not reveal the information, evidence or details needed by the party for the case. The attendance of witnesses to a deposition may be compelled by use of a subpoena. Depositions shall be taken only in accordance with this rule and the rules on subpoenas.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-330 ADJUDICATED PROCEEDINGS - DEPOSITIONS AND INTERROGATORIES (~~IN CONTESTED CASES~~)—(~~AUTHORIZATION~~) NOTICE. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than (~~three~~) seven days in writing to the commission and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the commission or its hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-390 ADJUDICATED PROCEEDINGS - DEPOSITIONS AND INTERROGATORIES (~~IN CONTESTED CASES~~)—FEES OF DEponents—COSTS OF DEPOSITION. Deponents whose depositions are taken shall be entitled to the same fees as are allowed by WAC 230-50-2(~~50~~) 30: Provided, That all costs incidental thereto shall be paid by the party desiring such deposition.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-550 (~~FORM AND CONTENT OF DECISIONS IN CONTESTED CASES AND PROPOSED ORDERS~~) ADJUDICATED PROCEEDINGS - INITIAL OR FINAL ORDER. Every decision and order, whether (~~proposed;~~) it be an initial(~~;~~) or final, shall:

(1) Be correctly captioned as to the name of the agency and name of proceeding;

(2) Designate all parties and counsel to the proceeding;

(3) Include a concise statement of the nature and the background of the proceeding;

(4) Be accompanied by appropriate numbered findings of fact and conclusions of law and a statement from the presiding officer of the credibility of the witnesses, if the decision rendered is based upon that, all or in part;

(5) Whenever practical, include the reason or reasons for the particular order or remedy afforded. Findings shall be accompanied by a concise and explicit statement of the underlying evidence of record to support the findings;

(6) Whenever practical, be referenced to specific laws or rules and provisions ((of the law and/or regulations)) thereof which are appropriate thereto;

(7) ((Whenever the commission considers that any matter or proceeding will be best handled by the issuance of a proposed order by the commission or by the examiner conducting the hearing, such an order shall be issued and the parties so notified. Upon receipt of such notice and proposed order, any party may file exceptions to the same within twenty days after the date of the service of the proposed order, unless a greater or lesser time for filing exceptions is designated by the commission at the time of issuance of the proposed order. Exceptions shall be filed in triplicate and a copy thereof shall be served upon all other parties who have appeared in the cause, or their attorneys of record together with proof of such service in accordance with the rules governing service of process. Any party may answer the exceptions so filed and served within ten days after service of said exceptions upon him. Briefs may accompany the exceptions or answers thereto and shall be filed and served in the same manner. After a full consideration of the proposed order, the exceptions and the answers to exceptions so filed and briefs, the commission may affirm its proposed order by service of an order of affirmance upon the parties, or, if it deems the exception well taken, may revise the proposed order and issue a final order differing from the proposed order.))

NEW SECTION

WAC 230-50-560 ADJUDICATED PROCEEDINGS - REVIEW OF INITIAL ORDER - REPLIES - RECONSIDERATION. Any party to an adjudicative proceeding may file a petition for review of an initial order.

(1) The petition for review shall be filed with the commission within twenty days of the date of service of the initial order unless a different place and time limit for filing the petition are specified in the initial order in its statement describing available procedures for administrative relief. Copies of the petition shall be served upon all other parties or their representatives at the time the petition is filed.

(2) The petition for review shall specify the portions of the initial order to which exception is taken and shall refer to the evidence of record which is relied upon to support the petition.

(3) Any party may file a reply to a petition for review. The reply shall be filed with the office where the petition for review was filed within ten days of the date of service of the petition and copies of the reply shall be served upon all other parties or their representatives at the time the reply is filed.

(4) At least a majority of the commission members shall review the petition within 120 days after the petition was filed and render a final order in accordance with WAC 10-08-210.

(5) A petition for reconsideration of a final order under RCW 34.05.470 shall be filed with the commission in accordance with WAC 230-50-210 within ten days of the service of the final order. Such petition shall be administered in accordance with RCW 34.05.470.

NEW SECTION

WAC 230-50-570 ADJUDICATED PROCEEDING - STAY. A party may petition the commission or its designee for a stay of a final order in accordance with RCW 34.05.467. For purposes of this rule, the commission hereby delegates to the director, the authority to issue a temporary stay until such time as a reviewing court can rule on a permanent stay. The decision of the director denying a stay is not subject to judicial review.

NEW SECTION

WAC 230-50-580 ADJUDICATED PROCEEDINGS - HEARINGS - FORMS. The following formats shall be utilized in all adjudicated proceedings:

(1)

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the ((Suspension/ Revocation/Denial) of the (License/Application) to Conduct Gambling Activities of

NO. _____
NOTICE OF ADMINISTRATIVE CHARGES AND OPPORTUNITY FOR AN ADJUDICATED PROCEEDING

Licensee.

RONALD O. BAILEY alleges as follows:

I

He is the Director of the Washington State Gambling Commission and makes these charges in his official capacity.

II

Jurisdiction of this proceeding is based on Chapter 9.46 RCW, Gambling, Chapter 34.05 RCW, the Administrative Procedure Act, and Title 230 WAC.

III

_____ has been issued the following license(s) by the Washington State Gambling Commission, which license(s) (was/were) issued subject to compliance by the licensee with state laws and rules of the Commission.

- A. License Number _____ Authorizing _____ Activity
B. License Number _____ Authorizing _____ Activity
C. License Number _____ Authorizing _____ Activity

IV

(Attach Recital Of Charges)

[]

The charges specified in paragraphs ___ through ___ above constitute grounds for the ___ day suspension, or revocation of the license(s) held by _____ to conduct authorized gambling activity under authority of RCW 9.46.075 and WAC 230-04-400.

[]

The ((licensee/applicant) shall be afforded the opportunity to have an Adjudicated Proceeding, which includes a hearing on the alleged violations. In order to commence an Adjudicative Proceeding, the enclosed APPLICATION FOR ADJUDICATED PROCEEDING AND REQUEST FOR HEARING MUST BE COMPLETED IN FULL by the LICENSEE OR REPRESENTATIVE and returned to the Gambling Commission within 20 days from the date of receipt of this notice. FAILURE TO RETURN THIS DOCUMENT WILL RESULT IN THE ENTRY OF A DEFAULT ORDER PURSUANT TO RCW 34.05.440 AND WAC 230-50-010, THE IMPOSITION OF THE PENALTY SET OUT ABOVE OR ONE OF LESSER DEGREE AND SHALL CONSTITUTE A WAIVER OF ANY FURTHER RIGHTS TO A HEARING OR REVIEW IN THIS MATTER.

STATE OF WASHINGTON }
COUNTY OF THURSTON }

ss.

Ronald O. Bailey, being first duly sworn on oath, deposes and says: That he has read the foregoing Notice of Administrative Charges and Opportunity for Adjudicated Proceeding, knows the contents thereof, and believes the same to be true, and that he is the Director of the Washington State Gambling Commission and in that capacity has executed said Statement of Charges.

Ronald O. Bailey

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 1989.

NOTARY PUBLIC in and for the State of Washington residing at _____

(2) STATE OF WASHINGTON GAMBLING COMMISSION

In the Matter of the (Suspension/ Revocation/Denial) of the (License/Application) to Conduct Authorized Gambling Activities of

NO. _____

APPLICATION FOR ADJUDICATED PROCEEDINGS AND REQUESTS FOR HEARING

(Licensee/Applicant.)

THIS IS AN IMPORTANT NOTICE WHICH DETERMINES WHETHER OR NOT YOU WILL HAVE THE RIGHT TO A HEARING IN THIS MATTER. PLEASE READ THIS NOTICE CAREFULLY. IF YOU HAVE ANY QUESTIONS REGARDING YOUR LEGAL RIGHTS IN THIS MATTER YOU SHOULD CONTACT AN ATTORNEY.

In order to request and preserve your right to a hearing you MUST complete and sign this form, then return it by mail within 20 days to:

The Washington State Gambling Commission 4511 Woodview Drive SE Mail Stop QB-11 Lacey, Washington 98504-8121

FAILURE TO COMPLETE AND RETURN THIS FORM AS INSTRUCTED WILL RESULT IN THE ENTRY OF A DEFAULT ORDER AGAINST YOU PURSUANT TO RCW 34.05.400, and WAIVER of your rights to appeal in this matter.

YOU HAVE 20 DAYS FROM THE DATE OF RECEIPT OF THIS FORM TO COMPLETE AND RETURN IT TO THE ADDRESS ABOVE.

NO EXTENSIONS BEYOND THE 20 DAYS WILL BE GRANTED.

BRIEF EXPLANATION OF RIGHTS AND PROCEEDINGS:

You have the right to apply for an ADJUDICATIVE PROCEEDING, which includes a hearing on the allegations set forth in the notice of administrative charges. The hearing will be conducted by a state Administrative Law Judge pursuant to state law and administrative codes. You have the right to be represented by an attorney of your choice and at YOUR OWN EXPENSE.

You have the right to produce witnesses, and evidence relevant to the violations alleged. See WAC 230-50 for additional rights.

You have the right to have an interpreter for the proceedings if you or any witness which you will call is a limited English speaking person or a hearing impaired person.

In order to request an interpreter, you MUST complete the attached REQUEST FOR INTERPRETER FORM and RETURN IT along with this form to the Gambling Commission. THIS SERVICE IS FREE OF CHARGE.

INSTRUCTIONS - Place a check mark and your signature next to the statement which describes your request(s) in this matter.

- Check Mark Signature 1) I want to have a hearing in this Adjudicated Proceeding 2) I will be represented by an attorney in this matter, his/her name, address and phone number are as follows: Name Address Phone Number 3) I will NOT be represented by an attorney in this matter. 4) I DO NOT want a HEARING AND WAIVE MY RIGHTS TO A HEARING IN THIS MATTER.

Please indicate those changes, if any, which you admit occurred.

You may attach a letter or a statement of your position in this matter if you choose to do so. Please indicate whether or not you attached either.

I attached a letter of statement I did NOT attach a letter of statement

A HEARING, if requested, shall be conducted by a state Administrative Law Judge in a location near your place of business or residence, but not necessarily in the city or county in which you do business or reside. You will be notified at least seven (7) days in advance of the proceeding.

If you do not understand any portion of these documents, you are strongly encouraged to contact an attorney.

You must complete, sign, date and then mail this document together with the REQUEST FOR INTERPRETER form, to the Washington State Gambling Commission at the address as stated on this form WITHIN 20 days of receipt of these documents. FAILURE TO DO SO WILL RESULT IN A WAIVER OF YOUR RIGHTS TO A HEARING IN THIS MATTER AND ENTRY OF A DEFAULT ORDER PURSUANT TO RCW 34.05.400 AND WAC 230-50-010.

Dated this _____ day of _____, 1989

** SIGN HERE ** LICENSEE OR REPRESENTATIVE

(3) STATE OF WASHINGTON GAMBLING COMMISSION

In the Matter of the (Suspension/ Revocation/Denial) of the (License/Application) to Conduct Authorized Gambling Activities of

NO. _____

(Licensee/Applicant)

APPLICATION FOR AN ADJUDICATED PROCEEDING AND REQUEST FOR HEARING WITH OFFER OF SETTLEMENT

THIS IS AN IMPORTANT NOTICE WHICH DETERMINES WHETHER OR NOT YOU WILL HAVE THE RIGHT TO A HEARING IN THIS MATTER. PLEASE READ THIS NOTICE CAREFULLY. IF YOU HAVE ANY QUESTIONS REGARDING YOUR LEGAL RIGHTS IN THIS MATTER YOU SHOULD CONTACT AN ATTORNEY.

In order to request and preserve your right to a hearing you MUST complete and sign this form, then return it by mail within 20 days to:

The Washington State Gambling Commission 4511 Woodview Drive SE Mail Stop QB-11 Lacey, Washington 98504-8121

FAILURE TO COMPLETE AND RETURN THIS FORM AS INSTRUCTED WILL RESULT IN THE ENTRY OF A DEFAULT ORDER AGAINST YOU PURSUANT TO RCW 34.05.400, and WAIVER of your rights to appeal in this matter.

YOU HAVE 20 DAYS FROM THE DATE OF RECEIPT OF THIS FORM TO COMPLETE AND RETURN IT TO THE ADDRESS ABOVE.

NO EXTENSIONS BEYOND THE 20 DAYS WILL BE GRANTED.

BRIEF EXPLANATION OF RIGHTS AND PROCEEDINGS:

You have the right to request apply for a ADJUDICATIVE PROCEEDING which includes a hearing on the allegations set forth in the notice of administrative charges. The hearing will be conducted by a state Administrative Law Judge pursuant to state law and administrative codes. You have the right to be represented by an attorney of your choice and at YOUR OWN EXPENSE.

You have the right to produce witnesses, and evidence relevant to the violations alleged. See WAC 230-50 for additional rights.

You have the right to have an interpreter for the proceedings if you or any witness which you will call is a limited English speaking person or a hearing impaired person.

In order to request an interpreter, you MUST complete the attached REQUEST FOR INTERPRETER FORM and RETURN IT along with this form to the Gambling Commission. THIS SERVICE IS FREE OF CHARGE.

INSTRUCTIONS - Place a check mark and your signature next to the statement which describes your request(s) in this matter.

- Check Mark Signature
1) I want to have a hearing in this ADJUDICATED PROCEEDING
2) I will be represented by an attorney in this matter, his/her name, address and phone number are as follows:
3) I will NOT be represented by an attorney in this matter.
4) I DO NOT want an ADJUDICATED PROCEEDING AND WAIVE MY RIGHTS TO A HEARING IN THIS MATTER.
5) I will agree to a stipulated settlement as stated on Page 4.

Please indicate those charges, if any, which you admit occurred.

You may attach a letter or a statement of your position in this matter if you choose to do so. Please indicate whether or not you attached either.

I attached a letter of statement
I did NOT attach a letter of statement

A hearing, if requested, shall be conducted by a state Administrative Law Judge in a location near your place of business or residence, but not necessarily in the city or county in which you do business or reside.

If you do not understand any portion of these documents, you are strongly encouraged to contact an attorney.

You MUST complete, sign, date and then mail this document together with the REQUEST FOR INTERPRETER form, to the Washington State Gambling Commission at the address as stated on this form WITHIN 20 days of receipt of these documents.

Dated this ___ day of ___, 1989

** SIGN HERE ** LICENSEE OR REPRESENTATIVE

I will agree to a stipulated settlement in this matter and the entry of an order on the following terms:

- A suspension of ___ days for my ___ gambling license(s).
A fine of ___ in lieu of the ___ day suspension of my ___ gambling license(s).

This order will find that the violation(s) were in fact committed.

The staff of the Commission will contact me regarding the dates for the suspension and/or payment of the fine.

The dates of the suspension will be no more than 90 calendar days from the date of return of this form to the Commission and the fine will be due PRIOR to the dates of the suspension.

By signing as indicated I agree to this settlement.

** SIGN HERE ** LICENSEE OR REPRESENTATIVE DATE

(4) STATE OF WASHINGTON GAMBLING COMMISSION

An Adjudicated Proceeding in the Matter of the (Suspension/Revocation/Denial) of the (License/Application) to Conduct Authorized Gambling Activities of (Licensee/Applicant).

I (ATTACH RECITAL OF CHARGES) II

That the licensee(s) (was/were) previously notified of the administrative charges pending and (has/have) made a timely application for adjudicated proceeding and request for hearing. Based upon that request, a hearing will be conducted by Administrative Law Judge of ___, phone number ___, on all charges as stated pursuant to WAC 230-50-010.

III

That the agency will be represented at the hearing by ___, Assistant Attorney General of ___, phone number ___. The licensee will be represented by ___ of ___, phone number ___.

IV

That the hearing is set for ___ at the hour of ___, in the city of ___ at ___. The hearing is being conducted under the authority of chapter 9.46 RCW and amendments thereto, and will be conducted pursuant to chapter 34.05 RCW and 230-50 WAC. Should the licensee and representatives fail to appear at the hearing as scheduled a default order pursuant to RCW 9.34.05.440 will be entered.

The proceeding will determine whether a suspension/revocation/or denial should be imposed.

Ronald O. Bailey

(5) STATE OF WASHINGTON GAMBLING COMMISSION

An Adjudicated Proceeding In the Matter of the (Suspension/Revocation/Denial) of the (License/Application) to Conduct Gambling Activities of: Licensee No. REQUEST FOR INTERPRETER AND/OR TRANSLATION OF DOCUMENTS

I, ___, being a party in this proceeding hereby state that I am a limited English speaking person or hearing impaired person or that I will be calling a witness who is a limited English speaking or hearing impaired person and that (I/they) require an interpreter as indicated below:

(Check all items that apply and fill in the blank spaces.)

- I will require an interpreter for the ___ language.
I will require an interpreter for a hearing impairment.
I will be calling a limited English speaking witness who will require an interpreter in the ___ language.
I will be calling a hearing impaired person who will require an interpreter.
I request all documents in this proceeding be translated into the ___ language.

Signed: _____
 Dated: _____

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

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

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-610 (~~PREHEARING~~) ADJUDICATED PROCEEDINGS SETTLEMENT CONFERENCES ((RULE AUTHORIZED)) AND PRE-HEARING CONFERENCES. In any proceeding the commission or its designated (~~hearing officer~~) presiding officer upon its or his own motion, or upon the motion of one of the parties or their qualified representatives, may in its or his discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider:

- (1) The simplification of the issues;
- (2) The necessity of amendments to the pleadings;
- (3) The possibility of obtaining stipulations, admissions of facts and of documents;
- (4) The limitation of the number of expert witnesses;
- (5) Such other matters as may aid in the disposition of the proceeding.

(6) Discussion of a settlement of the matter and/or agreement on a penalty. If a settlement or a stipulation is reached, it must be in a written order to be signed by all parties and the presiding officer. This settlement conference may be conducted between a member of the commission staff and the licensee, applicant or permittee by phone or in person without the attendance of the Administrative Law Judge or Assistant Attorney General, or by the Assistant Attorney General representing the commission without the attendance of a commission staff member and the Administrative Law Judge, as long as any agreed settlement is formalized as stated above.

(7) If a settlement conference is held, the results of the conference must be in writing to indicate the action taken at the conference.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-630 SUBMISSION OF DOCUMENTARY EVIDENCE IN ADVANCE. (~~Where practicable~~) When requested for cause the commission or its designated hearing officer may require:

- (1) That all documentary evidence which is to be offered during the taking of evidence be submitted to the hearing officer and to the other parties to the proceeding sufficiently in advance of such taking of evidence to permit study and preparation of cross-examination and rebuttal evidence;
- (2) That documentary evidence not submitted in advance, as may be required by subsection (1), be not received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner;
- (3) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required, be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-800 PETITIONS FOR RULE MAKING, AMENDMENTS OR REPEAL ((WHO MAY PETITION)). (1) Any (~~interested~~) person may petition the commission requesting the (~~promulgation~~) adoption, amendment, or repeal of any rule.

(2) Where the petition requests the adoption of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule.

(3) The petition must include a small business economic impact statement in accordance with RCW 19.85.040

(4) All petitions shall be considered by the commission and the commission may, in its discretion, order a hearing for the further consideration and discussion of the requested adoption, amendment, or repeal, of any rule.

(5) The commission shall notify the petitioning party within sixty (60) days by (a) denying the petition in writing and stating the reason for denial, or (b) initiate rule making procedures in accordance with 34.05 RCW.

(6) Any person petitioning the commission requesting the adoption, amendment or repeal of any rules shall generally adhere to the following form for such purpose:

(a) At the top of the page shall appear the wording "before the Washington state gambling commission." 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 (state whether adoption, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."

(b) 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 whether petitioner seeks the adoption of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by commission rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

(c) Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the commission. Petitions shall be on white paper, either 8-1/2" X 11" or 8-1/2" X 13" in size.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-850 DECLARATORY ((RULINGS)) ORDER. (1) (~~As prescribed by RCW 34.04.080, any interested~~) Any person may petition the commission for a declaratory (~~ruling. The commission shall consider the petition and within a reasonable time shall:~~

- (a) ~~Issue a nonbinding declaratory ruling; or~~
 - (b) ~~Notify the person that no declaratory ruling is to be issued; or~~
 - (c) ~~Set a reasonable time and place for hearing argument upon the matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.~~
- (2) If a hearing as provided in subsection (1)(c) is conducted, the commission shall within a reasonable time:
- (a) ~~Issue a binding declaratory rule; or~~
 - (b) ~~Issue a nonbinding declaratory ruling; or~~
 - (c) ~~Notify the person that no declaratory ruling is to be issued;))~~ order with respect to the applicability to specified circumstances of a rule, order, or statute enforceable by the agency. The petition shall set forth facts and reasons on which the petitioner relies to show:

(a) That uncertainty necessitating resolution exists;

(b) That there is actual controversy arising from the uncertainty such that a declaratory order will not be merely an advisory option;

(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 from the order requested.

(2) Within fifteen days after receipt of a petition for a declaratory order, the commission 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.

(3) Within thirty days after receipt of a petition for a declaratory order the commission, in writing, shall do one of the following:

- (a) Enter an order declaring the applicability of the statute, rule, or order in question to the specified circumstances;
- (b) Set the matter for specified proceedings to be held no more than ninety days after receipt of the petition and give reasonable notification to the person(s) of the time and place for such hearing and of the issues involved;
- (c) 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.

(4) The time limits of subsection (3)(b) and (c) of this section may be extended by the commission for good cause.

(5) The commission 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.

(6) A declaratory order has the same status as any other order entered by the commission in an adjudicative proceeding. 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.

(7) Any person petitioning the commission for a declaratory order pursuant to RCW 34.05.240, shall generally adhere to the following form for such purpose.

(a) At the top of the page shall appear the wording "before the Washington state gambling commission." 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 order." Opposite the foregoing caption shall appear the word "petition."

(b) 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. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

(c) The original and two legible copies shall be filed with the commission. Petitions shall be on white paper, either 8-1/2" X 11" or 8-1/2" X 13" in size.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 230-04-123 LICENSING OF DISTRIBUTOR'S REPRESENTATIVES.
- (2) WAC 230-04-130 LICENSING OF MANUFACTURER'S REPRESENTATIVES.
- (3) WAC 230-50-070 APPEARANCE IN CERTAIN PROCEEDINGS MAY BE LIMITED TO ATTORNEYS.
- (4) WAC 230-50-140 WAIVER OF HEARING.
- (5) WAC 230-50-220 SUBPOENAS—FORM.
- (6) WAC 230-50-240 SUBPOENAS—SERVICE OF.
- (7) WAC 230-50-250 SUBPOENAS—FEES.
- (8) WAC 230-50-260 SUBPOENAS—PROOF OF SERVICE.
- (9) WAC 230-50-270 SUBPOENAS—QUASHING.
- (10) WAC 230-50-280 SUBPOENAS—ENFORCEMENT.
- (11) WAC 230-50-290 SUBPOENAS—GEOGRAPHICAL SCOPE.
- (12) WAC 230-50-430 DEPOSITIONS UPON INTERROGATORIES—PROVISIONS OF DEPOSITION RULE.
- (13) WAC 230-50-600 DEFINITION OF ISSUES BEFORE HEARING.
- (14) WAC 230-50-620 PREHEARING CONFERENCE RULE—RECORD OF CONFERENCE ACTION.
- (15) WAC 230-50-810 PETITIONS FOR RULE MAKING, AMENDMENTS OR REPEAL—REQUISITES.
- (16) WAC 230-50-820 PETITIONS FOR RULE MAKING, AMENDMENTS OR REPEAL—AGENCY MUST CONSIDER.
- (17) WAC 230-50-830 PETITIONS FOR RULE MAKING, AMENDMENTS OR REPEAL—NOTICE OF DISPOSITION.
- (18) WAC 230-50-950 FORMS.
- (19) WAC 230-60-015 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF THE GAMBLING COMMISSION.

WSR 89-20-001

**NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY**
[Memorandum—September 21, 1989]

SPECIAL MEETING

EWU Board of Trustees
7:00 a.m., EWU Spokane Center, Room 222
September 22, 1989

WSR 89-20-002

**NOTICE OF PUBLIC MEETINGS
WASHINGTON INSTITUTE
OF APPLIED TECHNOLOGY**
[Memorandum—September 21, 1989]

BOARD OF DIRECTORS MEETING

Thursday, September 27, 1989
7:30 a.m.
WIAT Sixth Floor Boardroom

WSR 89-20-003

**PERMANENT RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)**

[Order 330—Filed September 21, 1989, 2:17 p.m.]

Date of Adoption: September 15, 1989.

Purpose: This rule describes the procedure for dismissing an employee during the probationary period.

Citation of Existing Rules Affected by this Order:
Amending WAC 356-30-270 Probationary period—Dismissal—Notice—Rights acquired.

Statutory Authority for Adoption: RCW 41.06.040.

Other Authority: RCW 41.06.150.

Pursuant to notice filed as WSR 89-16-050 on July 27, 1989.

Effective Date of Rule: November 1, 1989.

September 19, 1989

Dee W. Henderson

Secretary

AMENDATORY SECTION (Amending Order 191, filed 8/31/83)

WAC 356-30-270 PROBATIONARY PERIOD—DISMISSAL—NOTICE—RIGHTS ACQUIRED. (1) An employee may be dismissed during a probationary period after being given written notice indicating the reasons for the dismissal five working days prior to the effective date of dismissal. However, if the agency believes the good of the service requires the immediate dismissal of the probationary employee, written notice of only one full working day prior to the effective date of the dismissal will be required. (~~The reasons for the dismissal shall be filed with the director of personnel and the personnel appeals board.~~)

(2) An employee dismissed during a probationary period shall not have the right to appeal the dismissal.

When proper advance notice of the dismissal is not given, the employee may enter an appeal for payment of salary for up to five days which the employee would have worked had proper notice been given. If such a claim is sustained, the employee will be entitled to the appropriate payment of salary but will not be entitled to reinstatement.

WSR 89-20-004**EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 89-114—Filed September 21, 1989, 4:24 p.m.]

Date of Adoption: September 21, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-33-01000I and 220-57-16000A.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon are immediately available in the Columbia River. This rule is consistent with the actions of the September 20, 1989, meeting of the Columbia River Compact.

Effective Date of Rule: Immediately.

September 21, 1989

Edward P. Manary
for Joseph R. Blum
Director**NEW SECTION**

WAC 220-33-01000J COLUMBIA RIVER GILL NET SEASONS BELOW BONNEVILLE. *Notwithstanding the provisions of WAC's 220-33-005, 220-33-010, 220-33-020 and 220-33-030, it is unlawful for a person to take or possess salmon, shad, and sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E except as provided for in the following section:*

(1) *Open to the taking of salmon, sturgeon, and shad.*(a) *Time: 6:00 p.m. September 17 to 6:00 p.m. September 22**6:00 p.m. September 25 to 6:00 p.m. September 29**6:00 p.m. October 2 to 6:00 p.m. October 6*(b) *Area: SMCRA 1A, 1B, 1C, 1D, and 1E*(c) *Sanctuaries: Closed to fishing*Grays Bay
Abernathy
Cowlitz
Washougal
Elokomin-B

Kalama-B

Lewis-B

Big Creek defined as Calander and Big Creek sloughs east from boundary markers at the west end of Minaker Island, upstream to deadline markers approximately 1/4 mile east of Big Creek

*Mesh: No special mesh restrictions***REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000I COLUMBIA RIVER GILL NET SEASONS ABOVE BONNEVILLE. (89-105)**WAC 220-57-16000A COLUMBIA RIVER. (89-100)****WSR 89-20-005****EMERGENCY RULES****BOARD OF HEALTH**

[Filed September 22, 1989, 10:10 a.m.]

Date of Adoption: September 13, 1989.

Purpose: To establish Board of Health standards for prenatal tests predicting congenital and heritable disorders; and insurers use in establishing medical necessity.

Statutory Authority for Adoption: Chapter 70.83B RCW, RCW 48.21.244, 48.21.340 and 48.46.375.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: It is in the public interest that certain insurance benefits covering prenatal diagnosis of heritable diseases are offered effective January 1, 1990. The State Board of Health standards must be in place when the contracts are written during August and September of 1989. In the interest of maintaining the public health and welfare, the Board of Health declares an emergency exists.

Effective Date of Rule: Immediately.

September 13, 1989

John A. Beare, M.D., M.P.H.
Secretary**Chapter 248-106 WAC****PRENATAL TESTS FOR CONGENITAL AND HERITABLE DISORDERS****NEW SECTION**

WAC 248-106-001 PURPOSE. *The purpose of this chapter is to:*

(1) Establish department and state board of health description, definition, and enumeration of prenatal tests under RCW 70.83B.020 (3)(a) and (b);

(2) Establish standards of the Washington state board of health for screening and diagnostic procedures for prenatal diagnosis of congenital disorders of the fetus under RCW 48.21.244, 48.44.344, and 48.46.375;

(3) Require health care provider to provide information on certain prenatal tests under RCW 70.83B.030 to both their pregnant patients and the department;

(4) Establish requirements for laboratories to provide information on certain prenatal tests under RCW 70.83B.030 to the department; and

(5) Establish criteria and time lines for distribution of educational materials by health care providers related to prenatal tests under RCW 70.54.220.

NEW SECTION

WAC 248-106-010 DEFINITIONS. For the purpose of RCW 70.83B.020, 70.83B.030, 70.83B.040, 70.54.220, 48.42.090, 48.21.244, 48.44.344, and 48.46.375 and chapter 248-106 WAC:

(1) "Approved written information" means the department form or prenatal genetic information, or an equivalent form.

(2) "Department" means the Washington state department of health.

(3) "Health care providers" means persons licensed or certified by the state of Washington under Title 18 RCW to provide prenatal care or to practice medicine.

(4) "Laboratory" means a private or public person, agency, or organization performing prenatal tests for congenital and heritable disorders.

(5) "Parental chromosomal testing" means a procedure to remove blood or other tissue from one or both parents in order to perform laboratory analysis to establish chromosome constitution of the parents.

(6) "Prenatal test" means any test to predict congenital or heritable disorders which:

(a) When improperly utilized, may clearly harm or endanger the health, safety, or welfare of the public;

(b) Potential harm is easily recognizable and not remote or dependent upon tenuous argument; and

(c) As determined by the state board of health under RCW 70.83B.020(3) and enumerated by the department, includes procedures and laboratory tests as follows:

(i) Maternal serum alpha-fetoprotein (MSAFP) screening is a procedure involving obtaining blood from a pregnant woman during the fifteenth to twentieth completed menstrual weeks of gestation, in order to measure through laboratory tests the level of alpha-fetoprotein in the blood.

(ii) Amniocentesis is a procedure performed to remove a small amount of amniotic fluid from the uterus of a pregnant woman, in order to perform one or more of the following laboratory tests:

(A) Measure the level of alpha-fetoprotein;

(B) Measure the level of acetylcholinesterase;

(C) Cytogenetic studies on fetal cells;

(D) Biochemical studies on fetal cells or amniotic fluid; and

(E) Deoxyribonucleic Acid (DNA) studies on fetal cells.

(iii) Chorionic villus sampling is a procedure to remove a small amount of cells from the developing placenta, in order to perform one or more of the following laboratory tests:

(A) Cytogenetic studies on fetal cells;

(B) Biochemical studies on fetal cells; and

(C) DNA studies on fetal cells.

(iv) Percutaneous umbilical cord blood sampling is a procedure to obtain blood from the fetus, in order to perform one or more of the following laboratory tests:

(A) Cytogenetic studies;

(B) Viral titer studies;

(C) Fetal blood typing for isoimmunization studies;

(D) Prenatal diagnostic tests for hematological disorders;

(E) DNA studies on fetal cells.

(v) Prenatal ultrasonography is a procedure resulting in visualization of the uterus, the placenta, the fetus, and internal structures through use of sound waves.

(d) Includes pre-procedure and post-procedure genetic counseling when required under WAC 248-106-020.

(7) "Pre-procedure genetic counseling" means individual counseling, which may be part of another substantive procedure or service, involving a health care provider or a qualified genetic counselor under direction of a physician and a pregnant woman with or without other family members, to discuss the purposes, risks, accuracy, and limitations of a prenatal testing procedure, and to aid in decision making.

(8) "Post-procedure genetic counseling" means, when test results are available, individual counseling, which may be part of another substantive procedure or service, involving a health care provider or a qualified genetic counselor under direction of a physician and a pregnant woman with or without other family members, to discuss:

(a) The meaning of the results of the prenatal tests done; and

(b) Subsequent testing or procedures available.

(9) "Qualified genetic counselor" means an individual eligible for certification or certified as defined in Bulletin of Information, 1984, American Board of Medical Genetics, Inc., as a:

(a) Genetic counselor;

(b) Clinical geneticist;

(c) Ph.D. medical geneticist;

(d) Clinical cytogeneticist; or

(e) Clinical biochemical geneticist.

NEW SECTION

WAC 248-106-020 BOARD OF HEALTH STANDARDS FOR SCREENING AND DIAGNOSTIC TESTS DURING PREGNANCY. (1) For the purpose of RCW 48.21.244, RCW 48.44.344, and RCW 48.46.375, the following are standards of medical necessity for insurers, health care service contractors, and health maintenance organizations to use in determining medical necessity on a case-by-case basis:

(a) Maternal serum alpha-fetoprotein screening for all pregnant women beginning prenatal care before the twentieth completed menstrual week of gestation:

(i) Without the requirement for case-by-case determination; and

(ii) Including post-procedure genetic counseling if test result is abnormal.

(b) Prenatal ultrasonography if one or more of the following criteria are met:

(i) A woman undergoing amniocentesis, chorionic villus sampling, or percutaneous umbilical cord blood sampling;

(ii) The results on a maternal serum alpha-fetoprotein screening test are abnormal;

(iii) A woman or her partner:

(A) Has a prior child or fetus with a congenital abnormality detectable by prenatal ultrasonography; or

(B) Has a family history of congenital abnormality detectable by prenatal ultrasonography; or

(C) Is affected with a congenital abnormality detectable by prenatal ultrasonography.

(iv) A woman is suspected to be carrying a fetus with a congenital abnormality; or

(v) A medical evaluation indicates the possibility of hydramnios or oligohydramnios.

(c) Amniocentesis with pre-procedure and post-procedure genetic counseling if one or more of the following criteria are met:

(i) A woman thirty-five years of age or older at the time of delivery;

(ii) A woman or her partner having had a previous child or fetus with a chromosomal abnormality;

(iii) A woman or her partner is a carrier of a chromosomal rearrangement or anomaly;

(iv) A woman or her partner:

(A) With a neural tube defect; or

(B) Having had a child or fetus with a neural tube defect.

(v) A woman or her partner with a history of:

(A) A sibling with a neural tube defect;

(B) A parent with a neural tube defect;

(C) A niece or nephew with a neural tube defect; or

(D) Other risk factors related to a neural tube defect.

(vi) A woman and/or her partner are carriers of, or affected with, a prenatal diagnosable inherited disorder;

(vii) The results on a maternal serum alpha-fetoprotein screening test are abnormal;

(viii) A woman with a documented history of three or more miscarriages of unknown cause when circumstances prevent parental chromosomal testing;

(ix) Ultrasound diagnosis of fetal anomaly.

(2) The board recommends the following additional procedures for use of insurers, health service contractors, and health maintenance organizations in determining medical necessity on a case-by-case basis:

(a) Chorionic villus sampling with pre-procedure and post-procedure genetic counseling if one or more of the following criteria are met:

(i) A woman thirty-five years of age or older at the time of delivery;

(ii) A woman or her partner having had a previous child or fetus with a chromosomal abnormality;

(iii) A woman or her partner is a carrier of a chromosomal rearrangement or anomaly;

(iv) A woman or her partner are carriers of, or affected with, a prenatal diagnosable inherited disorder; or

(v) A woman with a documented history of three or more miscarriages of unknown cause when circumstances prevent parental chromosomal testing.

(b) Percutaneous umbilical cord blood sampling with pre-procedure and post-procedure genetic counseling if one or more of the following criteria are met:

(i) A medical evaluation indicates rapid or detailed chromosomal diagnosis is required to:

(A) Protect the health of the mother; or

(B) Predict prognosis for the fetus.

(ii) A medical evaluation indicates the possibility of a prenatal diagnosable fetal infection;

(iii) Fetal blood studies are medically indicated for isoimmunization studies or therapy;

(iv) Prenatal diagnosis of hematological disorders is medically indicated.

WSR 89-20-006

PERMANENT RULES BOARD OF HEALTH

[Order 334—Filed September 22, 1989, 10:12 a.m.]

Date of Adoption: September 22, 1989.

Purpose: To establish State Board of Health requirements for persons ordering, prescribing or requiring HIV tests and standards for HIV tests.

Citation of Existing Rules Affected by this Order: Amending chapter 70.24 RCW to be consistent with chapter 387, Laws of 1989.

Statutory Authority for Adoption: Chapter 70.24 RCW.

Other Authority: RCW 70.24.130.

Pursuant to notice filed as WSR 89-17-133 on August 23, 1989.

Effective Date of Rule: Thirty days after filing.

September 22, 1989

John A. Beare, M.D., M.P.H.

Secretary

AMENDATORY SECTION (Amending Order 329, filed 6/22/89)

WAC 248-100-207 HUMAN IMMUNODEFICIENCY VIRUS (HIV) TESTING—ORDERING—LABORATORY SCREENING—INTERPRETATION—REPORTING. (1) Any person ordering or prescribing an HIV test for another, except for seroprevalent studies under chapter 70.24 RCW or provided under subsections (2) and (3) of this section, shall:

(a) Provide or refer for pretest counseling described under WAC 248-100-209; ((and))

(b) Obtain or ensure informed specific consent of the individual to be tested separate from other consents prior to ordering or prescribing an HIV test, unless ((accepted)) excepted under provisions in chapter 70.24 RCW; and

(c) Provide or refer for post-test counseling described under WAC 248-100-209 if HIV test is positive for or suggestive of HIV infection.

(2) Blood banks, tissue banks, and others collecting or processing blood, sperm, tissues, or organs for transfusion/transplanting shall:

(a) Obtain or ensure informed specific consent of the individual prior to ordering or prescribing an HIV test, unless excepted under provisions in chapter 70.24 RCW;

(b) Explain that the reason for HIV testing is to prevent contamination of the blood supply ((~~or~~))₂ tissue₂ or organ bank donations; and

(c) At the time of notification regarding a positive HIV test, provide or ensure at least one individual counseling session.

(3) Persons subject to regulation under Title 48 RCW and requesting an insured, ((~~a~~)) subscriber, or ((~~a~~)) potential insured or subscriber((~~:~~)) to furnish the results of an HIV test for underwriting purposes, as a condition for obtaining or renewing coverage under an insurance contract, health care service contract, or health maintenance organization agreement shall:

(a) Before drawing blood to perform an HIV test, provide written information to the individual tested explaining:

(i) What an HIV test is;

(ii) Behaviors placing a person at risk for HIV infection;

(iii) The purpose of HIV testing in this setting is to determine eligibility for coverage;

(iv) The potential risks of HIV testing; and

(v) Where to obtain HIV pretest counseling.

(b) Obtain informed specific written consent for an HIV test. The written informed consent shall include:

(i) An explanation of confidential treatment of test result reports limited to persons involved in handling or determining applications for coverage or claims for the applicant or claimant; and

(ii) Requirements under subsection (3)(c) of this section.

(c) Establish procedures to inform ((~~and ensure~~)) an applicant of the following:

(i) Post-test counseling((~~:~~)) specified under WAC 248-100-209(4)((~~:~~)) is required if an HIV test is positive or indeterminate;

(ii) Post-test counseling is done at the time any positive or indeterminate HIV test result is given to the tested individual;

(iii) The applicant is required to designate a health care provider or health care agency to whom positive or indeterminate HIV test results are to be provided for interpretation and post-test counseling; and

(iv) When an individual applicant does not identify a designated health care provider or health care agency and the applicant's HIV test results are positive or indeterminate, the ((~~insurance contractor~~)) insurer, health care service contractor, or health maintenance organization shall ((~~ensure that~~)) provide the test results to the local health department for interpretation and post-test counseling ((~~is offered to the individual~~)).

(4) Laboratories and other places where HIV testing is performed shall demonstrate complete and satisfactory

participation in an HIV proficiency testing program approved by the Department Laboratory Quality Assurance Section, Mailstop B17-9, Seattle, Washington 98104.

(5) The department laboratory quality assurance section shall accept substitutions for EIA screening only as approved by the United States Food and Drug Administration (FDA) and a published list or other written FDA communication.

(6) Medical laboratories testing for the presence of HIV shall:

(a) Send an HIV test prevalence results report by telephone or in writing to the department office on AIDS (MS B17-9, Seattle, Washington 98104), quarterly or more often; and

(b) Include in the report:

(i) Number of samples tested;

(ii) Number of samples repeatedly reactive by enzyme immuno assay (EIA);

(iii) Number of samples tested by western blot assay (WBA) or other confirmatory test as approved by department office on AIDS;

(iv) Number of positive test results by WBA or other confirmatory test as approved by department office on AIDS;

(v) Number of specimens tested by viral culture; and

(vi) Number of positive test results from viral cultures.

(7) Persons informing a tested individual of positive laboratory test results indicating HIV infection shall do so only when:

(a) HIV is isolated by viral culture technique; or

(b) HIV antibodies are identified by a sequence of tests which are reactive and include:

(i) A repeatedly reactive screening test such as the enzyme immunoassay (EIA); and

(ii) An additional, more specific, assay such as a positive western blot assay (WBA) or other tests as defined and described in the AIDS office manual, April, 1988, DSHS, Mailstop LP-20, Olympia, Washington 98504.

(c) Such information consists of relevant, pertinent facts communicated in such a way that it will be readily understood by the recipient.

WSR 89-20-007

ATTORNEY GENERAL OPINION

Cite as: AGO 1989 No. 17

[September 20, 1989]

SCHOOL DISTRICTS—SCHOOL PROPERTY—HEALTH CARE CLINICS

1. School districts may lease surplus school district property to public or private entities on the condition that the leased property be used for an adolescent health care clinic, where the board of directors finds that such a use is compatible with the district's other uses for its property and where the clinic is not, directly or indirectly, operated or controlled by the school district itself (see AGO 1988 No. 2).

2. School districts may lawfully refer students to adolescent health care clinics, whether located on school premises or elsewhere, and may distribute parental consent forms to students describing the services of the clinics.
3. A school district has no authority to advertise or promote the services of an adolescent health care clinic located on school district property; school districts may distribute information about such a clinic to students, parents, and/or district employees without "advertising" them in the ordinary sense of the word.
4. An adolescent health care clinic located on school district property is free to promote or advertise its services in any lawful manner, depending on the nature of the entity operating the clinic.

Requested by:

Honorable Mike Padden
State Representative
Fourth District
425 House Office Building
Olympia, WA 98504

WSR 89-20-008
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICE
(Institutions)

[Filed September 22, 1989, 2:20 p.m.]

Continuance of WSR 89-16-105 and 89-19-003.

Title of Rule: Chapter 275-56 WAC, Community mental health programs.

Purpose: To amend rules relating to community mental health.

Statutory Authority for Adoption: RCW 74.24.035 [71.24.035].

Statute Being Implemented: RCW 74.24.035 [71.24.035].

Summary: These rule changes will have the following effect: New definitions; new sections on the development of regional support networks; revisions to provider licensure; and new sections on resource management services, emergency response system, community support services and residential services.

Reasons Supporting Proposal: This rule is necessary to establish rules and regulations for county and regional administration of community mental health programs, licensing service providers, information, accountability contracts and services.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Hanig, Mental Health Division, 586-6766.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by December 28, 1989.

Date of Intended Adoption: January 10, 1990.

September 22, 1989

Leslie F. James, Director
Administrative Services

WSR 89-20-009

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 89-115—Filed September 22, 1989, 2:50 p.m.]

Date of Adoption: September 22, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-515.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Restrictions in Areas 6, 7 and 7A provide protection for United States and Canadian origin chinook stocks. The opening in Area 6D provides opportunity to harvest the non-Indian allocation of Strait origin coho, and is necessary to prevent wastage. Openings in Area 7B provide opportunity to harvest non-Indian allocation of Nooksack-Samish origin coho, per permanent regulations. Restrictions in Area 7B are necessary to prevent overharvest of chinook. Openings in Area 7E provide opportunity to harvest surplus Glenwood Springs origin fall chinook. Area restrictions in Area 7E are necessary to maintain an orderly fishery. Openings in Areas 10 and 11 provide opportunity to harvest nontreaty allocation of South Sound origin coho stocks per permanent regulations. The restriction in Area 10 provides enhanced sport opportunity in Elliott Bay. Openings in Areas 12 and 12B provide opportunity to harvest the nontreaty allocation of Hood Canal origin coho. The restriction in Area 12B is necessary to reduce interactions between commercial and sport fisheries, and prevent overharvest of local 12B/12C coho stocks. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: 12:01 a.m., September 24, 1989.

September 22, 1989

Judith Merchant

Deputy Director

for Joseph R. Blum

Director

NEW SECTION

WAC 220-47-516 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 AM Sunday September 24th, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:

- * Areas 6, 7, and 7A – Under the control of the Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.
- * Area 6D – Gillnets using 5-inch minimum mesh and fishing with no more than 900 feet of net, and purse seines using the 5-inch strip, may fish from 5:00 PM Sunday September 24th through 5:00 PM Friday September 29.
- * Area 7B – Gillnets using 5-inch minimum, 6-inch maximum mesh may fish continuously through 4:00 PM Friday October 27 and purse seines may fish continuously through 4:00 PM Friday October 27. This fishery excludes those waters south of a line projected from Governors Point to the most northerly point of Vendovi Island.
- * Area 7E – Gillnets using 7-inch minimum mesh may fish from 5:00 PM to 9:00 AM nightly, Monday, Tuesday, Wednesday, and Thursday, September 25, 26, 27, and 28, and purse seines may fish from 5:00 AM to 9:00 PM daily, Tuesday, Wednesday, and Thursday, September 26, 27, and 28 and from 5:00 AM to 4:00 PM Friday September 29. This area 7E opening excludes those waters north of a line projected true east from Tongue Point, and closed within a 100-foot radius of the Glenwood Springs Hatchery ladder.
- * Areas 10 and 11 – Gill nets using 5-inch minimum mesh may fish from 5:00 PM Monday September 25 to 9:00 AM Tuesday September 26, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM Tuesday September 26. This opening excludes those waters of Area 10 east of a line projected from West Point to Alki Point.
- * Areas 12 and 12B – Gill nets using 5-inch minimum mesh may fish from 5:00 PM to 9:00 AM nightly, Monday and Tuesday nights, September 25 and 26, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM daily Tuesday and Wednesday September 26 and 27. This opening excludes those waters of Area 12B south and west of a line projected from Hood Point to Quatsap Point.
- * Areas 4B, 5, 6A, 6B, 6C, 7C, 7D, 8, 8A, 8D, 9, 9A, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM Sunday September 24th:

WAC 220-47-515 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (89-108)

WSR 89-20-010**PROPOSED RULES****DEPARTMENT OF LICENSING**

[Filed September 25, 1989, 9:05 a.m.]

Original Notice.

Title of Rule: Chapter 308-61 WAC, Abandoned and inoperative vehicles.

Purpose: To support and clarify provisions of chapter 46.55 RCW relative to the handling, processing, disposing and recordkeeping of abandoned vehicles in the custody and care of registered tow truck operators.

Statutory Authority for Adoption: RCW 46.55.190.

Summary: SB 5440 made significant amendments and additions to chapter 46.55 RCW. These changes and additions require clarification and procedural direction by rule in the areas of recordkeeping, vehicle processing, insurance cancellation notification, and allowable rates for services.

Reasons Supporting Proposal: Current rules do not address the new or amended sections of chapter 46.55 RCW. Rules need to be adopted to ensure uniform compliance and operating procedures for licensees.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Heather Hamilton, Highways-Licenses Building, Olympia, Washington, 753-6924.

Name of Proponent: Department of Licensing, Dealer/Manufacturer Control Division, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-61-135(7) sets forth information required to be entered on a document called the "master log" which is used by registered tow truck operators to record transactions involving impounded vehicles and will ensure uniform recordkeeping by licensees. WAC 308-61-190(3) allows properly licensed hulk haulers, wreckers, and scrap processors to dispose of abandoned vehicles purchased at an abandoned vehicle auction without first obtaining a vehicle title in their name. This waiver of the title transfer requirement allows these licensees to use the affidavit of sale as a title document for vehicle disposal purposes and is in line with current and historic industry practice.

Proposal Changes the Following Existing Rules: WAC 308-61-108(6) was amended to set forth procedural requirements for insurance cancellation notifications to registered tow truck operators. WAC 308-61-185(1) was amended to prohibit registered tow truck operators from charging customers fees for services for which there is no provision on their rate sheet. WAC

308-61-230(5) was amended to correct a reference to an obsolete section of chapter 308-61 WAC.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Licensing, Highways-Licenses Building, Olympia, Washington 98504, on November 7, 1989, at 10:00 a.m.

Submit Written Comments to: Heather Hamilton, Administrator, Dealer Division, Highways-Licenses Building, Olympia, Washington 98504, by November 7, 1989.

Date of Intended Adoption: December 11, 1989.

September 20, 1989

Mary Faulk
Director

AMENDATORY SECTION (Amending Order DLR 164, filed 2/25/88)

WAC 308-61-108 GENERAL LICENSING PROVISIONS. (1) Staggered licensing - the annual registration issued to tow truck operators shall expire on the date indicated by the director.

(2) Additional secure areas for vehicle storage - additional storage locations may be operated under one registration. No additional bond or insurance will be required for such premises so long as each is covered by the bond and insurance.

(3) If an operator has more than one registered business location, storage areas for each business location must be listed with the department under its registration.

(4) Change of name and/or address - the department shall be notified immediately, on a form provided by the department, of any change of name and/or address of any business location or of the addition of any location.

(5) Changes of ownership - any change of partners or of corporate officers shall be immediately reported to the department in writing. A complete change in ownership requires a new registration.

(6) An insurer shall notify the department at least 10 days prior to cancellation of a policy. Following receipt of such notification the department shall notify the registered tow truck operator by ordinary mail of the effective date of the insurance cancellation and that cancellation of the required insurance cancels the operator's registration pursuant to RCW 46.55.030 (3)(b). This notice to the operator shall not affect the cancellation of the registration.

AMENDATORY SECTION (Amending Order DLR 164, filed 2/25/88)

WAC 308-61-135 GENERAL PROVISIONS. (1) The properly executed written authority to tow or other evidence of lawful possession shall suffice in lieu of current license plates or trip permits for unauthorized or abandoned vehicles.

(2) Billing invoices shall indicate the time of day when an unauthorized or abandoned vehicle arrived at the secure storage area.

(3) A seller's report of sale filed with the department on a form furnished by the department shall relieve a registered owner from liability for costs incurred in the removal and storage of an unauthorized/abandoned vehicle, in addition to relieving that person from other liability pursuant to RCW 46.12.101.

(4) The junk vehicle affidavit of sale as described in (section 23) may be used to sell a vehicle to a licensed hulk hauler, scrap processor, vehicle wrecking yard or it may be used as a supporting document for issuance of a title.

(5) A stored vehicle may be redeemed any time before the start of auctioning of that particular vehicle.

(6) The written notice of the right of redemption and opportunity for a hearing to contest the validity of an impoundment, to be sent with the twenty-four hour impoundment notice on an unauthorized vehicle impoundment, shall be separate and in addition to the notice of opportunity for a hearing given to those who redeem vehicles.

(7) Information contained in the master log shall include:

(a) The dates of impound and release of vehicles;

(b) Storage lot used if multiple lots;

(c) If impound was from public or from private property and the location where the vehicle was impounded;

(d) Identity of vehicle by year, make, model, license number, and vehicle identification number;

(e) Dates of all required notices to law enforcement and to vehicle owners;

(f) Date of auction advertisement and of auction;

(g) Amount of towing and storage lien;

(h) Amount of auction proceeds;

(i) Amount of excess funds and date the disposition notice was sent to the Washington state patrol.

Entries on the master log must be made within seventy-two hours following the activity being logged.

AMENDATORY SECTION (Amending Order DLR-088, filed 1/6/86)

WAC 308-61-185 LIEN PROVISIONS. (1) No operator shall include any charges in the amount of the lien that are not specifically authorized. Subordinate charges such as mechanic fees or prior storage fees claimed by the operator or any third party shall not be allowed. All fees must be included in the towing and storage rates and no fees for other services shall be allowed. No fee may be listed on the rate sheet for which there is no provision.

(2) The towing and storage lien shall not apply to personal property not attached to and made an integral part of the vehicle.

AMENDATORY SECTION (Amending Order DLR-088, filed 1/6/86)

WAC 308-61-190 AFTER SALE. (1) Following the auction of an abandoned vehicle the operator shall give to the successful bidder an affidavit of sale, as defined, which shall disclose the amount of the lien and the amount of the successful bid. The public auction shall terminate the ownership interest of prior owners, both registered owners and legal owners.

(2) The following guidelines shall apply in establishing a valid claim for surplus funds which have been remitted to the state as the result of the auctioning of abandoned vehicles pursuant to section 13(g):

(a) The claiming individual shall show reasonable proof of his/her identity and the claim shall be in writing.

(b) The claimant must have been the registered owner of the vehicle as reflected in the records of the department of licensing at the time the vehicle was auctioned. The person indicated as purchaser on a seller's report of sale, pursuant to RCW 46.12.101, will be considered the registered owner of record for purposes of this section.

(c) Any person whose claim is denied by the state shall have the opportunity to request a departmental hearing as provided in chapter ~~((34-04))~~ 34.05 RCW.

(3) The fifteen-day title transfer requirement provided for in RCW 46.55.130 (2)(f) shall not apply to properly licensed hulk haulers, scrap processors, and wreckers who have acquired the vehicle for salvage purposes in accordance with chapters 46.79 and 46.80 RCW.

AMENDATORY SECTION (Amending Order 553-DOL, filed 9/7/79)

WAC 308-61-230 WRECKERS-PROCEDURES FOR ACQUIRING VEHICLES AND VEHICLE PARTS. Supporting acquisition. The wrecker may acquire vehicles and vehicle parts if the seller can furnish proof of ownership as follows:

(1) Certificate of title properly endorsed in the case of vehicles from states issuing a title.

(2) Certificate of registration and notarized bill of sale from a state issuing registration certificates only.

(3) Affidavit of lost or stolen title if executed by the registered and legal owner of record.

(4) Insurance company bills of sale pursuant to WAC 308-58-030.

(5) Affidavit of sale pursuant to WAC ~~((308-61-140 (1) and (2)))~~ 308-61-026(1).

(6) Authorization to dispose pursuant to RCW 46.52.150.

(7)(a) In the case of vehicle parts a bill of sale from the seller describing the specific part and giving the full name, address and verification of the seller's identity, plus date of sale. In addition, if a major component part is acquired the vehicle identification number from which it came must also be set forth on the bill of sale. For acquiring major component parts a bill of sale shall include verification of the name and address of the seller, the date, plus the identification number of the vehicle from which the major component part came.

(b) Acquiring parts from vehicles which have had identification numbers removed, defaced or tampered with shall be grounds for suspension or revocation of license, except vehicles cleared by law enforcement agencies.

(c) A copy of each bill of sale shall be maintained on acquired parts for a period of three years.

WSR 89-20-011
EMERGENCY RULES
DEPARTMENT OF LICENSING
[Filed September 25, 1989, 9:07 a.m.]

Date of Adoption: September 25, 1989.

Purpose: To support and clarify provisions of chapter 46.55 RCW amended or created by SB 5440.

Citation of Existing Rules Affected by this Order: Amending WAC 308-61-108(6), 308-61-135(7), 308-61-185(1), 308-61-190(3) and 308-61-230(5).

Statutory Authority for Adoption: RCW 46.55.190.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Rules need to be filed to ensure that uniform and specific information is contained in new recordkeeping forms; limitations on allowable fees for services charged by registered tow truck operators; clarification of insurance cancellation notification processes; title transfer requirement exemptions in-line with industry historical and current practice; and correction of a technical error relating to proper vehicle acquisition documents which prohibits acquisition of vehicles.

Effective Date of Rule: Immediately.

September 23, 1989

Mary Faulk
Director

AMENDATORY SECTION (Amending Order DLR 164, filed 2/25/88)

WAC 308-61-108 GENERAL LICENSING PROVISIONS. (1) *Staggered licensing – the annual registration issued to tow truck operators shall expire on the date indicated by the director.*

(2) *Additional secure areas for vehicle storage – additional storage locations may be operated under one registration. No additional bond or insurance will be required for such premises so long as each is covered by the bond and insurance.*

(3) *If an operator has more than one registered business location, storage areas for each business location must be listed with the department under its registration.*

(4) *Change of name and/or address – the department shall be notified immediately, on a form provided by the department, of any change of name and/or address of any business location or of the addition of any location.*

(5) *Changes of ownership – any change of partners or of corporate officers shall be immediately reported to the department in writing. A complete change in ownership requires a new registration.*

(6) *An insurer shall notify the department at least 10 days prior to cancellation of a policy. Following receipt of such notification the department shall notify the registered tow truck operator by ordinary mail of the effective date of the insurance cancellation and that cancellation of the required insurance cancels the operator's registration pursuant to RCW 46.55.030 (3)(b). This notice to the operator shall not affect the cancellation of the registration.*

AMENDATORY SECTION (Amending Order DLR 164, filed 2/25/88)

WAC 308-61-135 GENERAL PROVISIONS. (1) *The properly executed written authority to tow or other evidence of lawful possession shall suffice in lieu of current license plates or trip permits for unauthorized or abandoned vehicles.*

(2) *Billing invoices shall indicate the time of day when an unauthorized or abandoned vehicle arrived at the secure storage area.*

(3) *A seller's report of sale filed with the department on a form furnished by the department shall relieve a registered owner from liability for costs incurred in the removal and storage of an unauthorized/abandoned vehicle, in addition to relieving that person from other liability pursuant to RCW 46.12.101.*

(4) *The junk vehicle affidavit of sale as described in (section 23) may be used to sell a vehicle to a licensed hulk hauler, scrap processor, vehicle wrecking yard or it may be used as a supporting document for issuance of a title.*

(5) *A stored vehicle may be redeemed any time before the start of auctioning of that particular vehicle.*

(6) *The written notice of the right of redemption and opportunity for a hearing to contest the validity of an impoundment, to be sent with the twenty-four hour impoundment notice on an unauthorized vehicle impoundment, shall be separate and in addition to the notice of opportunity for a hearing given to those who redeem vehicles.*

(7) Information contained in the master log shall include:

(a) The dates of impound and release of vehicles;

(b) Storage lot used if multiple lots;

(c) If impound was from public or from private property and the location where the vehicle was impounded;

(d) Identity of vehicle by year, make, model, license number, and vehicle identification number;

(e) Dates of all required notices to law enforcement and to vehicle owners;

(f) Date of auction advertisement and of auction;

(g) Amount of towing and storage lien;

(h) Amount of auction proceeds;

(i) Amount of excess funds and date the disposition notice was sent to the Washington state patrol.

Entries on the master log must be made within seventy-two hours following the activity being logged.

AMENDATORY SECTION (Amending Order DLR-088, filed 1/6/86)

WAC 308-61-185 LIEN PROVISIONS. (1) No operator shall include any charges in the amount of the lien that are not specifically authorized. Subordinate charges such as mechanic fees or prior storage fees claimed by the operator or any third party shall not be allowed. All fees must be included in the towing and storage rates and no fees for other services shall be allowed. No fee may be listed on the rate sheet for which there is no provision.

(2) The towing and storage lien shall not apply to personal property not attached to and made an integral part of the vehicle.

AMENDATORY SECTION (Amending Order DLR-088, filed 1/6/86)

WAC 308-61-190 AFTER SALE. (1) Following the auction of an abandoned vehicle the operator shall give to the successful bidder an affidavit of sale, as defined, which shall disclose the amount of the lien and the amount of the successful bid. The public auction shall terminate the ownership interest of prior owners, both registered owners and legal owners.

(2) The following guidelines shall apply in establishing a valid claim for surplus funds which have been remitted to the state as the result of the auctioning of abandoned vehicles pursuant to section 13(g):

(a) The claiming individual shall show reasonable proof of his/her identity and the claim shall be in writing.

(b) The claimant must have been the registered owner of the vehicle as reflected in the records of the department of licensing at the time the vehicle was auctioned. The person indicated as purchaser on a seller's report of sale, pursuant to RCW 46.12.101, will be considered the registered owner of record for purposes of this section.

(c) Any person whose claim is denied by the state shall have the opportunity to request a departmental hearing as provided in chapter ~~((34.04))~~ 34.05 RCW.

(3) The fifteen-day title transfer requirement provided for in RCW 46.55.130 (2)(f) shall not apply to properly licensed hulk haulers, scrap processors, and wreckers who have acquired the vehicle for salvage purposes in accordance with chapters 46.79 and 46.80 RCW.

AMENDATORY SECTION (Amending Order 553-DOL, filed 9/7/79)

WAC 308-61-230 WRECKERS—PROCEDURES FOR ACQUIRING VEHICLES AND VEHICLE PARTS. Supporting acquisition. The wrecker may acquire vehicles and vehicle parts if the seller can furnish proof of ownership as follows:

(1) Certificate of title properly endorsed in the case of vehicles from states issuing a title.

(2) Certificate of registration and notarized bill of sale from a state issuing registration certificates only.

(3) Affidavit of lost or stolen title if executed by the registered and legal owner of record.

(4) Insurance company bills of sale pursuant to WAC 308-58-030.

(5) Affidavit of sale pursuant to WAC ~~((308-61-140 (1) and (2)))~~ 308-61-026(1).

(6) Authorization to dispose pursuant to RCW 46.52.150.

(7)(a) In the case of vehicle parts a bill of sale from the seller describing the specific part and giving the full name, address and verification of the seller's identity, plus date of sale. In addition, if a major component part is acquired the vehicle identification number from which it came must also be set forth on the bill of sale. For acquiring major component parts a bill of sale shall include verification of the name and address of the seller, the date, plus the identification number of the vehicle from which the major component part came.

(b) Acquiring parts from vehicles which have had identification numbers removed, defaced or tampered with shall be grounds for suspension or revocation of license, except vehicles cleared by law enforcement agencies.

(c) A copy of each bill of sale shall be maintained on acquired parts for a period of three years.

WSR 89-20-012**NOTICE OF PUBLIC MEETINGS
TRANSPORTATION IMPROVEMENT BOARD**

[Memorandum—September 22, 1989]

MEETING NOTICE FOR
OCTOBER AND NOVEMBER 1989
TRANSPORTATION IMPROVEMENT BOARD
TRANSPORTATION BUILDING
OLYMPIA, WASHINGTON 98504

Work session, 9:00 a.m. – 12:00 p.m., Friday, October 13, 1989, in Spokane at Cavanaugh's River Inn, North 700 Division Street.

TIB meeting, 1:30 p.m., Friday, October 13, 1989, at Cavanaugh's River Inn, North 700 Division Street.

Work session, 9:00 a.m. – 5 p.m., Wednesday, November 8, 1989, in Olympia, at the Transportation Building, Room 3F22.

TIB meeting, 9:30 a.m., Thursday, November 9, 1989, in Olympia, at the Transportation Building, Commission Board Room.

WSR 89-20-013**PERMANENT RULES****TACOMA COMMUNITY COLLEGE**

[Order 89-1—Filed September 26, 1989, 10:13 a.m.]

Be it resolved by the board of trustees of Tacoma Community College, District 22, acting at the John Binns Room, Building 7, Tacoma Community College, that it does adopt the annexed rules relating to chapter 132V-15 WAC, Confidentiality of student records.

This action is taken pursuant to Notice No. WSR 89-17-005 filed with the code reviser on August 3, 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 pursuant to RCW 28B.50.140(13) and is intended to administratively implement that statute.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 14, 1989.

By Carleton M. Opgaard
President

NEW SECTION

WAC 132-15-010 GENERAL POLICY. The Family Educational Rights and Privacy Act of 1974, as amended, is a federal law which requires institutions of higher education to establish written policies and guidelines governing the review, inspection, release, confidentiality and maintenance of students' education records. Tacoma Community College hereby establishes the policies and guidelines in this chapter to comply with the intent of the Act and to ensure that the education records of its students are treated responsibly.

Reviser's note: The section appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 132-15-010 is probably intended to be to WAC 132V-15-010.

NEW SECTION

WAC 132-15-020 DEFINITIONS. (1) **Act:** The Family Educational Rights and Privacy Act of 1974 (Buckley Amendment), as amended.

(2) **College:** Tacoma Community College, District 22, and its personnel and facilities.

(3) **College official:** A College employee acting in the student's educational interest within the limitations of his/her need to know. May include faculty, administrators, clerical and professional employees and other persons who manage student records information.

(4) **Directory Information:** Information authorized for external release by the College without the student's written consent. It includes only the student's name and the dates of his/her attendance.

(5) **Disclosure:** Permitting access to or the release, transfer or other communication of a student's education records or other personally identifiable information orally, in writing, by electronic means or any other means to any party.

(6) **Education Records:** Documents, materials, files, transcripts or other such information directly related to a student and maintained by the College. May be referred to as "records" in this chapter.

(7) **Eligible Student:** A student who has reached the age of 18 or is officially enrolled in classes at the College. Interchangeably used with "student" in this chapter.

(8) **Legitimate Educational Interest:** The demonstrated need to know by College officials determined to act in a student's educational interest. May include faculty,

administrators, clerical and professional employees, and other persons who manage student records information.

(9) **Office of Record:** The official site where the originals of specific student records are maintained and authorized for student access.

(10) **Parent:** The mother, father, legal guardian of a student or the individual authorized to act on behalf of the student.

(11) **Personally Identifiable Information:** Data or documents which include

(a) the name of the student, the student's parents or other family members;

(b) the student's address;

(c) a personal identifier such as a social security or student number; and

(d) a list of personal characteristics or other information which would make the student's identity easily traceable.

(12) **Instructional Day:** Any day or evening, excluding Saturdays and Sundays, on which classes or examinations are scheduled and held.

Reviser's note: The section appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 132-15-020 is probably intended to be to WAC 132V-15-020.

NEW SECTION

WAC 132-15-030 TYPE/LOCATION/RESPONSIBILITY OF RECORDS. (1) The College maintains the following student education records in the Offices of Record listed and under the control of the designated College official:

(a) **Admissions Center** – A designated records custodian oversees the maintenance and processing of student applications for admission and the high school records, test scores and supportive letters and materials which influence student access.

(b) **Advising/Career Services Center** – Designated records custodians are responsible for creating, maintaining and processing student educational records, such as copies of registration forms, unofficial transcripts and assessment scores.

(c) **Cooperative Education** – The records custodian reviews, monitors and maintains such student records as program orientation forms, student enrollment forms and program evaluation forms.

(d) **Counseling Center** – The Counseling Department Chairperson is responsible for the maintenance, security and access of such student educational records as interest inventories, advising transcripts, test scores, agency evaluations, and individual counseling case notes.

(e) **Dial Center** – The records custodian in this facility is responsible for the development and retention of student attendance and academic progress records.

(f) **Financial Aid Office** – The records custodian of this Office of Record is charged with collecting, analyzing, processing and maintaining personal fiscal data of students to assist in determining their eligibility for financial aid. Student records generated from this office include those associated with grants, loans, scholarships, employment and job placement.

(g) **Registration/Records Center and Off-Campus Centers** – The Registrar is responsible for maintaining

and assessing student requests for registration forms, class attendance rosters, grade rosters, grade change forms, change of program forms, certificate/degree applications, official transcripts and other forms which chart student achievement.

(h) Veterans Services – The records custodian of the Veterans' Services office collects and maintains for veteran students such records as forms for verification of enrollment for program completion and others which are required for compliance with Veteran Administration guidelines.

(i) Security and Parking Services – The records custodian in this unit is assigned the responsibility of processing and maintaining incident reports.

(j) Foreign Student Services – The records custodian manages such student records as high school transcripts from foreign countries; copies of I-20 identification cards; copies of I-94s; the student's arrival documents; copies of visas; copies of I-538s; reinstatement forms; proofs of financial support; proofs of English proficiency; and proofs of student transfers.

(k) Student Assessment Office – The records custodian of the Student Assessment Office is responsible for the reporting and maintenance of assessment scores.

(l) Dean of Student Services Office – The records custodian of this office is responsible for maintaining academic standards records and student discipline records.

(m) Occupational Education – The occupational program coordinators service as records custodians responsible for those student records essential to document admissions criteria, program progress, and program completion.

(n) Occasional Records – The appropriate college official for student education records not listed above will collect and maintain such occasional records.

(2) The College shall retain the education records of students pursuant to the retention schedules established by each Office of Record.

(3) The College shall establish a student education records retention system in such other Offices of Record which may be created.

Reviser's note: The section appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 132-15-030 is probably intended to be to WAC 132V-15-030.

NEW SECTION

WAC 132-15-040 RIGHT TO REVIEW AND INSPECT RECORDS. (1) A student shall have the right to review and inspect his/her education records provided he/she

(a) identifies the specific record(s) to be reviewed. In some instance, written requests for information will be required;

(b) presents identification sufficient to validate his/her identity;

(2) After a student submits such a request, the College official of the Office of Record shall respond to the request within a reasonable period of time, but in no case more than forty-five (45) days after the request has been made.

(3) A student authorized to review or inspect his/her education records shall be accompanied by a staff person

of the Office of Record assigned to explain and interpret the record(s) of interest.

(4) A student may have copies made of his/her education records provided no financial hold has been placed on his/her records by any administrative unit. All copies produced shall be at the student's expense, and he/she shall be charged a rate no greater than ONE (\$1.00) DOLLAR per page.

(5) A student shall maintain his/her right to review and inspect his/her education records irrespective of his/her outstanding financial obligation to the College.

Reviser's note: The section appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 132-15-040 is probably intended to be to WAC 132V-15-040.

NEW SECTION

WAC 132-15-050 RIGHTS OF STUDENT. (1) If, after a review of his/her records, a student believes they contain information that is inaccurate, misleading or in violation of his/her privacy or other rights, the student may submit a written appeal to the Dean of Student Services.

(2) Within a reasonable time, but no more than twenty (20) instructional days after the receipt of an appeal, the Dean of Student Services shall establish an ad hoc committee consisting of two (2) students, two (2) faculty, one (1) classified staff person, and one (1) administrator to review the appeal.

Reviser's note: The section appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 132-15-050 is probably intended to be to WAC 132V-15-050.

NEW SECTION

WAC 132-15-060 CONDUCT OF APPEAL. (1) A hearing shall normally be held within twenty (20) instructional days after the Dean of Student Services receives the appeal.

(2) The hearing shall be conducted by the Dean of Student Services or his/her designee who shall be an official of the College who does not have a direct interest in the final decision of the committee.

(3) In presenting his/her appeal, the student may have assistance from or be represented by an individual or an attorney of his/her choice and at his/her own expense. The College may choose to be represented by its Assistant Attorney General.

(4) Within ten (10) instructional days after the hearing the Dean of Student Services or his/her designee shall prepare a final written decision based solely on the evidence presented during the hearing. A copy of the final decision shall be made available to the student.

(5) If the final decision of the Dean of Student Services mandates amendments to the student's education records, the College official of the Office of Record shall make said amendments within ten (10) instructional days after the notification and so inform the student in writing.

(6) If the student disagrees with the final decision, he/she shall have the right to place a statement to this effect in his/her education records. This statement shall

be retained in the student's file and shall become a permanent part of the student's education record for as long as the record is maintained.

Reviser's note: The section appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 132-15-060 is probably intended to be to WAC 132V-15-060.

NEW SECTION

WAC 132-15-070 LIMITATIONS ON A STUDENT'S RIGHT TO REVIEW AND INSPECT. (1) Pursuant to Section 438 of the Act, the College shall not permit a student to review and inspect the following records:

(a) the confidential financial records and statements of parents or any information contained in such records/statements;

(b) confidential letters and confidential statements of recommendation which were placed in the education records of the student prior to January 1, 1975; provided that the letters/statements were solicited with the written assurance of confidentiality and are to be used only for the purposes for which they were specifically intended;

(c) confidential letters of recommendation and confidential statements of recommendations which were placed in the education records of the student after January 1, 1975 pertaining to admission to an education institution, to an application for employment, or to the receipt of an honor or honorary recognition which a student has waived his/her inspection/review rights under WAC 132-15-080; and

(d) the education records of a student which contains information on more than one student. Only the specific information pertaining to the student requesting access shall be considered for release.

(2) The College shall retain the education records of students pursuant to the retention schedules established by each Office of Record.

Reviser's note: The section appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 132-15-070 is probably intended to be to WAC 132V-15-070.

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

NEW SECTION

WAC 132-15-080 WAIVING RIGHT TO INSPECT AND REVIEW. (1) A student may waive any or all of his/her all rights under the Act, subject to the following:

(a) that the College did not require the waiver;

(b) that no college services be denied a student who fails to supply a waiver;

(c) that he/she completes and signs TCC Form TCC-REG-062, and identifies which records may be examined; and

(d) that the documents to which a student has waived the right to access are used only for the purposes for which they were collected. If the College uses them for other purposes, the waiver shall be voided and the documents may be inspected.

Reviser's note: The section appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 132-15-080 is probably intended to be to WAC 132V-15-080.

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

NEW SECTION

WAC 132-15-090 THIRD PARTY ACCESS TO RECORDS - EXTERNAL. (1) The College may authorize the following persons/agencies to have access to students' education records:

(a) officials of other institutions in which the student seeks to enroll;

(b) persons or organizations providing the student financial aid;

(c) accrediting agencies carrying out their accreditation function;

(d) persons in compliance with a judicial order after written notification to the student;

(e) persons acting pursuant to any lawfully issued subpoena;

(f) persons, in response to an emergency, whose actions are considered to protect the health or safety of students or other persons; and

(g) organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction; Provided, that the studies are conducted in a manner which will not permit the personal identification of student and their parents by individuals other than representatives of the organization and the information will be destroyed when no longer needed for the purposes for which the study was conducted. The term "organizations" includes, but is not limited to, Federal, State and local agencies, and independent organizations.

Reviser's note: The section appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 132-15-090 is probably intended to be to WAC 132V-15-090.

NEW SECTION

WAC 132-15-100 THIRD PARTY ACCESS TO RECORDS - INTERNAL. (1) Within the Tacoma Community College community, only those persons, individually and collectively, acting in the student's educational interest shall be allowed access to a student's education records. These persons include employees in the

(a) Admissions, Counseling, Advising and Registration Centers;

(b) Financial Aid Office;

(c) Office of the Dean for Student Services;

(d) Security and Parking Services; and

(e) Offices of Record.

(2) Other administrative and academic personnel may have access within the limitations of their need to know.

Reviser's note: The section appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 132-15-100 is probably intended to be to WAC 132V-15-100.

NEW SECTION

WAC 132-15-110 STUDENT RECORDS AS DIRECTORY INFORMATION. (1) The College shall provide only the student's name and the dates of his/her attendance as directory information.

(2) A student may withhold directory information by completing TCC Form TCC-REG-062 and submitting it to the Registrar or by notifying the Dean of Student Services or the Registrar in writing within two weeks after the first day of classes for any quarter.

(3) The College will honor a student's request for non-disclosure for only one academic year; therefore, a student must file a request to withhold directory information annually.

(4) The College may release directory information by telephone.

Reviser's note: The section appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 132-15-110 is probably intended to be to WAC 132V-15-110.

NEW SECTION

WAC 132-15-120 ANNUAL NOTIFICATION ON RIGHTS. (1) The College shall notify students and parents of students currently in attendance of their rights under the Act

(a) by making copies of this Chapter available in the Admissions and Registration Centers during fall quarter registrations for currently-enrolled, new and returning students;

(b) by publishing an announcement regarding the existence of this Chapter in the College quarterly mailer;

(c) by publishing a summary of this Chapter in the College's biennial catalog; and

(d) by publishing this Chapter in the student handbook.

Reviser's note: The section appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 132-15-120 is probably intended to be to WAC 132V-15-120.

WSR 89-20-014**PERMANENT RULES****HIGHER EDUCATION COORDINATING BOARD**

[Filed September 26, 1989, 12:55 p.m.]

Date of Adoption: September 20, 1989.

Purpose: Adoption of rules to implement ESB 6152, chapter 9, Laws of 1989, the health professionals loan repayment program.

Citation of Existing Rules Affected by this Order: New program, WAC 250-68-010 through 250-68-070.

Statutory Authority for Adoption: ESB 6152, chapter 9, Laws of 1989.

Pursuant to notice filed as WSR 89-16-072 on July 31, 1989.

Effective Date of Rule: Thirty days after filing.

September 20, 1989

Ann Daley

Executive Director

STATE OF WASHINGTON
HEALTH PROFESSIONAL LOAN REPAYMENT
PROGRAM

Chapter 9, Laws of 1989

RULES AND REGULATIONS

WAC 250-68

WAC 250-68-010 Purpose.

WAC 250-68-020 Authority to Administer.

WAC 250-68-030 Eligibility to Participate.

WAC 250-68-035 Ineligible Program.

WAC 250-68-040 Selection Criteria.

WAC 250-68-050 Award Amount.

WAC 250-68-060 Repayment Provisions.

WAC 250-68-070 Appeals.

The following general regulations govern the administration of loan repayments awarded to health professionals serving in shortage areas.

NEW SECTION

WAC 250-68-010 PURPOSE. The purpose of the health professional loan repayment program is to encourage health professionals (as defined by chapters 18-.57 or 18.57A RCW, 18.71 or 18.71A RCW, 18.18 or 18.78 RCW, and 18.32 RCW) to serve in shortage areas by providing financial support in the form of loan repayment if the participant renders health care service in medically underserved areas or professional shortage areas within Washington state.

NEW SECTION

WAC 250-68-020 AUTHORITY TO ADMINISTER. The higher education coordinating board is charged with the administration of the health professional loan repayment program. These regulations are being adopted pursuant to the authority of section 716 through 723, chapter 9, laws of 1989, first ex. sess. When a responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

NEW SECTION

WAC 250-68-030 ELIGIBILITY TO PARTICIPATE. To be eligible to apply, an individual must:

(1) Be enrolled as a full-time student in the final year of an approved course of study or program which leads to a degree in allopathic or osteopathic medicine, dentistry, or other health professions and which is offered by an accredited school; or be enrolled in an accredited graduate training program; or have a degree in one of the above named programs and have completed an approved graduate training program; or have a current and valid license to practice such health profession in Washington state by the time of execution of contract; or be in the final stage of training to be a licensed doctor of medicine, osteopathy, nursing (to include nurse practitioners and certified nurse midwives as defined by chapter 18.88 RCW), physician assistant, or dentistry.

(2) Submit an application on a form provided by the higher education coordinating board for participation in the health professional loan repayment program;

(3) Agree to serve for not less than three years;

(4) Agree to charge for professional services at the usual and customary rate prevailing in the area in which such services are provided;

(5) Agree not to discriminate against any person on the basis of his/her ability to pay for services or because payment for the health services provided to the individual will be made under part A or B of Title XVIII of the federal Social Security Act or under a state plan for medical assistance approved under Title XIX of such Act;

(6) Agree to accept an assignment under the terms specified in Title XVIII of the federal Social Security Act, section 18.42 (b)(3)(B)(ii);

(7) Agree to enter an agreement with the state medicaid agency to provide services to individuals entitled to medical assistance under the plan;

(8) Agree to repay to the program an amount equal to twice the total amount paid by the program on their behalf if the three year service obligation is not met;

(9) Not owe an obligation for health professional service to the federal government, state, or other entity unless that obligation will be completely satisfied prior to the beginning of service under this program.

NEW SECTION

WAC 250-68-035 INELIGIBLE PROGRAM. Participants in the nurses conditional scholarship program authorized by chapter 28B.104 RCW are ineligible to receive assistance under this health professional loan repayment program.

NEW SECTION

WAC 250-68-040 SELECTION CRITERIA. Applicants will be selected for participation in the health professional loan repayment program based upon the following criteria:

(1) The individual's training is in a health profession or specialty needed to fulfill an underserved area in Washington state;

(2) The individual's commitment to serve in a medically underserved area or community-based primary care site as determined by the statement of commitment on the application form;

(3) The availability of the individual for service, with highest consideration being given to individuals who will be available for service at the earliest dates;

(4) The length of the individual's proposed service obligation, with greatest consideration being given to persons who agree to serve for longer periods of time; and

(5) The individual's academic standing, prior professional experience in a medically underserved area or health manpower shortage area, board certification, residency achievements, peer recommendations, depth of past residency practice experience, and other criteria related to professional competence or conduct.

Among individuals determined to be eligible for the program, priority will be given those qualified applicants

whose health profession or specialty is most needed, including family practice, osteopathic general practice, obstetrics, nurse midwives, nurse practitioners, baccalaureate nurses, physician assistants, dentists, and to applicants most committed to medically underserved areas and health manpower shortage areas.

NEW SECTION

WAC 250-68-050 AWARD AMOUNT. The amount of the loan repayment shall be limited to (a) an amount not exceeding fifteen thousand dollars per year for a minimum of three years and a maximum of five years or (b) the total amount of the loan, whichever is less. The board may establish awards of less than fifteen thousand dollars per year based upon reasonable levels of expenditures for each of the health professions covered by the program. In no case shall the award amount exceed the actual loan debt incurred.

As part of the award procedure, each participant must sign an agreement with the board which serves as the legal document verifying the participant's understanding of the obligation to serve for three years in a shortage area or repay to the program an amount equal to twice the total amount paid on their behalf in addition to the unsatisfied portion of the principal and interest.

NEW SECTION

WAC 250-68-060 REPAYMENT PROVISIONS. Participants shall receive payment from the program for the purpose of repaying educational loans secured while attending a program of health professional training which led to licensure as a health professional.

(1) Repayment shall be limited to loans covering reasonable educational and living expenses and shall include principal and interest.

(2) Repayment of loans shall begin no later than ninety days after the board has received notification the participant has officially accepted placement. Payments shall be made quarterly, or more frequently if deemed appropriate by the board, to the participant until the loan is repaid or the participant becomes ineligible due to discontinued service in a health professional shortage area or after the fifth year of service when eligibility discontinues, whichever comes first.

(3) Financial debts or service obligations which do not qualify for repayment include: Public Health and National Health Service Corps scholarship training program, National Health Service Corps scholarship program, Armed Forces (Army, Navy, or Air Force) health professional scholarship programs, and loans not obtained from a government entity or commercial lending institution, such as loans from friends and relatives, and loans obtained for educational or personal expenses while at school which exceed the "reasonable" level of cost of attendance.

(4) Participants will be required to submit appropriate documentation of service as required by the board verifying the terms of the agreement have been met for each payment period.

(5) Participants violating the non-discrimination provisions described in WAC 250-68-050 (6)(7)(8) shall be declared ineligible for receiving assistance.

(6) Participants who serve less than three years shall be required to repay to the program an amount equal to twice the total amount paid by the program on their behalf in addition to the unsatisfied portion of the principal and interest.

(7) On the request of the participant, the board may waive, in full or in part, the obligation for service or its rights to recover financial damages whenever the board determines that failure to do so was due to circumstances beyond the participant's control. Conditions that would be considered as a waiver from default provisions may include: participant becomes physically impaired to the degree that he/she can no longer function in his/her assigned duties; or participant becomes mentally impaired to the degree that he/she can no longer function in his/her assigned duties; or death.

(8) Participants shall agree to execute a release to allow the board access to loan records and to acquire information from lenders necessary to verify eligibility and to determine payments. Loans may not be renegotiated with lenders to accelerate repayment.

(9) The board shall not be held responsible for any outstanding payments on principal and interest to any lenders once a participant's eligibility expires.

NEW SECTION

WAC 250-68-070 APPEALS. Participants who have been accepted in the health professional loan repayment program may request in writing a review of any adverse decision affecting them by requesting such review within 20 days of adverse decision, addressed to the executive director of the higher education coordinating board. The review shall be handled by brief adjudication hearing procedures as outlined in the administrative act chapter 34.05 RCW.

WSR 89-20-015
NOTICE OF PUBLIC MEETINGS
THE EVERGREEN STATE COLLEGE

[Memorandum—September 25, 1989]

The November 8 meeting of the Evergreen State College board of trustees will be held on The Evergreen State College campus in the Daniel J. Evans Library Building, Room 3112, at 1:30 p.m. (instead of in Spokane).

WSR 89-20-016
PERMANENT RULES
DEPARTMENT OF ECOLOGY
[Order DE 89-21—Filed September 27, 1989, 8:31 a.m.]

I, Fred Olson, deputy director of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to Bellevue, city of, WAC 173-19-2503.

This action is taken pursuant to Notice No. WSR 89-16-028 filed with the code reviser on July 25, 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 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED September 5, 1989.

By Fred Olson
Deputy Director

AMENDATORY SECTION (Amending Order DE 83-3, filed 3/23/83)

WAC 173-19-2503 BELLEVUE, CITY OF. City of Bellevue master program approved February 26, 1975. Revision approved January 8, 1979. Revision approved May 14, 1981. Revision approved February 24, 1983. Revision approved September 5, 1989.

WSR 89-20-017
PERMANENT RULES
INSURANCE COMMISSIONER

[Order R 89-11—Filed September 27, 1989, 11:23 a.m.]

Date of Adoption: September 27, 1989.

Purpose: To repeal WAC 284-55-130.

Citation of Existing Rules Affected by this Order:
Repealing WAC 284-55-130.

Statutory Authority for Adoption: RCW 48.02.060, 48.44.050 and 48.46.200, to implement RCW 48.66.041.

Pursuant to notice filed as WSR 89-17-060 on August 15, 1989.

Effective Date of Rule: Thirty days after filing.

September 27, 1989

Dick Marquardt
Insurance Commissioner
By David H. Rodgers
Chief Deputy
Insurance Commissioner

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-55-130 SUBSTITUTION OF POLICIES.

WSR 89-20-018
PROPOSED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
[Order 89-10—Filed September 27, 1989, 12:51 p.m.]

Continuance of WSR 89-19-015.

Title of Rule: Chapter 296-62 WAC, General occupational health standards; chapter 296-65 WAC, Asbestos removal and encapsulation; and chapter 296-115 WAC, Passenger vessels.

Purpose: Chapters 296-62 and 296-65 WAC are being amended to comply with Washington State Laws of 1989, SSB 5681 relating to asbestos projects. Chapter 296-62 WAC is also being amended to adopt changes to be "identical to Federal Register Volume 54, Number 42 dated March 6, 1989, affecting hazardous waste operations and emergency response. Chapter 296-115 WAC is being amended to comply with Washington State Laws of 1989, SSB 5265 relating to the regulation of charter boats.

Other Identifying Information: Chapter 296-62 WAC, General occupational health standards, is amended with state-initiated changes to comply with Washington SSB 5681, which amends chapter 49.26 RCW relating to asbestos projects, and to correct specific terminology. Amended sections are WAC 296-62-07703, 296-62-07707, 296-62-07712, 296-62-07721 and 296-62-07753; chapter 296-65 WAC, Asbestos removal and encapsulation, is amended with state-initiated changes to comply with Washington SSB 5681 which amends chapter 49.26 RCW relating to asbestos projects to correct terminology, and to make new legislative requirements available in WAC standards for enforcement. Amended sections are WAC 296-65-001, 296-65-003, 296-65-005, 296-65-010, 296-65-015, 296-65-020, 296-65-025 and 296-65-030. New sections are 296-65-007, 296-65-012, 296-65-017, 296-65-035 and 296-65-050; chapter 296-62 WAC, Occupational safety and health standards, is amended with federal-initiated changes to be "identical" to comparable federal final rule 29 CFR 1910.120, as published in Federal Register Volume 54, Number 42 dated March 6, 1989, and OSHA Instruction 2-1.154 amending rules affecting hazardous waste operations and emergency response. The standard provides for employee protection during initial site characterization and analysis, monitoring activities, materials handling activities, training and emergency response for hazardous substance releases and spills. Coverage includes employees involved in responses covered by the Comprehensive Environmental Compensation and Liability Act of 1980 as amended (CERCLA or "Superfund" Act); the Conservation and Recovery Act of 1976 (RCRA); and the Superfund Amendments and Reauthorization Act of 1988 (SARA) and is mandated by those acts. Amended sections are WAC 296-62-300, 296-62-3010, 296-62-3020, 296-62-3030, 296-62-3040, 296-62-3050, 296-62-3060, 296-62-3070, 296-62-3080, 296-62-3090, 296-62-3100, 296-62-3110, 296-62-3120, 296-62-3130, 296-62-3140, 296-62-3152, 296-62-3160, 296-62-3170, 296-62-3180 and 296-62-3190. New sections are WAC 296-62-3112 and 296-62-3138. The repealed section is WAC 296-62-3150; and chapter 296-115 WAC, Passenger vessels (inland), is amended with state-initiated changes to comply with Washington SSB 5265 which amends chapter 88.04 RCW relating to the regulation of charter boats. Amended sections are WAC 296-115-030 and 296-115-120.

Statutory Authority for Adoption: Chapters 34.05 and 49.17 RCW and chapter 1-21 WAC.

Statute Being Implemented: RCW 49.17.040, 49.17-050 and 49.17.060.

Summary: See above.

Reasons Supporting Proposal: To ensure a safe and healthful workplace for all employees in Washington state.

Name of Agency Personnel Responsible for Drafting: Ray Wax, 805 Plum Street S.E., Olympia, WA, 753-6500; **Implementation and Enforcement:** Alan S. Paja, 805 Plum Street S.E., Olympia, WA, 753-6500.

Name of Proponent: Department of Labor and Industries, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Four individual statements were submitted with CR 102, filed July 5, 1989.

Rule is necessary because of federal law, for hazardous waste adoption, Federal Register Volume 54, Number 42, dated March 6, 1989, Hazardous waste operations and emergency response, final rule.

Explanation of Rule, its Purpose, and Anticipated Effects: Position summaries were submitted with CR 102, filed July 5, 1989, WSR 89-14-124.

Proposal Changes the Following Existing Rules: Position summaries were submitted with CR 102, filed July 5, 1989, WSR 89-14-124.

Small Business Economic Impact Statement: Four statements were submitted with CR 102, filed July 5, 1989, WSR 89-14-124.

Date of Intended Adoption: October 10, 1989.

September 27, 1989
Dorette M. Markham
for Joseph A. Dear
Director

WSR 89-20-019

PROPOSED RULES

BOARD OF HEALTH

[Filed September 27, 1989, 2:25 p.m.]

Original Notice.

Title of Rule: Chapter 248-105 WAC, Regulations for crippled children's services.

Purpose: To update chapter 248-105 WAC to comply with the current policies and procedures of the children's coordinated services program (CCS).

Statutory Authority for Adoption: RCW 43.20.140 and 43.20.050.

Statute Being Implemented: RCW 43.20.140 and 43.20.050.

Summary: Repealing WAC 248-105-040, 248-105-050 and 248-105-060; and amending WAC 248-105-010, 248-105-020, 248-105-030, 248-105-070, 248-105-080, 248-105-090 and 248-105-100. Establishes new definitions and client eligibility criteria. Repeals some restrictive limitations on provision of services to children.

Reasons Supporting Proposal: To allow provision of services to children who have physically handicapping conditions but may have been excluded from services under medical eligibility requirement in current WAC rule.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bureau of Parent-Child Health Services, LC 11B, 753-0908.

Name of Proponent: Kathy Chapman, M.N., governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: To update chapter 248-105 WAC to comply with the current policies and procedures of the children's coordinated services program. Will allow provision of services to children with handicapping conditions who are excluded from services. Will establish new definitions and client eligibility criteria. Repeals some restrictive limitations on provision of services to children.

Proposal Changes the Following Existing Rules: Repeals some sections of existing WAC and amends some sections of WAC to update chapter 248-105 WAC and allow provision of services to certain children, and establishes new definitions and client eligibility criteria.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: St. Placid Priory, 320 College Street N.E., Lacey, WA 98506, on November 8, 1989, at 9:30 a.m.

Submit Written Comments to: State Board of Health, Olympia, ET-23, by November 7, 1989.

Date of Intended Adoption: November 17, 1989.

August 16, 1989
Lucille Christenson
Acting Secretary

AMENDATORY SECTION (Amending Order 247, filed 12/2/82)

WAC 248-105-010 DECLARATION OF PURPOSE. (1) The following rules (~~are adopted pursuant to~~) implement RCW 43.20.140 (~~wherein~~) appointing both the:

(a) State board of health (~~is empowered~~) authority to promulgate rules and regulations (~~as shall be~~) necessary to carry out the purposes of RCW 43.20A.635 (~~empowering the~~); and

(b) Secretary of the department of social and health services authority to establish and administer a program of services for (~~crippled~~) children with special health care needs. (~~It is the purpose of the crippled children's services program to develop, extend, and improve services for locating, diagnosing, and treating children who are crippled or who are suffering from physical conditions leading to crippling.~~)

(2) The department shall administer the children's coordinated services (CCS) program:

(a) In accordance with RCW 43.20A.635 (~~and these~~), rules (~~the crippled children's services (CCS) program shall limit services in such manner and degree as will assure, in the judgment of the physician-director, provision of optimum services to crippled children with the greatest needs, commensurate with the fixed funding available to CCS.~~ It is the declared purpose of the department of social and health services and the state board of health that the CCS program shall be administered strictly)) of this section, and program manuals; and

(b) Within the limits of funds available (~~for CCS purposes and that CCS may not authorize provision of services beyond those limits~~).

AMENDATORY SECTION (Amending Order 247, filed 12/2/82)

WAC 248-105-020 DEFINITIONS. (1) "Client" means an individual (~~whose application for crippled children's services program~~

~~funds has been approved~~) seventeen years of age and under with a physical impairment placing the client at risk of being disabled or handicapped.

(a) "Physical impairment" means any loss or abnormality of physiological or anatomical structure or function.

(b) "Disability" means any restriction or lack resulting from a physical impairment of ability to perform an activity in the manner or within the range considered normal.

(c) "Handicap" means a disadvantage for a given individual, resulting from a physical impairment or disability, that limits or prevents the fulfillment of a role that is normal, depending on age, sex, and social and cultural factors, for that individual.

(2) (~~"Crippled child" means an individual below the age of eighteen years having an organic disease, defect or condition substantially interfering with normal growth and development.~~

(3)) "CCS" means (~~crippled~~) children's coordinated services.
~~((4) "DSHS") (3) "Department" means department of social and health services or its successor.~~

~~((5) "Limited intervention" means treatment given during a limited period of time designed to move a client's status from a lower to a substantially higher level of functioning.~~

(6)) (4) "Local CCS agency" means the local health department and/or district or other local agency (~~locally~~) administering the CCS program (~~for~~) in the county where the CCS (~~applicant or~~) client resides.

~~((7) "Physician-director" means a medical doctor or osteopath employed by the department of social and health services having the following qualifications:~~

(a) Doctorate of medicine from a school of medicine accredited by the liaison committee on medical education; and

(b) Licensed to practice medicine in the state of Washington; and

(c) Certified (or eligible for certification) by an appropriate medical specialty board.

(8)) (5) "Services" means health-related interventions including early identification, case management, medical, surgical and rehabilitation care, and equipment and appliances provided in hospitals, clinics, offices, and homes by approved physicians and other approved health care providers.

AMENDATORY SECTION (Amending Order 247, filed 12/2/82)

WAC 248-105-030 ((PROGRAM)) CLIENT ELIGIBILITY. (~~Medical and financial eligibility is required in order to confine program expenditures for services to the program funding available. Both medical and financial eligibility must be established before an applicant may receive service which may be paid for by CCS program funds. However, determinations of financial and medical eligibility do not constitute entitlement to services. Services must be requested by providers and authorized in advance by CCS according to procedures outlined in WAC 248-105-060.~~)

(1) (~~Medical eligibility shall be determined by the physician-director of the crippled children's services program and shall be based upon the following medical criteria:~~

(a) The applicant's physical condition must be of such a nature that the applicant is crippled or is expected to become crippled; and

(b) The condition must be beyond the usual scope of routine medical care and must not be a problem common to children during the growing-up process, such as upper respiratory infections, ear infections, urinary tract infection, pneumonia, and appendicitis; and

(c) The condition must be amenable to limited intervention; and

(d) The condition must not be of a kind requiring long-term continuous treatment to maintain the condition at a relatively stable level; and

(e) There must be a strong likelihood the treatment will have a substantial impact upon the crippling conditions) Children seventeen years of age and under having physical impairments placing them at risk of being disabled or handicapped shall be provided, or provided access to, early identification, case management, and introduction into community-based comprehensive medical care under WAC 248-105-020(5).

(2) (~~The crippled children's services program shall determine at least annually the financial eligibility of individual clients for CCS services according to criteria established by the department. These criteria shall consider nationally accepted standards of living for low-income families such as federal poverty levels or state median income, adjusted for family size. A client shall be determined eligible if his or~~

her family's resources are insufficient to cover the cost of eligible medical services required by the client during the period of his or her eligibility. Resources shall include:

(a) Family income from all sources;
 (b) Family savings, property, and other assets;
 (c) Medical insurance or other third-party resources)) families financially eligible under this section may be eligible for the purchase of health-related intervention services, such as medical or surgical care, or equipment and appliances under WAC 248-105-070(5). CCS-funded services may be limited even when financial eligibility criteria are met.

(3) The local CCS agency shall determine financial eligibility by a financial means test published by the department and based on poverty income guidelines issued annually by the department of health and human services.

AMENDATORY SECTION (Amending Order 247, filed 12/2/82)

WAC 248-105-070 QUALIFICATIONS AND ASSURANCES OF PROVIDERS. (1) Hospitals ((authorized by CCS to provide services must be accredited by)) providing services under RCW 43.20.140 and this chapter shall:

(a) Be approved by the joint commission of accreditation of hospitals; and ((licensed)

(b) Qualify and receive a license by the state ((of location)) where the hospital is located.

(2) ((Physicians and other health care providers authorized by CCS to provide services must meet all requirements and assurances set forth in the crippled children's services provider agreement form)) Providers of services under RCW 43.20.040 and this chapter shall:

(a) Have a license or certificate in the state of Washington as required; and

(b) Meet certification requirements for provider profession as required by an organization representing provider profession at the national level.

(3) The department shall provide services under RCW 43.20.140 and this chapter. Physicians shall have:

(a) A license to practice medicine in each state where they practice; and

(b) Certification under the appropriate American specialty board; or
 (c) Board certification eligibility as designated by the appropriate specialty board.

AMENDATORY SECTION (Amending Order 247, filed 12/2/82)

WAC 248-105-080 FEES AND PAYMENTS. ((Payments)) (1) The department shall pay CCS-sponsored services to providers ((of services shall be made)) only in accordance with:

(a) The ((DSHS)) department's division of medical assistance schedule of maximum allowances; and

(b) The ((crippled)) children's coordinated services supplemental fee schedule as published and distributed by the bureau of parent-child health services.

(2) The department or local CCS agency may negotiate fees with the providers below the rates under subsection (1) of this section.

(3) Each provider shall accept the fees described under subsection (1) and (2) of this section as full payment for services rendered.

AMENDATORY SECTION (Amending Order 247, filed 12/2/82)

WAC 248-105-090 THIRD-PARTY ((RESOURCES)) PAYMENT. ((CCS is a secondary payer to all private and other public funded health programs. Such sources of funding must be utilized before CCS payment is made. These sources include, but are not limited to, insurance, Medicaid, Medicare, CHAMPUS (Civilians Health and Medical Program of the Uniformed Services) including provisions for basic benefits and benefits under the program for the handicapped, and other special programs with liability for health care, such as prisons, group or foster homes, and state mental hospitals and facilities. No payment will be made where trust funds or other protected assets are available)) The department shall pay CCS funds to hospitals, providers, and physicians only after payment by all other private and public funding resources, except where prohibited by federal law.

AMENDATORY SECTION (Amending Order 247, filed 12/2/82)

WAC 248-105-100 REPAYMENT. The department shall require repayment ((from)) to CCS when the provider(;) or family

((or other source is required should trusts)) subsequently receives insurance benefits, court-awarded damages, or like funds ((become available, and when payments have been made to the family or provider)) for services previously paid for by CCS.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 248-105-040 PROGRAM LIMITATIONS.
 WAC 248-105-050 FUNDING CEILINGS ON NEUROMUSCULAR PROGRAM AND INDIVIDUAL NEUROMUSCULAR CENTERS.
 WAC 248-105-060 AUTHORIZATION OF SERVICES.

WSR 89-20-020 PERMANENT RULE BOARD OF HEALTH

[Order 335—Filed September 27, 1989, 2:28 p.m.]

Date of Adoption: September 22, 1989.

Purpose: To create a new rule to govern a new program. Comply with Puget Sound Water Quality Authority directive to create rules governing monitoring of public shellfish beaches. Protect public health through classification of public shellfish beaches according to health standards.

Citation of Existing Rules Affected by this Order: New chapter 248-52 WAC, Recreational shellfish harvest regulation.

Statutory Authority for Adoption: Chapter 90.70 RCW, section SF-4 Puget Sound water quality management program.

Pursuant to notice filed as WSR 89-17-131 on August 23, 1989.

Effective Date of Rule: Thirty days after filing.

September 22, 1989

John A. Beare, M.D., M.P.H.
 Secretary

Chapter 248-52 WAC RULES AND REGULATIONS OF STATE BOARD OF HEALTH FOR RECREATIONAL SHELLFISH BEACHES

NEW SECTION

WAC 248-52-001 AUTHORITY, PURPOSE, AND SCOPE. (1) Authority. Under the authority of RCW 43.20.050, powers and duties of state board of health, these regulations are hereby established as minimum requirements for the monitoring and classification of recreational shellfish beaches.

(2) Purpose. It is the purpose of chapter 248-52 WAC to protect public health and establish procedures for evaluating the sanitary quality of recreational shellfish beaches.

(3) Scope.

(a) These regulations shall apply to recreational shellfish beaches under public ownership. Commercial shellfish harvest, even though it may occur on publicly owned beaches, is governed by chapter 248-58 WAC and chapter 69.30 RCW.

(b) These regulations shall apply to recreationally harvested shellfish on privately owned beaches when the general public has unlimited access to beaches for recreational shellfishing. The department may evaluate and monitor these privately owned beaches if the department determines it to be in the public interest.

(4) Other statutes related to this chapter are:

(a) Chapter 69.30 RCW, sanitary control of shellfish; and

(b) Chapter 248-58 WAC, sanitary control of shellfish.

NEW SECTION

WAC 248-52-005 DEFINITIONS. (1)
Abbreviations:

(a) "ml" means milliliter; and

(b) "PSP" means paralytic shellfish poisoning.

(2) "Beach evaluation" means the examination of the sanitary conditions of recreational shellfish beaches through water quality testing, shellfish tissue testing, PSP testing, and sanitary surveys.

(3) "Beach inventory" means the department's list of recreational shellfish beaches governed by chapter 248-52 WAC.

(4) "Closed classification" means a beach exceeds the standards for safe shellfish harvest.

(5) "Conditionally open classification" means a recreational shellfish beach meets the standards for safe shellfish harvest during well-defined time periods, such as dry weather months, and is closed to shellfish harvest when the standards are exceeded.

(6) "Department" means the Washington state department of health (DOH).

(7) "Emergency closure" means temporary closure of a recreational shellfish beach when a contamination event is suspected of impacting an open or conditionally open beach.

(8) "Geometric mean value" means a statistical calculation giving a mean value of data points. Geometric mean value is a term used in state water quality standards. The calculation is:

(a) $a \times b \times c \times d = y$; and

(b) n th root of y = geometric mean value. N = number of data points which determines the power of the root.

(9) "Health officer" means the health officer or an authorized representative of the city, county, city-county health department or district.

(10) "Local board of health" means the city, town, county, city-county, or district board of health as defined under chapters 70.05, 70.08, and 70.46 RCW.

(11) "Open classification" means a recreational shellfish beach which complies with WAC 248-52-030 standards for safe shellfish harvest without any restrictions due to health hazards.

(12) "Paralytic shellfish poisoning (PSP)" means a human illness caused by eating shellfish that contain high levels of toxin which results from the shellfish consuming large amounts of toxin-producing microscopic marine organism called *Gonyaulax catenella*.

(13) "Public ownership" means owned by the federal government, state government, a county, a city, or a port district.

(14) "Recreational shellfish beach" means any beach under public ownership available to the public and any privately owned beach where the general public has unlimited access to recreationally harvest shellfish.

(15) "Recreational shellfish harvest" means to harvest shellfish for personal consumption with no intention for sale or barter.

(16) "Sanitary survey" means an evaluation of the sanitary conditions of the shoreline and uplands of a recreational shellfish beach.

(17) "Shellfish" means, for the purposes of chapter 248-52 WAC, all varieties of oysters, clams, mussels, and scallops.

(18) "Unclassified" means a recreational shellfish beach which does not have an initial classification because the department has incomplete sanitary survey data.

(19) "Water quality study" means an evaluation of the sanitary conditions of the marine water of a recreational shellfish beach described under WAC 248-52-030 and 248-52-040.

NEW SECTION

WAC 248-52-010 GENERAL ADMINISTRATION. (1) The department and the health officer for each local health jurisdiction shall develop a joint plan of operation designating the roles of each agency for administering chapter 248-52 WAC. This plan shall:

(a) Specifically designate those recreational shellfish beaches included in the joint plan;

(b) Establish whether the department or the health officer shall assume primary responsibility for an identified beach;

(c) Provide for a minimum acceptable frequency of beach evaluation;

(d) Specify who has responsibility for water quality studies, sanitary surveys, PSP monitoring, beach classification, and public notification;

(e) Be signed by the secretary and the chairperson of the local board of health;

(f) Be updated as needed to ensure proper operation of the plan; and

(g) Identify a process for implementing remedial actions to correct pollution sources where deemed appropriate by the department for those beaches classified as closed or conditionally open.

(2) If the local board of health adopts rules governing recreational shellfish harvest within its jurisdiction, the adopted rules shall be consistent with chapter 248-52 WAC.

(3) The department shall develop guidelines on water quality monitoring, PSP monitoring, shoreline survey procedures, public information/notification, and other topics.

(4) Throughout this chapter, the term "health officer" may be substituted for the term "department" if the joint plan of operation delegates authority for action to the health officer.

NEW SECTION

WAC 248-52-020 RECREATIONAL SHELLFISH BEACH CLASSIFICATION. (1) The department or the health officer for each local health jurisdiction as designated in the joint plan of operation, under WAC 248-52-010, shall classify recreational shellfish beaches, based on the risk to public health from consuming shellfish. After completing an initial classification, the department or the health officer for each local health jurisdiction shall make an annual update based on the additional data collected during the year.

(2) The joint plan of operation's criteria used to classify beaches shall include the following:

- (a) Water quality data;
- (b) A sanitary survey of pollution sources; and
- (c) A review of natural and synthetic toxins, including PSP.

(3) The department shall classify recreational shellfish beaches as follows:

- (a) Open;
- (b) Conditionally open;
- (c) Closed;
- (d) Emergency closure; and
- (e) Unclassified.

NEW SECTION

WAC 248-52-030 WATER QUALITY CRITERIA AND STANDARDS. (1) The department shall classify the beach as open when the following three conditions are met:

(a) The marine water covering a recreational shellfish beach shall not exceed a geometric mean value of fourteen fecal coliform bacteria/100 ml of water. In addition, not more than ten percent of the individual water samples may exceed forty-three fecal coliform bacteria/100 ml of water. The geometric mean value shall be calculated on no less than fifteen samples for each water quality station;

(b) Upon completion of a sanitary survey, there are no major sources of pollution of public health significance identified as affecting the beach; and

(c) Natural and synthetic toxin levels shall not exceed established standards.

(2) The department shall classify the beach as conditionally open when standards for open criteria are met during a well-defined and predictable time period, such as dry weather months. Use of the conditionally open classification shall be limited to beaches where sufficient data are available to establish the beach meets the open criteria for well-defined time periods.

(3) The department shall classify a beach as closed for failing to meet the open or conditionally open standards and the beach shall not be used for recreational shellfish harvest.

(4) The department shall list a recreational shellfish beach as unclassified until complete sanitary data are available. The department shall list initially the beach as unclassified on the beach inventory.

(5) In the event an open or conditionally open beach is suspected of being impacted by a source of pollution or other threat to public health, the department shall

implement an emergency closure immediately. The closure shall remain in effect until the department's investigation verifies the beach is safe for recreational shellfish harvesting.

NEW SECTION

WAC 248-52-040 MARINE WATER QUALITY TESTING. The department shall test marine water in recreational shellfish areas for fecal coliform bacteria according to sampling and analysis protocols under National Shellfish Sanitation Program Manual of Operations for commercial shellfish harvest areas.

(1) The department shall establish the location of marine water sampling stations for each recreational shellfish beach to adequately reflect potential pollution sources for the area.

(2) The department shall collect a minimum of fifteen samples at each station prior to an area receiving a classification. The department shall time each sampling to reflect potential adverse pollution events.

NEW SECTION

WAC 248-52-050 SHELLFISH MEAT QUALITY STANDARDS AND TESTING. (1) The department shall:

(a) Periodically test shellfish meat samples for fecal coliform bacteria to provide supportive information for water quality data;

(b) Establish a routine schedule for collection of shellfish samples for each beach; and

(c) Sample all beaches classified as open or conditionally open at a frequency determined by the director.

(2) The department shall conduct tests to identify the chemicals present in the shellfish tissue when a toxic chemical is suspected to impact a recreational beach. In the event of an imminent health hazard, the department shall implement an emergency closure.

NEW SECTION

WAC 248-52-060 RECREATIONAL SHELLFISH BEACH SANITARY SURVEY. In addition to the evaluation of the shellfish growing waters, and before establishing a classification for the beach, the department shall conduct a sanitary survey of the shoreline and upland areas located adjacent to recreational shellfish beaches. The sanitary survey shall be updated as necessary to reflect changes in shoreline and upland sanitary conditions. A sanitary survey shall consist of:

(1) Identifying and evaluating point source discharges in the vicinity of the beach;

(2) Evaluating all on-site sewage disposal systems in the survey area; and

(3) Evaluating impacts from other nonpoint sources in the area, such as animal waste and storm water.

NEW SECTION

WAC 248-52-070 PSP MONITORING OF RECREATIONAL BEACHES. (1) The department shall conduct a paralytic shellfish poisoning (PSP) monitoring program for recreational shellfish beaches.

(2) The department shall coordinate the monitoring program with the health officer. The joint plan of operation developed between the department and the health officer shall include the following elements:

(a) A sampling schedule which includes the beaches sampled and the frequency of the sampling;

(b) Designation of responsibility for a sample collection; and

(c) A system of establishing beach closures due to PSP which includes:

(i) Closing the beach when the level of toxin exceeds 80 micrograms of toxin per 100 grams of shellfish meat;

(ii) Maintaining the beach closure until two consecutive samples of the same species test below the standard of 80 micrograms of toxin per 100 grams of shellfish meat; and

(iii) Closing beaches suspected of posing a PSP threat to public health when they are located in a PSP-impacted area that cannot be sampled on a frequent basis. The beaches shall remain closed until samples verify the area is safe to reopen.

NEW SECTION

WAC 248-52-080 PUBLIC INFORMATION AND NOTIFICATION. The department shall develop guidelines describing an approved public information/public notification system. The guidelines shall include methods for public notification, public meetings, beach posting, public announcements, and other control mechanisms the jurisdictional health agency deems necessary. The department shall provide for a public notification process of beach classifications under the joint plan of operation.

WSR 89-20-021

PERMANENT RULES

COMMITTEE FOR DEFERRED COMPENSATION

[Filed September 27, 1989, 2:39 p.m.]

Date of Adoption: September 18, 1989.

Purpose: Housekeeping changes to conform language only.

Citation of Existing Rules Affected by this Order: Amending WAC 154-12-010 and 154-12-015.

Statutory Authority for Adoption: RCW 41.04.260.

Pursuant to notice filed as WSR 89-16-100 on August 2, 1989.

Effective Date of Rule: Thirty days after filing.

September 18, 1989

Lee Dreisbach
Director

AMENDATORY SECTION (Amending Order 89-03, filed 5/8/89)

WAC 154-12-010 ENROLLMENT. (~~Enrollment in the plan.~~)

(1) An eligible employee may become a participant by executing a participation agreement. Compensation will be deferred for any calendar month only if a participation agreement providing for such deferral is executed

by the participant and approved by the committee or its designee before the beginning of such month.

(2) In signing the participation agreement, the participant elects to participate in this plan and consents to the employer deferring the amount specified in the participation agreement from the participant's gross compensation for each pay period. The dollar amount deferred ("deferred compensation") must equal at least thirty dollars per month. Once a participant has specified an amount of deferral, such specification shall continue unless changed or revoked pursuant to WAC 154-12-050 or 154-12-070 of this plan. Participants must have at least one monthly deferral.

AMENDATORY SECTION (Amending Order 88-1, filed 5/25/88)

WAC 154-12-015 ACCEPTANCE OF INTERPLAN TRANSFERS. Pursuant to Section 1.457-(2)(k) of the final regulations promulgated under section 457 of the code:

(1) Transfers to the plan. If a participant was formerly a participant in an eligible state deferred compensation plan (within the meaning of section 457 of the code and the regulations thereunder), and if such a plan permits the direct transfer of the participant's interest therein to the plan, then the plan shall accept assets representing the value of such interest; provided, however, the (~~administrator~~) committee may require in (~~his~~) its sole discretion that some or all of such interest be transferred in cash or its equivalent. Such amount shall be held, accounted for, administered, and otherwise treated in the same manner as compensation deferred by the participant under the plan except that:

(a) Only the amount, if any, transferred to the plan which was deferred under the transferor plan in the taxable year when transfer occurs shall be treated as compensation deferred under the plan in such year.

(b) Such amount shall remain subject to, and shall be administered in accordance with, any irrevocable elections made under the transferor plan with respect to such amount.

(2) Transfers from the plan. The amounts credited to the account of a former participant in the plan may be transferred to another eligible state deferred compensation plan (within the meaning of section 457 of the code and the regulations thereunder) and in which the former participant currently participates, and if such plan provides for the acceptance of such amounts; provided, however, that if a participant terminates his service with the participating employer in order to accept employment with the entity sponsoring such plan and if such plan accepts transferred amounts, then payment of benefits under the plan will not commence, regardless of any other provision of this plan, and the deferrals will automatically be transferred to such plan.

(3) Application for transfer. If the conditions in subsections (1) and (2) of this section are met and the participant wishes to transfer his/her account, he/she shall complete any application form and/or other documents as may be required by the (~~administrator~~) committee.

(4) Administrative rules. The committee shall prescribe such rules consistent with the provisions of subsections (1) and (2) of this section concerning plan-to-plan transfers as in its sole judgment it deems desirable for the orderly administration of the plan.

WSR 89-20-022

PERMANENT RULES

COMMITTEE FOR DEFERRED COMPENSATION

[Filed September 27, 1989, 2:40 p.m.]

Date of Adoption: August 22, 1989.

Purpose: To comply with anticipated approval of proposed federal regulation changes.

Citation of Existing Rules Affected by this Order: Amending WAC 154-130-020, 154-130-030 and 154-140-030.

Statutory Authority for Adoption: RCW 41.04.260.

Pursuant to notice filed as WSR 89-15-061 on July 19, 1989.

Effective Date of Rule: Thirty days after filing.

August 22, 1989

Lee Dreisbach

Director

AMENDATORY SECTION (Amending Resolution No. 88-2, filed 5/11/88)

WAC 154-130-020 SALARY REDUCTION AGREEMENT. The salary reduction agreement is a contract whereby the employee elects irrevocably to forgo future wage payments from the employer in an amount equal to the maximum elected for the plan year. The reduction will be taken in equal amounts for each pay period during the plan year or, in the case of an employee who becomes eligible during the plan year, the remaining portion of the plan year. The agreement will require a participant to provide the Social Security number of the participant and the participant's spouse, if any, names and birth dates of dependents regarding whom reimbursement of dependent care expenses will be sought, and medical, family, and other information deemed necessary by the committee for the operation of the plan. Pursuant to federal income tax regulations, once a salary reduction agreement has been entered for a plan year it may not be revoked except in the event of a change in family status as defined in WAC 154-130-030. A participant who separates from service and returns to service with the employer during the same plan year may participate upon return only to the extent allowed by Treasury Department regulations promulgated under sections 125 and 129 of the Internal Revenue Code.

AMENDATORY SECTION (Amending Resolution No. 88-2, filed 5/11/88)

WAC 154-130-030 CHANGES IN FAMILY STATUS. A participant is permitted to revoke a salary reduction agreement after the period of coverage has commenced and to enter a new salary reduction agreement regarding the remainder of the plan year if both

the revocation and new election are on account of and consistent with any of the following changes in family status:

- (1) Marriage;
- (2) Divorce or legal separation;
- (3) Death of a spouse or dependent;
- (4) Birth or adoption of a child or addition of a dependent to the eligible employee's household;
- (5) Termination of employment of a spouse;
- (6) Employment of an unemployed spouse; and
- (7) A change in the eligible employee's or eligible employee's spouse's working hours which significantly alters the need for dependent care, e.g., a shift from full time to part time, part time to full time, or a change to or from leave without pay status.

(8) Such other events that the committee determines will permit a change or revocation of an election during a plan year under regulations and rulings of the Internal Revenue Service.

An eligible employee may also become a participant in the plan on the basis of a change in family status.

AMENDATORY SECTION (Amending Resolution No. 88-2, filed 5/11/88)

WAC 154-140-030 REDUCTION OF BENEFITS. The committee may reduce the salary reduction amount of a participant and the corresponding benefit payable to such participant to the extent necessary to assure that the plan does not discriminate in favor of highly-compensated employees in violation of sections 89, 125, or 129 of the Internal Revenue Code, or any other applicable provision of law. Any such reduction of benefits shall be made on a reasonable and nondiscriminatory basis. The discrimination testing day, to the extent one is required by sections 89, 125, or 129 of the Internal Revenue Code, shall be May 31 of each plan year.

WSR 89-20-023

PERMANENT RULES

DEPARTMENT OF LICENSING

(Board of Medical Examiners)

[Filed September 27, 1989, 2:53 p.m.]

Date of Adoption: September 22, 1989.

Purpose: To define major surgical procedures, a waiver process for certain surgical assistant applicants and to establish requirements for all applicants after January 1, 1990.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-52-670.

Statutory Authority for Adoption: RCW 18.71A.020.

Pursuant to notice filed as WSR 89-16-097 on August 2, 1989.

Changes Other than Editing from Proposed to Adopted Version: WAC 308-52-165, the words physician assistant have been inserted before program for clarification; and WAC 308-52-690, the word waiver in the rule title was changed to reconsideration as a better descriptive term.

Effective Date of Rule: Thirty days after filing.
September 22, 1989
James M. Garrison, Jr., M.D.
Board Chair

NEW SECTION

WAC 308-52-165 PHYSICIAN 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 physician assistant program and be NCCPA examination eligible.

NEW SECTION

WAC 308-52-680 MAJOR SURGICAL PROCEDURES. The board defines major surgical procedures as those procedures performed in a hospital which the physician requires a first assistant and is documented in the operative report.

NEW SECTION

WAC 308-52-690 SURGICAL ASSISTANT PROGRAM REQUIREMENTS RECONSIDERATION. Applicants who submitted their application by December 31, 1989 and were determined as not meeting the requirements as set forth in WAC 308-52-640 may petition the board to reconsider their application with the submission of additional documentation to establish competency. The board will evaluate the additional documentation of competence on an individual case basis.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-52-670 SURGICAL ASSISTANT QUALIFICATIONS EFFECTIVE JANUARY 1, 1990.

WSR 89-20-024

**NOTICE OF PUBLIC MEETINGS
BOARD FOR VOLUNTEER FIREMEN**
[Memorandum—September 26, 1989]

The October 20, 1989, meeting of the Board for Volunteer Firefighters has been cancelled. Meetings in 1990 will be held in Room 207 of the Olympia Forum Building at 9:00 a.m. on January 22, April 20, July 20 and October 26.

WSR 89-20-025

**EMERGENCY RULES
DEPARTMENT OF FISHERIES**
[Order 89-116—Filed September 27, 1989, 4:59 p.m.]

Date of Adoption: September 27, 1989.
Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-32-05100U.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon are immediately available in the Columbia River. This rule is consistent with the actions of the September 27, 1989, meeting of the Columbia River Compact.

Effective Date of Rule: Immediately.

September 27, 1989
R. Kahler Martinson
for Joseph R. Blum
Director

NEW SECTION

WAC 220-32-05100V COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (1) Notwithstanding the provisions of WAC 220-32-051 and 220-32-052, 220-32-053, 220-32-056, 220-32-057, and 220-32-058, effective immediately, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish or possess salmon and shad under the following provisions:

Open: for salmon and shad

Time: 6:00 a.m. September 20 to 6:00 p.m. September 29, 1989.

Area: 1F, 1G, and 1H

Mesh: 8 inch minimum mesh.

Sturgeon may be possessed for subsistence purposes only.

(3) Notwithstanding the provisions of WAC 220-32-058, closed area at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the

thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2-mile upstream from the east bank.

(g) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1 1/8 miles downstream from the west bank.

(h) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(i) Spring Creek is those waters of the Columbia River within a radius of 150 feet of the Spring Creek Hatchery fishway, except that during the period August 28 through 6:00 p.m. September 27, 1989 the closed area is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a boundary marker located 1 1/2 miles downstream of the Spring Creek Hatchery fishway and the downstream marker of the Big White Salmon sanctuary located approximately 1/2 mile upstream of the fishway.

(4) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) shall include those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G shall include those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the the thread of the river to a point in mid-river, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H shall include those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

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

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100U COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (89-113)

WSR 89-20-026

PERMANENT RULES BOARD OF HEALTH

[Order 333—Filed September 28, 1989, 9:45 a.m.]

Date of Adoption: September 22, 1989.

Purpose: Amended rule requires primary and secondary schools to consider environmental noise for new school sites, and limit ventilation and other mechanical noise sources in classrooms, and establishes an exemption for existing portable classrooms.

Citation of Existing Rules Affected by this Order: Amending WAC 248-64-240 and 248-64-320, Noise provisions for primary and secondary schools.

Statutory Authority for Adoption: RCW 43.20.050.

Pursuant to notice filed as WSR 89-17-132 on August 23, 1989.

Effective Date of Rule: Thirty days after filing.

September 22, 1989

John A. Beare, M.D., M.P.H.
Secretary

AMENDATORY SECTION (Amending Order 88, filed 10/3/73)

WAC 248-64-240 SITE APPROVAL. (1) Before a new school facility is constructed, an addition is made to an existing school facility, or an existing school facility is remodeled, the board of education shall obtain written approval from the health officer that the proposed development site presents no health problems. The board of education may request the health officer ((to)) make a survey and submit a written health appraisal of any proposed school site.

(2) School sites shall be of a size sufficient to provide for the health and safety of the school enrollment.

(3) Noise from any source at a proposed ((new construction)) site for a new school, an addition to an existing school, or a portable classroom shall not exceed ((60)) an hourly average of 55 dBA ((for more than five percent of the time (L5))) (Leq 60 minutes) and shall not exceed an hourly maximum (Lmax) of 75 dBA during the ((hours)) time of day the school is in session((-)); except sites exceeding these sound levels are ((not considered)) acceptable(, unless an appropriate) if a plan for sound ((control)) reduction is included in the new

construction proposal and the plan for sound reduction is approved by the health officer.

AMENDATORY SECTION (Amending Order 124, filed 3/18/76)

WAC 248-64-320 SOUND CONTROL. (1) In new construction ((the entire facility shall be designed and constructed to limit ambient room noise levels to the average values published in chapter 35 of the 1973 edition of the American Society of Heating, Refrigeration and Air Conditioning Engineers Guide and Data Book for the respective type of area involved. Both exterior and interior sources of sound generation shall be considered in arriving at the final values. The maximum ambient noise level in industrial arts, vocational agriculture and trade and industrial facilities shall not exceed 65 dB(A) when all fume and dust exhaust systems are operating. The A-scale or octave band analysis method shall be utilized in making noise level measurements)), plans submitted under section 250 of chapter 248-64 WAC shall specify ventilation equipment and other mechanical noise sources in classrooms are designed to provide background sound which conforms to a noise criterion curve or equivalent not to exceed NC-35. The owner shall certify equipment and features are installed according to the approved plans.

(2) ((The occupants in a school shall not be exposed to amplified music exceeding 90)) In new construction, the actual background noise at any student location within the classroom shall not exceed 45 dB((f))A((t)) (Leq) and 70 dB (Leq) (unweighted scale) where, t is thirty seconds or more. The health officer shall determine compliance with this section when the ventilation system and the ventilation system's noise generating components, e.g., condenser, heat pump, etc., are in operation.

(3) ((The maximum noise exposure in shop instructional areas shall correspond to WAC 296-62-090(11); the general occupational health standards as enforced by the department of labor and industries)) Existing portable classrooms, constructed before January 1, 1990, moved from one site to another on the same school property or within the same school district are exempt from the requirements of this section if the portable classrooms meet the following:

(a) Noise abating or noise generating features shall not be altered in a manner that may increase noise levels;

(b) The portable classrooms were previously in use for general instruction;

(c) Ownership of the portable classrooms will remain the same; and

(d) The new site is in compliance with WAC 248-64-240(3).

(4) In new construction, the maximum ambient noise level in industrial arts, vocational agriculture and trade, and industrial classrooms shall not exceed 65 dBA when all fume and dust exhaust systems are operating.

(5) The maximum noise exposure for students in vocational education and music areas shall not exceed the levels specified in Table 1.

TABLE 1

MAXIMUM NOISE EXPOSURES PERMISSIBLE	
Duration per day (hours)	Sound Level (dBA)
8 hours	((90)) 85
6 hours	((92)) 87
4 hours	((95)) 90
3 hours	((97)) 92
2 hours	((100)) 95
1-1/2 hours	((102)) 97
1 hour	((105)) 100
1/2 hour	((110)) 105
1/4 hour	((115)) 110

((Should the total noise exposure in shops exceed these levels, hearing protective devices such as ear plugs or muffs shall be provided to the)) Students ((so)) shall not be exposed to sound levels equal to or greater than 115 dBA.

(6) Should the total noise exposure in vocational education and music areas exceed the levels specified in Table 1 of subsection (5) of this section, hearing protectors, e.g., ear plugs, muffs, etc., shall be provided to and used by the exposed students. Hearing protectors shall reduce student noise exposure to comply with the levels specified in Table 1 of subsection (5) of this section.

WSR 89-20-027

RULES COORDINATOR

OFFICE OF MINORITY AND

WOMEN'S BUSINESS ENTERPRISES

[Filed September 28, 1989, 4:05 p.m.]

In accordance with RCW 34.05.310(3), the Office of Minority and Women's Business Enterprises designates Lamona Foster as its rules coordinator. The office and mailing address of the rules coordinator is 406 South Water Street, Olympia, WA 98504.

James A. Medina
Director

WSR 89-20-028

PROPOSED RULES

INSURANCE COMMISSIONER

[Filed September 29, 1989, 2:03 p.m.]

Continuance of WSR 89-17-099.

Title of Rule: Relationship of death benefits to premiums—Unfair practice defined.

Other Identifying Information: Insurance Commissioner Matter No. R 89-12.

Date of Intended Adoption: October 5, 1989.
 September 29, 1989
 Dick Marquardt
 Insurance Commissioner
 By David H. Rodgers
 Chief Deputy
 Insurance Commissioner

WSR 89-20-029
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2872—Filed September 29, 1989, 2:52 p.m.]

Date of Adoption: September 29, 1989.
 Purpose: To update the thrifty food plan standards effective October 1, 1989.
 Citation of Existing Rules Affected by this Order: Amending WAC 388-49-550.
 Statutory Authority for Adoption: RCW 74.04.510.
 Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to implement notification from the food and nutrition service of the annual update to the thrifty food plan.

Effective Date of Rule: October 1, 1989, 12:01 a.m.
 September 29, 1989
 Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2760, filed 2/13/89)

WAC 388-49-550 MONTHLY ALLOTMENTS.
 (1) The department shall determine the value of the allotment a household receives.
 (2) The monthly allotment shall equal the thrifty food plan (TFP) for the household size reduced by thirty percent of the household's net income. The department shall use the monthly allotment standards as established by the food and nutrition service.

<u>Household Size</u>	<u>Thrifty Food Plan</u>
1	((90)) 99
2	((165)) 182
3	((236)) 260
4	((300)) 331
5	((356)) 393
6	((427)) 472
7	((472)) 521
8	((540)) 596
9	((608)) 671
10	((676)) 746
Each additional member	+ ((68)) 75

(3) The department shall issue to households, except for households as specified in subsection (4) of this section, a prorated coupon allotment for the number of days remaining from the date of application to the end of the initial month of eligibility.

(a) The allotment shall be based upon a thirty-day month.

(b) No allotment shall be issued for less than ten dollars.

(4) ~~((Effective September 1, 1988.))~~ The department shall issue a full month allotment to migrant and seasonal farmworker households applying within thirty days after a prior certification ends.

(5) The department shall determine the value of the monthly allotment a household receives by:

(a) Multiplying the household's net monthly income by thirty percent~~((;))~~₂

(b) Rounding the product up to the next whole dollar if it ends with one through ninety-nine cents~~((;))~~₂; and

(c) Subtracting the result from the thrifty food plan for the appropriate household size.

(6) ~~One- and two-person~~ households shall receive a minimum monthly allotment of ten dollars except in the initial benefit month when no allotment shall be issued for less than ten dollars.

(7) The department shall issue an identification card to each certified household.

WSR 89-20-030
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 2874—Filed September 29, 1989, 2:56 p.m.]

Date of Adoption: September 29, 1989.

Purpose: To amend rules relating to community mental health.

Citation of Existing Rules Affected by this Order: Amending chapter 275-56 WAC, Community mental health.

Statutory Authority for Adoption: RCW 74.24.035 [71.24.035].

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to comply with the provisions of SSB 5400.

Effective Date of Rule: October 1, 1989, 12:01 a.m.
 September 29, 1989
 Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-005 PURPOSE AND AUTHORITY. Chapter 275-56 WAC establishes rules and regulations for county and regional support network administration of community mental health programs, licensing service providers, information, accountability, contracts and services. The purpose of this chapter is to establish a county-managed community mental health program to help people experiencing mental illness retain respected and productive positions in their community. Chapter 275-56 WAC is adopted under ~~((authority of))~~ chapter 71.24 RCW.

(1) Chapter 275-56 WAC enables participation in the community mental health system by service providers which are profit or nonprofit businesses, private or public businesses, individuals or partnerships, as well as corporations. A provider may contract with a county or regional support network (RSN) for one or more services defined by chapter 71.24 RCW.

(2) The rules and regulations ~~((of))~~ for county ~~((administration))~~ duties are specified in two areas:

(a) County ~~((administration and))~~ planning ~~((t))~~ under WAC 275-56-020 ~~((through))~~, 275-56-025, 275-56-040, 275-56-050, 275-56-055, and 275-56-060~~((,))~~; and

(b) County fiscal ~~((administration t))~~ requirements under WAC 275-56-065 through 275-56-085~~((t))~~.

(3) Compliance with the rules and regulations for RSN duties shall be phased in according to the RSN contract (WAC 275-56-042). These rules and regulations are specified in two areas:

(a) RSN development and planning (WAC 275-56-016, 275-56-017, 275-56-035, 275-56-042, 275-56-043, 275-56-050, 275-56-055, 275-56-060, 275-56-087, 275-56-088, and 275-56-089; and

(b) RSN fiscal requirements (WAC 275-56-065 through 275-56-085).

(4) Minimum standards for licensing service providers are specified in four areas:

(a) Licensing procedures ((t)) under WAC 275-56-090 through 275-56-105((t));

(b) Organizational administration ((of)) for the provider ~~((including t))~~ under WAC 275-56-110 through 275-56-215((t)), as follows:

- (i) Administration;
- (ii) Provider fiscal administration;
- (iii) Personnel management;
- (iv) Quality assurance;
- (v) Program evaluation; and
- (vi) Facilities~~((:))~~;

(c) Services administration ~~((including t))~~ under WAC 275-56-220 through ~~((275-56-330))~~ 275-56-340, as follows:

- (i) Accessibility and awareness of services;
- (ii) ~~((Client))~~ Consumer rights;
- (iii) ~~((Client))~~ Consumer entry, service planning, and service operations; and
- (iv) ~~((Client))~~ Consumer records~~((:))~~;

~~((d)) Services ~~((including (WAC 275-56-335))~~ under WAC 275-56-355 through ~~((275-56-445))~~ 275-56-465:~~

- ~~((i)) Emergency services, including preadmission screening services;~~
- ~~((ii)) Outpatient services;~~
- ~~((iii)) Day treatment services;~~
- ~~((iv)) Consultation and education services;~~
- ~~((v)) Community support services; and~~
- ~~((vi)) Residential services.~~

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-010 PRIORITY POPULATIONS. Chapter 275-56 WAC establishes rules, regulations, and standards for community mental health programs providing for:

(1) Access to mental health services for residents of the state of Washington who ~~((, in priority order,))~~ are:

- (a) In non-RSN counties, in priority order:
 - ~~((i)) Acutely mentally ill;~~
 - ~~((b))~~ (ii) Chronically mentally ill; or
 - ~~((c))~~ (iii) Seriously disturbed.
- (b) For RSNs, when established:
 - (i) Acutely mentally ill adults and children;
 - (ii) Chronically mentally ill adults and children; or
 - (iii) Seriously disturbed adults and children at risk of becoming acutely or chronically mentally ill, as determined by the RSN at their sole discretion.

(2) Mental health services recognizing the special needs of underserved groups within the priority populations, including:

- (a) Minorities~~((:))~~;
- (b) Children~~((:))~~;
- (c) Elderly~~((:))~~;
- (d) Disabled~~((:))~~; and
- (e) Low-income persons.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-015 DEFINITIONS. For the purposes of the rules, regulations, and standards of chapter 275-56 WAC, the following words and phrases shall have the following meaning:

(1) "Acutely mentally ill" means a condition limited to a short-term severe crisis episode of:

- (a) A mental disorder as defined in this chapter;
- (b) Being gravely disabled as defined in this chapter;

or

(c) Presenting a likelihood of serious harm as defined in this chapter.

(2) "Authority" means the board of county commissioners, county council, county executive, or RSN entity having the authority to establish a community mental health program.

(3) "Available resources" means funds appropriated by the legislature during any biennium for the purpose of providing community mental health programs. When RSNs are established or after July 1, 1995, "available resources" means:

(a) Federal funds, except those provided according to Title XIX of the Social Security Act; and

(b) State funds appropriated under this chapter or chapter 71.05 RCW by the legislature during a biennium to provide mental health services.

~~((3))~~ (4) "Case management" means assistance to the ((client)) consumer and family or significant others to obtain, maintain, or develop ((an)) appropriate ((place)) resources for the ((client in the community)) consumer. This ((service)) involves ((assistance in)) obtaining the full range of needed services (~~(, routine monitoring, supervision of client's functioning, and establishing and maintaining support for the client and his or her family or significant others))~~ to help consumers establish and maintain respected positions in the community, including:

(a) Housing;

(b) Income;

(c) Employment and other meaningful activities;

(d) Monitoring and interventions; and

(e) Crisis intervention and resolution.

~~((4))~~ (5) "Child" or "children" means a person or persons ((under eighteen)) seventeen years of age and younger.

~~((5))~~ (6) "Chronically mentally ill" means a person having a mental disorder and meeting at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years;

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months duration within the preceding year, ((or))

(c) Has been unable to engage in ((any)) substantial gainful activity (subsection (46) of this section) by reason of any mental disorder ((which has lasted)) lasting for a continuous period of not less than twelve months; or

(d) In the case of a child:

(i) Has been subjected to continual distress as indicated by repeated physical or sexual abuse or neglect;

(ii) Is placed by the department or its designee, not limited to placement by child protective services and child welfare services, two or more times outside of the home;

(iii) Is placed due to a mental disorder (as defined in chapter 71.34 RCW); and

(iv) Is placed and the placement progresses to a more restrictive setting.

~~((6))~~ "Clients" means persons, couples or families receiving clinical, coordinative, or supportive services.)

(7) "Clinical staff member" means a regularly employed or contracted staff member or supervisor engaged ((to any extent)) in providing direct evaluative, diagnostic, or therapeutic services to ((clients)) consumers. The term does not include volunteers or students.

(8) "Community mental health program" means the total mental health program established by a county or group of counties acting in combination for the purpose of providing mental health services in accordance with the Community Mental Health Services Act, chapter

71.24 RCW. After July 1, 1995, or when RSNs are established, "community mental health program" means all activities or programs using available resources, under subsection (3) of this section.

(9) "Community Mental Health Services Act" means chapter 71.24 RCW.

(10) "Community support services" means ((those)):

(a) For non-RSN counties before July 1, 1995, services for acutely and chronically mentally ill ((persons which include)) consumers including:

~~((a))~~ (i) Discharge planning for ((clients)) consumers leaving:

(A) State hospitals and other acute care inpatient facilities;

(B) Inpatient psychiatric facilities for consumers twenty years of age or younger, and

(C) Children's mental health residential treatment facilities;

~~((b) Sufficient))~~ (ii) Contacts with ((clients)) consumers, ((family)) families, schools, or significant others to provide for an effective program of community maintenance, and

~~((c))~~ (iii) Medication monitoring.

(b) After July 1, 1995, or when RSNs are established, for adult and children priority populations under WAC 275-56-010 (1)(b), services authorized, planned, and coordinated through resource management services include:

(i) Assessment and diagnosis;

(ii) Emergency crisis intervention available twenty-four hours a day, seven days a week;

(iii) Prescreening determinations for mentally ill consumers considered for placement in nursing homes as required by federal law;

(iv) Screening for patients considered for admission to residential services;

(v) Investigation, legal, and other nonresidential services (chapter 71.05 RCW);

(vi) Case management services;

(vii) Psychiatric treatment, including medication supervision;

(viii) Counseling;

(ix) Psychotherapy;

(x) Assured transfer of relevant patient information among service providers;

(xi) Maintenance of client tracking information for priority populations; and

(xii) Other services determined by RSNs.

(11) "Consumers" means persons, couples or families receiving clinical, coordinative, or supported services.

(12) "Consultation" means review and recommendations regarding the job responsibilities, activities((-)) or decisions of administrative, clinical((-)) or clerical staff, contracted employees, volunteers((-)) or students by ((a person or)) persons with appropriate knowledge and experience to make ((such)) recommendations. This definition does not constitute a definition of consultation and education.

~~((12))~~ (13) "Consultation and education services" means those services provided to assist others in the community ((to understand)) in understanding and ((care)) caring for ((acutely and chronically mentally ill

~~and seriously disturbed persons and includes))~~ priority populations including:

(a) Consultation to other community providers(~~(;);~~); and

(b) Educational and public information services.

~~((13) "County authority" means the board of county commissioners, county council or county executive having the authority to establish a community mental health program.))~~

(14) "Crisis" means a situation where(~~(, because of severe internal or external stresses,))~~ a person is acutely mentally ill or experiencing serious disruption in cognitive, volitional, psychosocial or ((physiological)) neurophysiological functioning.

(15) "Crisis respite" means residential support services provided to the consumer during a crisis in their own home or another home-like setting.

(16) "Crisis response system" means the system designed to resolve crises in the least restrictive manner possible, including:

(a) Emergency services;

(b) Crisis intervention;

(c) Crisis respite;

(d) Investigation and detention services; and

(e) Evaluation and treatment services.

(17) "Day treatment services" means ~~((those))~~ services for mentally ill ((persons which include)) consumers, including training in basic living and social skills, supported work, vocational rehabilitation, day activities, and may include therapeutic treatment.

~~((16))~~ (18) "Department" means the department of social and health services.

~~((17))~~ (19) "Direct treatment services" means clinical services provided directly to ((clients to meet)) consumers meeting the ((client's)) consumer's mental health needs, as distinct from activities conducted with other persons, organizations, or groups on behalf of ((clients)) consumers, and also as distinct from supervisory, consultative or training activities conducted with regard to ((clients)) consumers or services.

~~((18))~~ (20) "Disabled" means a ~~((developmentally disabled person or one with))~~ consumer with a developmental disability, serious physical or sensory impairment.

~~((19))~~ (21) "Elderly" means a person sixty years of age or older.

~~((20))~~ "Emergency" means a situation where there is likelihood of serious harm to the person, other persons or property resulting from the actions or threatened actions of a mentally ill person, or when the person is gravely disabled:

~~(21))~~ (22) "Emergency services" means those responses and intervention services provided to ((persons)) consumers experiencing mental health emergencies or crises ((and include)), including:

(a) Twenty-four hour telephone service;

(b) Twenty-four hour crisis intervention and outreach services; and

(c) ~~((Crisis resolution services, and~~

~~(d))~~ Preadmission screening services.

~~((22))~~ (23) "Geriatric long-term rehabilitative care" means long-term rehabilitative care (subsection

(29) of this section) for individuals age fifty-five and over, or fifty-four and under who, because of psychoneurological impairments, are appropriate for this level of care.

(24) "Governing body" means the final decision-making body for a provider.

~~((23))~~ (25) "Gravely disabled" means a condition where a ((person)) consumer, as a result of a mental disorder:

(a) Is in danger of serious physical harm resulting from a failure to provide for ((his or her)) their essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognition or volitional control over ((his or her)) their actions and is not receiving such care as is essential for ((his or her)) their health or safety.

~~((24))~~ (26) "Individualized service plan" (ISP) means the plan developed by resource management services assuring continuity of care and identifying needed residential and community support services.

(27) "Individualized treatment plan" (ITP) means the plan developed by the service provider identifying treatment needs and methods of treatment and, in RSNs, is consistent with the ISP.

(28) "Less restrictive setting" means that service in which the consumer functions at maximum independence in the most normative environment possible.

(29) "Long-term rehabilitative care" means a facility-based residential program for adults or children who:

(a) Require twenty-four hour supervision;

(b) Do not require extensive medical care; and

(c) Are highly dysfunctional; or

(d) Are behaviorally impaired; or

(e) Are noncompliant with or have a nonefficacious medication regime.

(30) "Material adjustment" means a budget revision equaling ten percent of a cost center.

~~((25))~~ (31) "Mental disorder" means ~~((any))~~ organic, mental, or emotional impairment having substantial adverse effect on an individual's cognitive or volitional functions.

~~((26))~~ (32) "Mental health professional" means:

(a) A physician or osteopath licensed under chapter 18.57 or 18.71 RCW, who is board eligible in psychiatry;

(b) A psychologist licensed under chapter 18.83 RCW;

(c) A psychiatric nurse or social worker (under chapter 71.05 RCW and chapter 275-55 WAC);

(d) A person having at least a masters degree in behavioral sciences, nursing sciences, or related field from an accredited college or university and having at least two years' experience in the direct treatment of mentally ill consumers under the supervision of a mental health professional;

(e) A mental health counselor or marriage and family therapist certified under chapter 18.19 RCW and having at least two years' experience in the direct treatment of mentally ill consumers under the supervision of a mental health professional; or

(f) A professionally licensed occupational or physical therapist having at least two years' experience in the direct treatment of mentally ill consumers under the supervision of a mental health professional.

(33) "Mental health services" means ~~((those))~~ services required ~~((pursuant to))~~ under chapter 71.24 RCW, including:

(a) In non-RSN counties:

(i) Emergency services, including screening for patients being considered for admission to state hospitals;

~~((fb))~~ (ii) Outpatient services;

~~((fc))~~ (iii) Day treatment;

~~((fd))~~ (iv) Consultation and education services; and

~~((fe))~~ (v) Community support services.

~~((27))~~ (b) When RSNs are established, or after July 1, 1995, "mental health services" shall mean all services provided by RSNs.

(34) "Mentally ill persons" and "the mentally ill" means a person or condition defined in this chapter as:

(a) Acutely mentally ill;

(b) Chronically mentally ill; or

(c) Seriously disturbed.

~~((28))~~ (35) "Minority" or "ethnic minority" means any of the following general population groups:

(a) American Indian or Alaskan native, which includes:

(i) An enrolled Indian:

(A) A person enrolled or eligible for enrollment in a recognized tribe.

(B) A person determined eligible to be found Indian by the secretary of the interior.

(C) An Eskimo, Aleut or other Alaskan native.

(ii) A Canadian Indian: A person being a member of a treaty tribe, Metis community or nonstatus Indian community from Canada.

(iii) An unenrolled Indian: A person considered Indian by a federally or nonfederally recognized Indian tribe or off reservation Indian/Alaskan native community organization;

(b) Asian or Pacific Islander~~((;))~~;

(c) Black~~((;))~~;

(d) Hispanic.

~~((29))~~ (36) "Outpatient services" means those services provided ~~((in less than a residential or day treatment setting for clients whose dysfunction is not so severe as to need such intense or restrictive service))~~ to priority populations needing less intensive treatment than that provided through inpatient, residential, or day treatment programs. ~~((Outpatient))~~ Services ~~((may))~~ shall include, but are not limited to~~((;))~~:

(a) Evaluation~~((; diagnosis;))~~;

(b) Individual, family, and group psychotherapy~~((;))~~; and

(c) Medication management~~((, and activities therapy))~~.

~~((30))~~ (37) "Preadmission screening services" means those services provided for ~~((clients))~~ consumers being considered for voluntary admission to state hospitals to determine the appropriateness of admission and availability of alternatives.

~~((31))~~ (38) "Properly executed accounting documents" means accounting documents processed in a

manner consistent with provider policies and procedures and providing sufficient and adequate documentation for an audit of the agency's financial transactions.

~~((32))~~ (39) "Provider" means licensed service provider as defined in chapter 71.24 RCW.

~~((33))~~ (40) "Regional support network" (RSN) means a county authority or group of county authorities recognized by the secretary that enter into joint operating agreements to contract with the secretary under this chapter.

(41) "Registration records" means all the records of the department, RSN, treatment facilities and other persons providing services to the department, county departments, or facilities. Registration records identify individuals receiving or having received services for mental illness which have been funded by available resources.

(42) "Residential services" means a complete range of residences and supports authorized by resource management services. These may involve a facility, a distinct part thereof or services supporting community living, including, at least:

(a) Evaluation and treatment services as defined in chapter 71.05 RCW;

(b) Crisis respite care;

(c) Supported living services;

(d) Supervised care;

(e) Long-term rehabilitative care;

(f) Long-term adaptive care; and

(g) Support services to nursing home residents.

(43) "Resource management services" means the planning, coordination, and authorization of residential and community support services administered under an ISP for priority populations, including:

(a) Seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services; and

(b) Access to their ISP by county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the RSN.

(44) "Secretary" means the secretary of the department of social and health services.

~~((34))~~ (45) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to self or others as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder ~~((which causes))~~ causing major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a minor child diagnosed by a mental health professional as defined in RCW 71.05.020, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school, or with peers or is clearly interfering with the child's personality development and learning.

~~((35))~~ (46) "Substantial gainful activity" is work ~~((that involves))~~ involving significant physical or mental activities done for pay or profit. Substantial gainful activity means, for elderly, retired persons and disabled

persons, due to physical or mental impairment, the ability to manage retirement and/or disability income and activities of daily living. Substantial gainful activity means, for children, the ability to productively participate in educational activities.

(47) "Supervised living" means facility-based care for adults requiring twenty-four hour supervision and minimal-to-moderate on-site programming primarily directed at maintaining consumers at this level of care or preparing consumers to transition into supported living services.

((36)) (48) "Supervision" means regular or occasional ((oversight)) monitoring of the administrative, clinical or clerical work performance of staff, students, volunteers or contracted employees by ((person or)) persons with the authority to give direction and require change.

((37)) (49) "Supported living" means nonfacility programs for adults and children requiring a flexible array of services and supports to successfully live in their homes.

(50) "Training" means planned educational events or activities designed to instill or enhance skills and to increase knowledge.

(51) "Treatment records" means registration and all other records concerning consumers receiving or at any time having received services for mental illness, which are maintained by the department, RSNs, and service providers. Treatment records do not include notes or records maintained for personal use by RSN or treatment facility staff providing treatment services if the notes or records are unavailable to others.

NEW SECTION

WAC 275-56-016 REGIONAL SUPPORT NETWORKS—RECOGNITION AND CERTIFICATION. (1) A county or group of counties desiring recognition as a regional support network (RSN) shall submit to the department:

- (a) A statement of intent for recognition as an RSN;
- (b) Documentation showing a total RSN population greater than forty thousand;
- (c) For RSNs of more than one county, documentation of interlocal agreements, including:
 - (i) Identification of a single authority; and
 - (ii) Assignment of all responsibilities to specified parties;
- (d) A preliminary plan, detailing the following elements:
 - (i) Crisis response system (WAC 275-56-089);
 - (ii) Resource management services (WAC 275-56-087);
 - (iii) System of ongoing care, including:
 - (A) Community support services (WAC 275-56-088); and
 - (B) Residential services (WAC 275-56-465);
 - (iv) Taking responsibility for short-term commitments.

(2) Counties desiring recognition as RSNs by December 1, 1989, shall submit notice of intent and preliminary plans to the department by October 30, 1989. Counties desiring recognition as RSNs by January

1, 1993, shall submit notice of intent and preliminary plans by November 30, 1992.

(3) Within thirty days of application, the department shall provide written response either:

- (a) Recognizing the RSN; or
- (b) Denying recognition and stating the reasons for denial under subsection (1) of this section.

(4) Recognition and initial certification shall depend on the RSN meeting the standards for planning and provision of services specified in this chapter.

(5) Renewal of certification shall occur prior to each contract between the department and the RSN.

NEW SECTION

WAC 275-56-017 REGIONAL SUPPORT NETWORK PLANNING—SIX-YEAR AND BIENNIAL PLANS. (1) Within three months of recognition, the RSN shall submit an overall plan elaborating the preliminary plan. Development of the plan shall include participation by consumers, advocates, and service providers.

(2) The overall plan shall be for a six-year period and include the following elements:

- (a) Estimated timelines for implementation of each phase;
- (b) Estimated operating and capital budgets;
- (c) Documentation that state funds are in no case used to replace local funds from any source used to finance mental health services prior to January 1, 1990;
- (d) Administration and provision of:
 - (i) Crisis response system (WAC 275-56-089);
 - (ii) Resource management services (WAC 275-56-087) with the definition of access points and criteria for consumer admission and discharge from resource management services; and
 - (iii) System of ongoing care, including:
 - (A) Community support services (WAC 275-56-088), with the definition of criteria for admission to and discharge from each component of the RSN's system; and

(B) Residential services (WAC 275-56-465), with the definition of criteria for admission to and discharge from each component in the continuum;

(e) An estimate of the number of transfers from nursing homes due to the Omnibus Budget Reconciliation Act (OBRA);

(f) The appointment of a mental health advisory board to advise the authority on RSN plans and policies. The composition of the board shall be broadly representative of the demographic character of the region and the mentally ill consumers served and shall include:

- (i) Consumers;
- (ii) Family and other advocates; and
- (iii) Parents of mentally ill children;
- (g) Provision of eighty-five percent of seventy-two hour detentions and fourteen-day commitments within the RSN by:

(i) July 1, 1993, for RSNs recognized before July 1, 1991;

(ii) July 1, 1995, for RSNs recognized after June 30, 1991;

(h) Administration of a portion of funds appropriated by the legislature to house mentally ill consumers from the RSN, excluding mentally ill offenders (chapter 10.77 RCW), in state institutions. The RSN shall provide for up to seventeen days of evaluation and treatment services (under chapter 71.05 RCW) in appropriate residential services, which may include state institutions. The RSNs shall reimburse the state for use of state institutions at a rate equal to that assumed by the legislature when appropriating funds for such care at state institutions during the biennium reimbursement occurs. This requirement shall be met by:

(i) July 1, 1993, for RSNs recognized before July 1, 1991;

(ii) July 1, 1995, for RSNs recognized after June 30, 1991;

(i) Mental health services designed for, available and accessible to children, elderly, minorities, disabled, and low-income priority populations. In RSNs where a significant ethnic minority exists, as defined by department guidelines, the plan shall ensure that culturally relevant services are available and accessible to this population. RSNs shall recognize the unique cultural, religious, and tribal sovereignty of Indian nations, tribes, and communities.

(3) Consumer residency in an RSN shall be defined according to guidelines determined by the department in consultation with RSNs.

(4) The RSN shall submit an updated two-year plan each biennium in accordance with department guidelines for RSN planning. The RSN shall identify capital and operating budget requests in each biennial plan.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-020 COUNTY (~~ADMINISTRATION AND~~) PLANNING—BIENNIAL MENTAL HEALTH NEEDS ASSESSMENT. (~~The~~) Prior to July 1, 1995, the non-RSN county authority shall submit to the department (~~a~~) biennial mental health needs assessments in accordance with department guidelines.

(1) The county authority shall prepare and submit to the department a biennial needs assessment of county residents (~~of the county~~) who are acutely mentally ill, chronically mentally ill, or seriously disturbed, including minorities, children, elderly, disabled, and low-income groups in these priority populations (~~shall be prepared for submittal to the state~~). The biennial needs assessment shall determine need (~~with respect to~~) for mental health services required by the Community Mental Health Services Act.

(2) The biennial needs assessment (~~with~~) shall include:

(a) Estimates of the type and extent of significant mental health needs of the mentally ill, including estimates of the number of chronically mentally ill persons, seriously disturbed (~~persons~~) consumers, and acute crises occurring in the county during the biennium.

(b) A projection of the amount and type of mental health services necessary to meet identified mental health needs of the acutely mentally ill, chronically mentally ill, and seriously disturbed.

(c) Identification of public and private resources available to meet the mental health needs of the acutely mentally ill, chronically mentally ill, and seriously disturbed, including:

(i) Identification of licensed service providers in the county.

(ii) Assessment of the capability of the current mental health program and providers to meet the needs of the mentally ill.

(d) A prioritization of unmet needs for the mentally ill.

~~((3) The biennial needs assessment shall be conducted in accordance with department guidelines for needs assessment.))~~

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-025 COUNTY (~~ADMINISTRATION AND~~) PLANNING—BIENNIAL MENTAL HEALTH PLAN AND BUDGET. (~~The~~) Prior to July 1, 1995, the non-RSN county authority shall submit to the department a biennial mental health plan and budget in accordance with department standards.

(1) The biennial plan shall address the needs identified in the biennial needs assessment for the acutely mentally ill, chronically mentally ill, and seriously disturbed, including minorities, children, elderly, disabled, and low-income groups in these priority populations. The biennial plan shall be developed based on available resources and priorities established in the biennial needs assessment.

(2) The biennial plan shall include the following components:

(a) (~~A plan narrative identifying~~) Identification of needs to be met, goals and objectives, an action plan for coordination and delivery of mental health services (~~:~~) and program development activities (~~related to~~) regarding needs and priorities identified in the biennial needs assessment. The plan (~~narrative~~) shall include all mental health services required by the Community Mental Health Services Act (~~and may include optional services~~) for priority populations, including:

(i) Emergency services including preadmission screening services;

(ii) Outpatient services;

(iii) Day treatment;

(iv) Consultation and education services;

(v) Community support services;

(vi) Inpatient services (optional); and

(vii) Residential services (optional).

(b) Description of how mental health services are to be made available to priority consumers throughout the county, including location.

The plan shall indicate how services shall be extended to mentally ill consumers who, because of situation, age or disability, cannot travel to facilities where mental health services are routinely provided.

(c) Description of how mental health services are to be made available and accessible to children, elderly, minorities, disabled, and low-income consumers who are acutely mentally ill, chronically mentally ill, or seriously

disturbed. In counties where a significant ethnic minority, as defined by department guidelines, exists, the county plan shall ensure that culturally relevant services are available and accessible to this population. RSNs shall recognize the unique cultural, religious, and tribal sovereignty of Indian nations, tribes, and communities.

(d) A budget identifying revenues and expenditures for mental health services, program development activities, and administration of the mental health program and services. The budget ((with)) shall be submitted in accordance with the requirements specified in WAC 275-56-070.

(3) ((The biennial plan shall be developed in accordance with the planning guidelines of the department:

((4)) The secretary may modify deadlines for submission of plans, responses to written reviews or contract proposals when, in the secretary's judgment, the modification ((would)) enables the county to improve the program planning process.

((5)) (4) The secretary may authorize the county to continue providing services in accordance with the previous plan ((and)) by amending the existing contract, as necessary, and reimburse at the average level of the previous contract, in order to continue services until the contract is executed.

((6) Any) (5) A provider having applied to participate in the community mental health program who objects to county decisions regarding the biennial plan may request a hearing before the county authority. When an appeal is made, the county authority shall review the appeal and notify the provider, in writing, of the appeal disposition within thirty days after the appeal ((has been)) is received.

((7) Any) (6) A county objecting to the department's disposition of the county's biennial plan may request an administrative review ((pursuant to)) under the Administrative Procedure Act, chapter ((34.04)) 34.05 RCW.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-035 COUNTY ((ADMINISTRATION)) AND REGIONAL SUPPORT NETWORK PLANNING—PROVIDERS ELIGIBLE FOR FUNDING. The ((county)) authority shall ensure the biennial plan ((is inclusive of)) includes only licensed service providers.

(1) The county or RSN may become a provider under the following conditions:

(a) No other provider is available to provide the mental health services; ((and)) or

(b) The county ((has demonstrated)) or RSN demonstrates to the department that ((the county)) it can provide the mental health services more efficiently and cost effectively than other available providers without loss of quality of care. Evidence that ((the county)) it would be more efficient and cost effective than other available providers includes, but is not limited to, lower administrative costs, lower unit cost for comparable services, and higher productivity.

(2) ((Where the county is a licensed service provider of mental health services, the department shall meet the following responsibilities of the county authority for the services:

(a) Contract monitoring of the provider (WAC 275-56-050):

(b) Fiscal auditing of the provider (WAC 275-56-085):

(c) Review an appeal of the provider (WAC 275-56-025(6)):

((3)) If a county decides not to participate in the community mental health program, the department shall assume all responsibilities ((of the county authority)) for planning and administering mental health services in that county.

((4)) (3) Providers contracting with the county or RSN for mental health services shall be licensed by the department in accordance with state minimum standards for community mental health programs.

((5)) (4) Counties proposing to contract with more than one licensed provider shall demonstrate the following criteria are met:

(a) Assured continuity of care ((is assured));

(b) Services ((will be)) provided in an efficient and cost-effective manner, and

(c) Duplication of services and administrative costs are minimized.

((6)) (5) County or RSN contracts with individual providers licensed under chapters 18.57, 18.71, 18.83 or 18.88 RCW shall require ((all)) fiscal accountability and participation in the client ((tracking)) mental health information systems as required in this chapter.

((7)) (6) The department shall determine standards in this chapter applicable to individual providers which shall be incorporated in the contracts with the individual providers.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-040 COUNTY ((ADMINISTRATION AND)) PLANNING—BIENNIAL PLAN AS A BASIS FOR CONTRACTING. ((The county authority)) Prior to July 1, 1995, the department shall ((utilize)) use the biennial plan and budget as the basis for contracting with the county authority.

(1) A work statement and budget shall be incorporated into the contract ((with the department)).

(2) The contract between the ((county)) department and the ((department)) county shall serve as the basis for county contracts with providers.

(3) When contracting with providers, the county shall ((utilize)) use standardized contract terms and conditions consistent with department guidelines for contracting and including requirements for at least the following:

(a) Reporting of revenue, expenditures, service outcomes, and statistical information on all mental health services provided to priority populations by the provider, and

(b) Compliance with minimum standards as defined under this chapter for community mental health programs.

NEW SECTION

WAC 275-56-042 REGIONAL SUPPORT NETWORKS PLANNING—BIENNIAL PLAN AS A BASIS FOR CONTRACTING. The department shall, within available resources, contract with RSNs certified to perform services.

(1) Biennial goals identified in the six-year plan and biennial updates shall serve as the primary source for contractual expectations. The contract shall include:

- (a) Requirements under WAC 275-56-017; and
- (b) A fiscal plan.

(2) The contract shall specify the requirements for timely reporting of data, statistics, schedules, and information, including:

- (a) Fiscal reports;
- (b) Reports on the development of identified service components; and
- (c) Reports on utilization under WAC 275-56-050.

NEW SECTION

WAC 275-56-043 REGIONAL SUPPORT NETWORKS—PENALTIES FOR NONCOMPLIANCE.

(1) Failure to provide the department with requested data, statistics, schedules, or information; filing of fraudulent reports; or failure to meet contractual terms may result in:

(a) Suspension, revocation, limitation, or restriction of certification;

(b) Refusal to grant certification; or

(c) The department petitioning the superior court to restrain any person or governmental unit from operating an RSN or service provider without certification or a license. The department may petition the superior court to issue a warrant, authorizing the department to enter at reasonable times, and examine the records, books, and accounts of RSNs or service providers.

(2) The department shall deny funding to RSNs based solely upon findings of noncompliance with the terms of the RSN's contract.

(3) RSNs objecting to the department's disposition of the plan may request an administrative review under the Administrative Procedure Act, chapter 34.05 RCW.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-050 COUNTY ((ADMINISTRATION)) AND REGIONAL SUPPORT NETWORK PLANNING—((COUNTY)) MONITORING OF PROVIDERS. The ((county)) authority shall be responsible for monitoring providers ((which have contracted)) contracting with the ((county)) authority to provide mental health services.

(1) The ((county)) authority shall evaluate, at least annually, ((each)) provider((s)) compliance with ((its)) contract work statements.

(2) Each biennium, the ((county)) authority shall ensure a program audit of the provider is conducted in accordance with guidelines of the department.

(3) The RSN, when established, shall ensure annual independent reviews of utilization of services authorized and coordinated through resource management services.

If necessary, the RSN shall take corrective action based on findings from the review. At a minimum, the review shall determine to what extent:

(a) Consumers who are high utilizers of acute care services are enrolled and served;

(b) Consumers in community support and residential services are receiving sufficient and not unnecessary services; and

(c) Mental health services are available and accessible to underserved groups (WAC 275-56-010 (1)(b) and (2)).

(4) The ((county)) authority shall notify the department of ((any findings resulting from the county's monitoring of providers)) observations indicating ((that)) the provider ((is)) may not be in compliance with ((contract terms)) licensing requirements. The ((county)) authority shall submit a written report of program evaluations and audits to the department within thirty days of completion.

((4) The) (5) Prior to July 1, 1995, in non-RSN counties, responsibilities specified in this section may be assumed by one county ((where)) when a combination of counties ((have established)) establishes a community mental health program, and the administration of the program is provided by one county.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-055 COUNTY ((ADMINISTRATION)) AND REGIONAL SUPPORT NETWORK PLANNING—((CLIENT TRACKING)) MENTAL HEALTH INFORMATION SYSTEM. The ((county)) authority shall ((be responsible for ensuring)) ensure that ((client tracking)) information for ((the chronically mentally ill)) priority populations is ((maintained on)) promptly reported to the state mental health ((client tracking)) information system. The ((state)) department and the authority shall use the mental health ((client tracking)) information system ((will be a centralized file which may be used by)) for state-wide, county ((authorities for tracking of the chronically mentally ill)), and/or RSN management reports and for locating priority population consumers.

(1) ((The counties shall require all)) State hospitals, certified evaluation and treatment facilities, other inpatient or residential facilities, county-designated mental health professionals, resource management services, and licensed providers ((of service to the chronically mentally ill to)) under contract to the authority or department shall collect and submit the following information consistent with department guidelines:

(a) ((A department-designated client identifier enabling the person to be uniquely identified in any mental health service he or she receives.

(b) Name of the state hospital, certified evaluation and treatment facility, other inpatient or residential facility or licensed provider referring the client, and the date of referral.

(c) Identification of the facility or provider accepting the client upon referral from another facility or provider, including designation of the licensed provider providing case management services, if any.

~~(d) Service utilization in the community mental health program since the most recent date of referral or release from another facility or provider, including provider name and beginning and ending dates of treatment.~~

~~(2) The client tracking information shall be provided to the state client tracking system by state hospitals, certified evaluation and treatment facilities, other inpatient or residential facilities, county-designated mental health professionals (chapter 71.05 RCW), and licensed providers under contract to the county authority or department.~~

~~(a) Referring entities referenced in this section shall provide the department with client tracking information consistent with department guidelines on notification of client referral or release.~~

~~(b) Providers accepting a client referred from another facility or provider shall notify the state client tracking system of the outcome of the referral, and any subsequent referrals, transfers, or termination of the client)) Name, birthdate, sex, and other identifiers enabling the consumer to be uniquely identified;~~

~~(b) For registered consumers, the number identifying the agency registering the consumer,~~

~~(c) For registered, enrolled consumers, the number identifying the provider enrolling the consumer and information required by resource management services necessary to complete the ISP (WAC 275-56-087);~~

~~(d) Services provided; and~~

~~(e) Notification of consumer registration within twenty-four hours and notification of enrollment and discharge within seventy-two hours.~~

~~(2) Consumers having at least one contact with the mental health system and for whom additional services are planned shall be registered. Registered consumers approved by resource management services for community support or residential services shall be considered enrolled.~~

~~(3) The confidentiality of information contained in the ((client tracking file or record)) mental health information system shall be maintained ((in accordance with)) according to WAC 275-56-240 and chapter 71.05 RCW ((71.05.390 through 71.05.440)). All county, RSN, or provider staff having access to the ((client tracking file or record)) mental health information systems shall be instructed in these confidentiality requirements. A statement signed by the ((individual)) staff acknowledging ((his or her)) understanding and agreement to abide by these requirements shall be kept on file by the county, RSN, or provider.~~

~~(4) If ((a county)) an authority chooses to maintain a client tracking system based on other than the state mental health client tracking system, prior approval by the department is required.~~

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-060 COUNTY ((ADMINISTRATION)) AND REGIONAL SUPPORT NETWORK PLANNING—((COUNTY)) COORDINATION OF

SERVICES. The ((county)) authority shall ensure coordination of services for ((the acutely mentally ill, chronically mentally ill, and seriously disturbed, including underserved groups within these)) priority populations (WAC 275-56-010). The ((county)) authority shall ((utilize)) use information from the state ((client tracking)) mental health information systems to coordinate ((community support and outreach)) mental health services. The ((county)) authority may contract with and designate a provider to meet the requirements of this section.

~~((1) Service providers discharging or referring chronically mentally ill clients to another service provider shall provide written notification to the state mental health client tracking system and the receiving agency of that discharge or referral within seventy-two hours.~~

~~(2) The receiving agency shall notify the state mental health client tracking system of the admission of the referred client within seventy-two hours of the admission. If the client has not been admitted within two weeks of the referral date, the receiving agency shall notify the state mental health client tracking system of the noncompleted referral.~~

~~(3) The county authority or its designee shall utilize information from the state mental health client tracking system to ensure efforts are made to provide needed services to all chronically mentally ill persons referred to providers, inpatient, or residential facilities within the county. When the county or its designee receives notification of noncompleted or inappropriate referrals, the county or its designee shall determine and document the reasons and attempt to arrange an appropriate referral.~~

~~((4)) The ((county)) authority shall ((utilize)) use information from the ((state client tracking system)) mental health information systems to routinely monitor continuity of care for ((chronically)) mentally ill ((clients)) consumers.~~

~~((5) The county shall at least annually utilize client tracking information to assess the effectiveness of referral patterns and procedures:))~~

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-065 COUNTY AND REGIONAL SUPPORT NETWORK FISCAL ADMINISTRATION—DISBURSEMENT OF FUNDS ADVANCED BY THE DEPARTMENT. The ((county)) authority shall be responsible for establishing procedures ((to ensure)) ensuring proper application and use of funds advanced by the department for the community mental health program. The ((county)) authority shall maintain adequate documentation of disbursements of the advance account to providers.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-070 COUNTY AND REGIONAL SUPPORT NETWORK FISCAL ADMINISTRATION—SUBMITTAL AND APPROVAL OF MENTAL HEALTH BUDGET. The ((county)) authority shall submit a mental health budget to the department

for approval consistent with department guidelines (~~(of the department)~~).

(1) The ~~((county))~~ budget shall include ~~((all))~~ available resources from the department, RSN, and county mental health funds. The budget shall categorize estimated revenues and expenses according to the department's budgeting, accounting, reporting system (BARS), or other department standards consistent with generally accepted accounting principles (GAAP).

~~((2) The mental health budgets of all providers contracting with the county shall be on file with the county. Provider budgets shall include available resources and other revenues that will support mental health services for acutely mentally ill, chronically mentally ill, and seriously disturbed clients. The provider budget shall categorize estimated revenues and expenses according to the department's standardized accounting system.~~

~~((3))~~ (2) The county or RSN mental health budget and all material adjustments thereof shall be reviewed and formally approved by the ~~((county))~~ authority prior to review and approval by the department.

~~((4))~~ (3) All county, RSN, or provider requests for federal funding to support any aspect of the community mental health program shall be submitted to the department for review and approval before the request is submitted to any federal agency.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-075 COUNTY AND REGIONAL SUPPORT NETWORK FISCAL ADMINISTRATION—ACCOUNTING RECORDS. The RSN, when established, or the county accounting records shall clearly identify all revenues (~~((received))~~) from ~~((the department))~~ available resources and expenditures (~~((thereof))~~) consistent with the department's budgeting, accounting, reporting system (BARS), or other department standards.

Accounting records shall be supported by properly executed accounting documents. Records, supporting documentation and statistical reports shall be retained for a period of five years, with the following qualifications:

(1) If ~~((any))~~ litigation, claim, or audit is started before the expiration of the five-year period, the records shall be retained until ~~((all))~~ litigation, claims, or audit findings involving the records (~~((have been))~~) are resolved.

(2) Records for nonexpendable property acquired with resources from the department shall be retained for five years after final disposition.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-080 COUNTY AND REGIONAL SUPPORT NETWORK FISCAL ADMINISTRATION—REPORTS TO AND AUDITS BY THE DEPARTMENT. The RSN, when established, or the county shall maintain financial records and provide the department with information on the fiscal performance of the community mental health program.

(1) An original and one copy of the financial report shall be submitted to the department on a semiannual

basis consistent with department guidelines (~~(of the department)~~).

(a) The report shall account for all mental health funds included in the ~~((county's))~~ contract with the department.

(b) The report shall be due in the department within ~~((forty))~~ sixty days following the end of each reporting period.

(2) All county records of mental health funds provided to the county by the department shall be maintained in an auditable format. These records shall be available for audit upon request by the department or the department's designated audit agent.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-085 COUNTY AND REGIONAL SUPPORT NETWORK FISCAL ADMINISTRATION—BIENNIAL FISCAL AUDIT OF PROVIDERS. The RSN, when established, or the county authority or designee shall ~~((be responsible for performing))~~ perform a biennial fiscal audit of each provider ~~((which is))~~ under contract ~~((to the county))~~ to provide mental health services.

(1) The biennial audit shall be conducted in accordance with applicable, generally accepted auditing standards (GAAS).

(2) Documentation shall verify that the reports of such audits ~~((have been))~~ are reviewed by the governing body of the provider and the ~~((county))~~ authority.

(3) The biennial audit shall be completed within twelve months following the end of the department's biennium.

(4) The ~~((county))~~ authority shall notify the department of ~~((any))~~ audit findings indicating the provider is not in compliance with the county's contract or with minimum standards for community mental health programs.

(5) The ~~((county))~~ authority may use an independent audit secured by the provider to meet the requirements of the biennial ~~((county))~~ audit.

(6) Where available resources from the department can be separated from other provider revenues (~~((of the provider))~~), the audit shall apply only to available resources. Otherwise the ~~((county))~~ authority shall perform a biennial fiscal audit of all provider revenues (~~((of the provider))~~).

(7) The mental health budgets for all providers contracting with the authority shall be on file with the authority. Provider budgets shall include available resources and other revenues supporting mental health services for priority populations. The provider budget shall categorize estimated revenues and expenses according to department standards.

NEW SECTION

WAC 275-56-087 REGIONAL SUPPORT NETWORKS—RESOURCE MANAGEMENT SERVICES. RSNs, when established, shall ensure the provision of resource management services to provide integrated and coordinated services for priority consumers

(WAC 275-56-010 (1)(b)), needing community support and residential services.

(1) Resource management services shall develop written criteria for admissions, placements, transfers, and discharges to and from the system of ongoing community and residential services (WAC 275-56-088 and 275-56-465). Such criteria shall ensure that priority population consumers who are high utilizers of acute care services be enrolled and served.

(2) Resource management services shall identify and establish methods of access to the system which shall include but not be limited to consumers identified by:

- (a) Crisis response system;
- (b) Inpatient programs;
- (c) Jails;
- (d) Shelters;
- (e) Community support and residential providers; and
- (f) Families and advocates.

(3) Resource management services shall maintain a liaison with state mental health facilities, evaluation and treatment facilities (chapter 71.05 RCW) and other local inpatient psychiatric facilities to be informed of the status of enrolled and potentially enrolled consumers needing community support services. Resource management services shall assess referrals from the crisis response system and inpatient programs, and if enrolled in community support services, the consumer shall be assigned a case manager within three working days.

(4) Resource management services shall, in collaboration with the consumer or legally responsible other, determine consumer placement within the system of community support and residential services, ensuring that enrolled consumers are provided an integrated and coordinated individualized service plan (ISP) for adequate services and treatment, including:

- (a) Least restrictive housing;
- (b) Treatment;
- (c) Supports to minimize acute crises;
- (d) Income supports; and
- (e) Services to address the specialized needs of underserved populations.

(5) The consumer's preferences shall be given maximum consideration in development and implementation of the ISP for services and placement.

(6) Resource management services shall identify a single entity with primary responsibility for effective implementation of each consumer's ISP.

(7) Where resource management and case management services are integrated, the ISP and the ITP may be a single document.

(8) Resource management services shall approve all terminations of enrolled consumers.

(9) Resource management services staff shall have clinical training assuring appropriate assessment, admission, placement, transfers, and discharges. Resource management services supervisors shall be mental health professionals.

(10) Resource management services shall participate in the state mental health information systems, reporting admissions, placements, transfers, and discharges according to WAC 275-56-055.

(11) Resource management services shall assure access to seven day a week, twenty-four hour availability of information regarding mentally ill adults' and children's enrollment in services and their ISP's to county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the RSN.

NEW SECTION

WAC 275-56-088 REGIONAL SUPPORT NETWORKS—COMMUNITY SUPPORT SERVICES. After July 1, 1995, or when RSNs are established, for adults and children priority populations (WAC 275-56-010 (1)(b)), community support services shall include:

- (1) Assessment and diagnosis (WAC 275-56-260);
- (2) Emergency crisis intervention available twenty-four hours, seven days a week (WAC 275-56-355);
- (3) Prescreening determinations for mentally ill consumers being considered for placement in nursing homes as required by federal law and department issuances;
- (4) Screening for consumers being considered for admission to residential services;
- (5) Discharge planning for consumers leaving state mental hospitals, other acute care inpatient facilities, and other children's mental health residential treatment facilities (WAC 275-56-445);
- (6) Investigation, legal, and other nonresidential services (chapter 71.05 RCW);
- (7) Case management services (WAC 275-56-445);
- (8) Psychiatric treatment, including medication supervision (WAC 275-56-295);
- (9) Counseling (WAC 275-56-385);
- (10) Psychotherapy (WAC 275-56-385);
- (11) Assuring transfer of relevant patient information between service providers (WAC 275-56-240);
- (12) Participation in the state mental health information systems for priority populations (WAC 275-56-055); and
- (13) Other services determined by RSNs.

NEW SECTION

WAC 275-56-089 REGIONAL SUPPORT NETWORKS—CRISIS RESPONSE SYSTEM. RSNs, when established, shall develop an integrated crisis response system (CRS). The CRS shall serve consumers of all ages in emotional crisis in the community.

(1) The CRS shall provide twenty-four hour telephone screening (WAC 275-56-355 (1)(a)) which has working relationships with other emergency telephone systems, where available.

(2) To ensure the least restrictive resolution of the crisis, the RSN shall integrate the provision of the following services:

- (a) Initial screening and assessment (WAC 275-56-355) to determine:
 - (i) Whether the crisis has an emotional or mental illness basis;
 - (ii) Course of action; and
 - (iii) Assignment of resources necessary to resolve the crisis;
- (b) Twenty-four hour mobile outreach to:

- (i) Conduct face-to-face evaluations (WAC 275-56-355 (1)(b) and (4)); and
- (ii) Support and assistance to stabilize the consumer in the community, if possible;
- (c) Crisis respite care (WAC 275-56-465(5));
- (d) Investigation and detention services (chapter 71.05 RCW);
- (e) Twenty-four hour access to:
 - (i) Voluntary and involuntary (chapter 71.05 RCW) psychiatric inpatient care;
 - (ii) Medical services, including:
 - (A) Emergency medical services, including preliminary screening for organic complications;
 - (B) Prescription services; and
 - (C) Medication administration;
 - (iii) Interpretative services enabling staff to communicate with consumers;
- (f) Within available resources and extent of authority, twenty-four hour access to:
 - (i) Drug and alcohol detoxification resources; and
 - (ii) Emergency basic services, including:
 - (A) Food;
 - (B) Clothing;
 - (C) Shelter; and
 - (D) Transportation.
- (3) CRS staff shall use the mental health information systems to determine consumer enrollment status in the ongoing system of community support or residential services.
 - (a) If the consumer is enrolled by resource management services, CRS staff shall involve the case manager in resolving the crisis.
 - (b) Following resource management services criteria, CRS staff shall refer priority population consumers (WAC 275-56-010 (1)(b)) who are unenrolled to resource management services.
- (4) The CRS shall develop and maintain working relationships with supportive services needed by consumers in crisis, but not available in the mental health system.
- (5) Caregivers shall have immediate access to CRS staff.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-090 LICENSING PROCEDURES FOR PROVIDERS—APPLICABILITY OF MINIMUM STANDARDS FOR COMMUNITY MENTAL HEALTH PROGRAMS. The department shall license providers (excluding individual providers licensed under chapter 18.57, 18.71, 18.83 or 18.88 RCW) (~~shall be licensed by the department~~) according to established standards before (~~entering~~) they may enter into a contract with the RSN, when established, or the county to provide mental health services.

- (1) A provider contracting with the county or RSN for (~~the~~) services required by the Community Mental Health Services Act shall meet all minimum standards for (~~organizational administration, services administration, and services~~) service delivery in this chapter.
- (2) (~~Where~~) The department shall determine the minimum standards when the provider contracts with the county or RSN for some but not all of the required

mental health services (~~the department shall determine the minimum standards applicable to the provider and the contracted services~~).

(3) (~~Where~~) When a provider is part of a superordinate structure (e.g., county, hospital, university), the standards shall apply only to the community mental health component of that structure.

(4) (~~Where~~) Only when a provider is able to separate contracted mental health services for (~~the acutely mentally ill, chronically mentally ill, and seriously disturbed~~) priority populations from mental health services provided other (~~client~~) consumer populations, (~~organizational administration, services administration, and services~~) shall service standards (~~shall~~) apply (~~only~~) to the contracted services. The provider shall demonstrate to the department's satisfaction that (~~the~~) contracted services are distinct from other services with respect to (~~the following~~):

- (a) Budget, revenues, and expenditures(~~;~~);
- (b) Staffing(~~;~~); and
- (c) (~~Clients~~) Consumers served(~~;~~ and
- (d) Identification in the organizational structure).

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-095 LICENSING PROCEDURES FOR PROVIDERS—APPLICATION AND APPROVAL. The department shall review applications for licensure and approve those (~~which meet~~) meeting minimum standards for community mental health programs.

(1) Applications for licensure shall be submitted to the department on forms furnished by the department. The applicant shall indicate the services for which licensure is requested.

(a) Applications shall be signed by the applicant's governing body and administrator.

(b) The applicant shall send a copy of the application to the RSN, county authority, or (~~the~~) designee. The RSN, county authority, or (~~the~~) designee may review the application and send written comments to the department with a copy to the applicant. If the department does not receive a response from the RSN, county authority, or (~~the~~) designee within thirty days, the department shall proceed with the application.

(2) The department shall conduct an on-site review (~~shall be conducted for the purpose of collecting~~) to collect and (~~analyzing the~~) analyze information (~~necessary for the department~~) to determine (~~whether~~) if a provider is in compliance with the minimum standards (~~specified in~~) of this chapter. The department shall provide forty-five days written notice prior to the date scheduled for the licensure review.

(3) The department shall notify the applicant of the review results (~~of the review~~) and make the review report (~~of the on-site review~~) available to the applicant and (~~county~~) the authority within sixty days of the last day of the on-site review.

(4) The (~~applicant may appeal the department's licensure decision within thirty days of notification of decision. The appeal shall be made in accordance with the Administrative Procedure Act, chapter 34.04 RCW~~)

department's notice of denial, revocation, suspension, or modification of a licensing decision is governed by RCW 43.20A.— (section 95, chapter 175, Laws of 1989). The provider's right to an adjudicative proceeding is in the same law.

(5) A provider wanting to contest a department licensing decision shall, within twenty-eight days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the Office of Appeals, P.O. Box 2465, Olympia, WA 98504; and

(b) Include in or with the application:

(i) A specific statement of the issue or issues and law involved;

(ii) The grounds for contesting the department decision; and

(iii) A copy of the department decision being contested.

The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW); RCW 43.20A.— (section 95, chapter 175, Laws of 1989); this section; and chapter 388-08 WAC. If any provision of this section conflicts with chapter 388-08 WAC, the provision in this section governs.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-100 LICENSING PROCEDURES FOR PROVIDERS—WAIVER OF RULES. ((Any))

(1) A provider or applicant subject to the provisions of this chapter may seek a waiver of any requirement of this chapter((:

(1) The provider or applicant shall file a written request for a waiver with the department which shall include:

(a) The name and address of the provider or applicant seeking the waiver;

(b) The specific section or subsection of this chapter for which waiver is sought;

(c) An explanation of why a waiver of the section or subsection is necessary;

(d) A description of the alternative practice or procedure the provider proposes to follow in lieu of that required by the section or subsection, or a plan for satisfying the requirement with the section or subsection for which the waiver is sought; and

(e)) by submitting forms furnished by the department and signed ((documentation)) approval from the ((county)) authority or designee reviewing the waiver including recommendations regarding the request.

(2) Upon receipt of a request for waiver, the department shall consider the following:

(a) Impact on accountability, efficiency, and quality of care;

(b) ((The)) Degree of noncompliance ((being)) sought;

(c) Whether the waiver ((would)) runs counter to the intent of chapter 71.24 RCW or other laws or regulations; and

(d) ((Whether)) Precedents, if any ((similar requests for waiver have been granted or denied)).

(3) The department's response to the waiver request shall be provided in writing within sixty days of receipt of the request.

(a) If the waiver is granted, the notice shall include:

(i) ((The)) Section or subsection waived;

(ii) ((Any)) Conditions ((which the applicant must comply with));

(iii) ((The)) Duration of the waiver which shall in no case exceed two years from the date of the licensure; and

(iv) Notification that the waiver shall be subject to review and possible renewal, if requested.

(b) If the waiver request is denied, the notice shall include reasons for the decision.

(4) The denial of a waiver request may be appealed to the secretary((, whose decision shall be final)) in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-105 LICENSING PROCEDURES FOR PROVIDERS—LICENSURE STATUS. The department shall, based on findings of a licensure review, assign the provider one of the following licensure statuses:

(1) Licensed

(a) Under this status the ((provider is eligible to enter into a)) authority may contract with the ((county authority)) provider to provide those mental health services for which the provider is licensed.

(b) The department ((may)) shall require the provider to submit and implement a plan of correction to resolve deficiencies, if present. The department may revoke the license if the provider does not implement the ((provider's)) plan of correction.

(c) At any time the department receives information indicating the provider ((has)) is not ((continued to comply)) in compliance with minimum standards for community mental health programs, the department may conduct a new licensure review.

(d) The department may revoke the license if the review ((determines)) shows the provider is not in substantial compliance.

(e) If evidence indicates that the health and safety of the ((client)) consumer is in danger, the revocation may be ((made effective)) immediately effective.

(2) ((Interim licensure

(a) Interim licensure shall be given to all providers contracting with a county authority to provide mental health services as of the effective date of this chapter.

(b) Interim licensure shall remain in effect until notification of licensure status resulting from the department's first licensure review of the provider or until two years following the effective date of this chapter.

(c) Following the department's first licensure review the provider shall have the licensure status assigned by the department.

(3)) Probationary licensure

(a) Under this status the provider is eligible to contract with the ((county)) authority on conditions specified by the department.

(b) To achieve full licensure the provider shall demonstrate to the department that it has met the conditions of the probationary status.

(c) The provider shall request that the department ~~((to))~~ review its corrective actions within six months of notification of probationary status or its licensure shall be revoked.

(d) The department shall review the provider's corrective actions and make a redetermination of licensure status within six months of the date of the provider's request for review.

(e) Probationary status shall only be assigned a provider as an outcome of the department's first licensure review of a provider or ~~((of))~~ a new provider service ~~((of that provider))~~.

~~((4))~~ (3) Provisional licensure

A new provider or a provider planning to offer a new service may be given a provisional license for up to one year if the following conditions are met:

(a) It has an acceptable detailed plan for the development and operation of such service;

(b) It can demonstrate the availability of administrative and clinical expertise required to develop and provide the planned services; and

(c) It has the fiscal management and existing or projected resources to reasonably assure ~~((the))~~ stability and solvency of the planned service.

~~((5))~~ (4) The ~~((provider's contract with the county))~~ authority shall ~~((be terminated))~~ terminate the contract with the provider thirty days following the department's notification to the provider and the ~~((county))~~ authority of failure to attain or maintain licensure.

~~((6))~~ (5) Providers failing to attain licensure or whose licensure ~~((has been))~~ is revoked may reapply for licensure no earlier than six months following the date of the department's notification.

(a) The application shall document the actions the provider has taken to correct deficiencies found in the prior licensure review.

(b) If the application demonstrates the provider has made every reasonable effort to correct deficiencies, the department shall schedule a licensure review to evaluate compliance with those standards previously unmet.

~~((7))~~ (6) A license shall be in effect for two years or until a review for relicensure ~~((has been))~~ is conducted.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-110 PROVIDER ADMINISTRATION—POLICIES AND PROCEDURES. The provider shall have written policies and procedures for ~~((operations and administration))~~ the delivery of services. The provider's policies and procedures shall ~~((include:~~

- (1) Fiscal administration;
- (2) Personnel management;
- (3) Affirmative action;
- (4) Staff training;
- (5) Quality assurance;
- (6) Client rights;
- (7) Client records;
- (8) Client entry, service planning, operations, and

~~((9) Services))~~ serve to ensure maintenance of minimum standards as established by the department in this chapter.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-115 PROVIDER ADMINISTRATION—GOVERNING BODY. (1) The provider shall have a governing body which shall ~~((be responsible for the provider's:~~

~~((1) Policies;~~

~~((2) Total budget;~~

~~((3) Biennial plan and budget for services proposed for contract with the county authority; and~~

~~((4) Contract with the county authority for mental health services))~~ authorize and approve:

~~((a) Policies;~~

~~((b) Budget and audit; and~~

~~((c) Contract with the RSN or county authority for mental health services.~~

(2) The governing body shall designate an administrator.

AMENDATORY SECTION (Amending Order 2474, filed 2/27/87)

WAC 275-56-135 PROVIDER FISCAL ADMINISTRATION—WRITTEN SCHEDULE OF FEES. The provider, excepting services also licensed under chapter 248-14, 248-16 or 248-25 WAC, shall establish and use a sliding fee schedule based on the resources available to the ~~((client))~~ consumer to pay for mental health services and the provider's actual cost of care.

(1) ~~((Use of the fee schedule shall be approved by))~~ The department ~~((as part of the licensing process. Effective April 1, 1987, approval will))~~ shall only ~~((be given to))~~ approve sliding scale fee schedules ~~((which do))~~ not ~~((require))~~ requiring payment from ~~((individuals))~~ consumers with ~~((an))~~ income levels equal to or below the grant standards for the general assistance program (WAC 388-29-100).

(2) The fee schedule shall be accessible to the provider's staff and ~~((clients))~~ consumers.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-150 PROVIDER FISCAL ADMINISTRATION—ACCOUNTING SYSTEM. The provider shall maintain an ~~((appropriate))~~ accounting system ~~((for administration of financial resources.~~

~~((1) The provider shall maintain the accounting system))~~ in accordance with applicable, generally accepted accounting principles (GAAP) and department standards.

~~((2) Accounting records shall clearly identify all revenues by source.~~

~~((3) All expenses shall be recorded in a manner to clearly show the budget category charged.))~~ (1) Financial records, supporting documentation, and statistical reports shall be retained for a period of five years, with the following qualifications:

(a) If any litigation, claim, or audit is started before the expiration of the five-year period, the records shall be retained until all litigation, claims, or audit findings involving the records is resolved.

(b) Records for nonexpendable property acquired with resources from the department shall be retained for five years after final disposition of the property.

(2) The provider shall prepare a formal, written budget of all expected revenues and expenses identifying mental health services for priority populations. The budget shall categorize revenues by source and expenses by types of services and/or program components consistent with GAAP and department standards.

(3) Financial statements shall be prepared at least annually in conformity with generally accepted accounting principles (GAAP) and shall be available to the authority and department upon request.

(4) If the provider has a contract with the RSN or county, the provider shall submit to the authority at least semiannual revenue and expense reports based on department standards. The revenue and expense reports shall include the relationship of the approved budget to actual revenue and expenditure.

(5) The provider's financial operations shall receive an independent audit at least biennially.

(a) The audit shall be conducted in accordance with generally accepted auditing standards (GAAS).

(b) The audit shall be completed within twelve months following the end of the state's biennium.

(c) The RSN or county biennial fiscal audit of the provider may be used to meet the audit requirements of this section.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-170 PERSONNEL MANAGEMENT—PERSONNEL RECORDS. A personnel record shall be kept on file by the provider for each staff member. ~~((The))~~

(1) Clinical staff personnel records shall contain:

~~((1))~~ (a) Documentation verifying education, experience, and clinical training;

~~((2))~~ (b) Verification of required licensure or certification;

~~((3))~~ (c) Job ~~((description))~~ title, and

~~((4))~~ (d) Documentation of continuing education ~~((including in-service training received and training needs, and~~

~~((5) Documentation of the staff member's review of client rights)).~~

(2) The provider shall maintain a job description for each job title.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-175 PERSONNEL MANAGEMENT—STAFF QUALIFICATIONS. The provider shall ensure that all direct treatment services ~~((shall be))~~ are provided and supervised by staff members with the ~~((appropriate))~~ clinical qualifications listed below.

(1) All direct treatment services shall be provided by a mental health professional or under the clinical supervision of a mental health professional as defined ~~((pursuant to))~~ under chapter 71.05 RCW ~~((as follows:~~

~~(a) A physician or osteopath licensed pursuant to chapter 18.57 or 18.71 RCW, who is board eligible in psychiatry; or~~

~~(b) A psychologist licensed pursuant to chapter 18.83 RCW; or~~

~~(c) A psychiatric nurse or social worker; or~~

~~(d) A person having at least a masters degree in behavioral, nursing sciences, or related field from an accredited college or university and having at least two years' experience in the direct treatment of mentally ill clients under the supervision of a mental health professional; or~~

~~(e) A person professionally registered or certificated (e.g., registered nurse, occupational therapist, physical therapist) and having at least three years' experience in working with mentally ill clients under supervision of a mental health professional. Such a person shall be defined as a mental health professional only when working within the skill areas for which he or she is registered or certificated)) and WAC 275-56-015(32).~~

(2) Clinical supervision and consultation for each service component shall be provided by a mental health professional with two years' experience in that service component.

(3) The staff member with overall responsibility for providing clinical services shall be a mental health professional with at least five years' experience in mental health services to priority populations and have documented supervisory training or experience.

(4) A clinical staff member or trainee not meeting the qualifications stated in subsection (1) of this section shall only provide direct treatment, screening, case management or support services under the following conditions:

(a) The person has been evaluated by a mental health professional and determined to possess the skills and knowledge necessary to ~~((work with))~~ serve the ~~((client))~~ consumer population ~~((to be served;))~~ and in the identified function or role ~~((to be))~~ performed; ~~((and))~~ or

(b) The service is provided under the supervision of a mental health professional ~~((or as part of an organized treatment team)).~~

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-180 PERSONNEL MANAGEMENT—CLINICAL SUPERVISION. The provider shall ensure that all persons providing direct treatment services ~~((shall))~~ receive appropriate clinical supervision and/or consultation.

(1) ~~((Clinical supervision shall be provided by a mental health professional:~~

~~((2))~~ Full-time clinical staff members who are mental health professionals providing direct treatment services shall receive at least one hour ~~((per))~~ every two weeks of clinical supervision and/or consultation. Proportionately

less time is required for part-time mental health professional staff and volunteers. ~~((Persons))~~ Mental health professionals with medical and/or overall clinical responsibilities shall receive ~~((appropriate))~~ peer consultation, as needed.

~~((3))~~ Other) (2) Full-time ~~((clinical))~~ nonmental health professional staff members providing direct treatment services shall receive at least two hours per week of clinical supervision from a mental health professional. Proportionately less time is required for part-time staff.

~~((4))~~ Volunteers and trainees providing direct services, who are mental health professionals, shall receive at least three hours per week of clinical supervision from a mental health professional. Proportionately less time is required for persons providing direct treatment services on a part-time basis.

~~((5))~~ (3) Volunteers and trainees providing direct ~~((treatment))~~ services, who are not mental health professionals, shall receive at least one hour of clinical supervision from a mental health professional for every ~~((five))~~ twenty hours of direct treatment services provided. ((Volunteers, trainees or other persons providing telephone screening or telephone crisis counseling shall not be subject to this subsection, given clinical supervision is available in person, by telephone, or by radio communication at all times.

~~((6))~~ (4) Clinical backup by a mental health professional in person, by telephone, or by radio communication shall be available to staff at all times when service is being provided.

~~((7))~~ (5) Where required by law, specialized services (e.g., medical, psychiatric, psychological, and nursing services) shall be provided or supervised by ~~((appropriately))~~ licensed or credentialed persons in accordance with respective professional standards.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-185 PERSONNEL MANAGEMENT—QUALIFICATIONS APPROPRIATE TO THE NEEDS OF THE ~~((CLIENT))~~ CONSUMER POPULATION. The provider shall ensure that the clinical qualifications of persons providing and/or supervising direct treatment services ~~((shall))~~ reflect the needs of the ~~((client))~~ consumer population.

(1) ~~((Services to persons acutely mentally ill, chronically mentally ill, or seriously disturbed shall be provided by or under the supervision of a mental health professional with at least two years of experience in treatment of such clients.~~

~~((2))~~ Services directed to children shall be provided by, under the supervision of, or with consultation from a child mental health specialist defined as follows:

(a) A mental health professional having completed a minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to the study of child development and the treatment of seriously disturbed children and their families; and

(b) Having the equivalent of one year of full-time experience in the treatment of seriously disturbed children and their families under the supervision of a child mental health specialist.

~~((3))~~ (2) Services directed to the elderly shall be provided by, under the supervision of, or with consultation from a geriatric mental health specialist defined as follows:

(a) A mental health professional having completed a minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to the problems and treatment of the elderly; and

(b) Having the equivalent of one year of full-time experience in the treatment of the elderly, under the supervision of a geriatric mental health specialist.

~~((4))~~ (3) Services directed to ethnic minority ~~((persons))~~ consumers shall be provided by, under the supervision of, or with consultation from a minority mental health specialist defined as follows:

(a) A mental health professional having ~~((completed a minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to minority issues and treatment of minority persons, and~~

~~((b) Having))~~ the equivalent of one year of full-time experience in the treatment of ~~((persons))~~ consumers in the ethnic minority group ~~((he or she serves))~~ served. Such experience shall have been supervised by a mental health ~~((professional and shall have included consultation with minority providers and/or community leaders who are members of))~~ specialist in the minority group served; and

~~((b) Received sixteen annual hours of related specialized training up to a total of one hundred hours, or~~

~~((c) Completed a minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to ethnic minority issues and treatment of ethnic minority consumers.~~

~~((5))~~ (4) Services directed to ~~((disabled persons))~~ consumers with a disability shall be provided by, under the supervision of or with consultation from a mental health specialist with special expertise in working with that disabled group.

(a) If the ~~((client))~~ consumer is deaf, the specialist shall be a mental health professional knowledgeable of deaf culture and psychosocial problems, and able to communicate ~~((with the person and be knowledgeable of the special psychosocial problems of the deaf))~~ fluently in the preferred language system of the consumer.

(b) The specialist for ~~((developmentally disabled clients))~~ consumers with developmental disabilities shall have a minimum of one hundred actual hours (not semester or quarter hours) of specialized training devoted to the problem and treatment of the developmentally disabled, or have one year of supervised experience in a developmental disability or special education program, or be a developmental disability or special education professional.

~~((6))~~ (5) Where the mental health specialists required under this section are unavailable within the RSN, when established, or county, the ~~((provider))~~ authority shall:

(a) Document effort to acquire the services of the required specialists; and

(b) Develop a training program using in-service training or outside resources to assist ~~((existing staff members))~~ service providers to acquire necessary skills

and experience to serve the needs of the consumer population; and, if a significant ethnic minority, as defined by department guidelines, exists in the county or RSN, the authority shall develop the training program to assist provider staff members to acquire the specialized training and supervision to become qualified specialists; or

(c) Contract or otherwise establish a working relationship with the required specialists to provide all or part of the direct treatment services for these populations or to supervise or provide consultation to staff members providing direct treatment services to these populations.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-195 PERSONNEL MANAGEMENT—AFFIRMATIVE ACTION. The provider shall have an affirmative action program (~~(which complies)~~) complying with Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, Section 504 of the 1974 Rehabilitation Act, the department's affirmative action guidelines, and other applicable federal, state, and local laws and regulations.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-200 PERSONNEL MANAGEMENT—TRAINING (~~(OPPORTUNITIES)~~). The provider shall make training opportunities (~~(shall be made)~~) available to administrative, clinical and clerical staff, and volunteers relevant to their areas of responsibility through in-service programs and/or training offered by outside resources.

(1) Each full-time clinical staff member, including volunteers, shall receive a minimum of (~~(forty)~~) twenty-four hours of training per year without loss of pay. Proportionately less training shall be received by part-time clinical staff and volunteers.

(2) Volunteers, trainees or other nonprofessional persons providing telephone screening or telephone crisis counseling shall receive a minimum of thirty hours of appropriate training prior to providing telephone screening or telephone crisis counseling.

(3) Required training is in addition to routine supervision or consultation.

(4) (~~Training shall be consistent with needs identified in the individual's personnel file.~~)

(5) All training received by staff and volunteers shall be documented in the personnel files.) The provider shall maintain minimal documentation of all training.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-205 QUALITY ASSURANCE—CASE REVIEW. The provider shall establish and maintain a quality assurance (~~(case review process shall be established for all direct treatment services.~~)

(1) The quality assurance review shall objectively assess the progress and outcome of treatment.

~~(a) The review shall be conducted by a person or persons not participating in treatment of the case under review. The review may be conducted by an outside consultant.~~

~~(b) At least one mental health professional shall participate in the review.~~

~~(c) At least fifteen cases or five percent, whichever is larger, of the provider's open cases shall be randomly sampled every three months and reviewed for quality of care.~~

~~(i) The sample shall be stratified to:~~

~~(A) Represent each mental health service at least every six months;~~

~~(B) Represent at least one case from each primary therapist or case manager every six months.~~

~~(ii) The cases shall represent acutely mentally ill, chronically mentally ill, and seriously disturbed persons appropriate to the service provided.~~

~~(2) The case review shall result in a determination of whether:~~

~~(a) The client's psychosocial, medical and treatment history, mental and medical status, and special assessments support the needs, problems, and diagnosis specified in the individual's service plan;~~

~~(b) Treatment goals follow from identified needs and problems, identify the expected outcome of treatment, and can be realistically achieved;~~

~~(c) Case progress indicates the goals of treatment have been or will be achieved;~~

~~(d) Medication and other services prescribed or assigned are utilized appropriately; and~~

~~(e) The client should continue in treatment.~~

~~(3) Client records shall be accurate and complete and shall contain the information required by this chapter.~~

~~(4) Corrective actions shall be recommended where a case review indicates inappropriate clinical care.~~

~~(a) Corrective action shall be considered for both the service program and the individual client's service plan.~~

~~(b) Recommendations for corrective action shall be submitted to the primary therapist or case manager, his or her supervisor, and other appropriate supervisors.~~

~~(c) Actions taken in regard to an individual client as a result of the review shall be documented in the client's record)) program to enhance consumer care through objective assessment of such care and the correction of identified problems.~~

(1) Problem identification: The quality assurance program shall include identification of important or potential problems, or related concerns, in the care of consumers, including whether:

(a) Treatment goals follow from identified needs and problems, identify the expected outcomes of treatment, and can be realistically achieved;

(b) Case progress indicates the goals of treatment have been or will be achieved; and

(c) Medications and other prescriptive services are appropriate to current need.

(2) Problem assessment: The quality assurance program shall include objective assessment of the cause and scope of the problems or concerns.

(3) Problem correction: The quality assurance program shall include implementation, by appropriate individuals of decisions or actions designed to eliminate identified problems.

(4) Monitoring of problem resolution: The provider shall, through periodic monitoring of the results of the corrective actions taken, assure that the identified problem is eliminated or satisfactorily reduced.

(5) The review shall be conducted by a person or persons not participating in treatment of the case under review.

(6) A mental health professional shall participate in the review.

(7) The quality assurance program shall assure random review of each clinical staff person's work and each service component over twelve months.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-210 ~~((PROGRAM EVALUATION))~~ RESEARCH-REQUIREMENTS. ~~((The provider shall have a system for determining the degree to which service activities meet its goals and objectives.~~

~~(1) The provider shall have an information system providing relevant, accurate, and timely data in order to monitor program goals and objectives. The provider shall maintain sufficient data to report the Washington state mental health information system minimum data set.~~

~~(2) At least one study of provider operations and intended results of services shall be completed annually. The studies shall address priority issues of concern to the provider and be related to its goals and objectives.~~

~~(3)) Program evaluation or research involving human subjects shall be conducted in accordance with RCW 71.05.390, and "Guide to DSHS policy on protection of human research subjects," July 1, 1981.~~

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-215 FACILITY CHARACTERISTICS. The provider shall deliver services ((shall be provided)) in a setting safe and conducive to the attainment of ((therapeutic)) ITP goals.

((+)) Provider facilities shall meet federal, state, and local requirements, including building, health, and fire codes.

((2) Group therapy rooms shall be of adequate size to accommodate the groups without crowding.

(3) Rooms used for client services shall be fully enclosed, have closing doors, and shall be reasonably soundproofed to reduce both distracting noises and the possibility of conversations being overheard outside the room.

(4) If physical examinations are routinely performed within the facility, a suitably equipped examination room shall be available.))

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-220 SERVICES ADMINISTRATION-ACCESSIBILITY. ((Services)) The provider

shall ((be)) deliver services in an accessible ((m-a)) and nondiscriminatory manner and at times and locations ((which facilitate client utilization of services)) that assist consumer use.

(1) Services to priority populations (WAC 275-56-010) shall include alternative locations for service delivery, including home visits, school visits, or visits to other community agencies.

((+)) (2) Services to ((acutely and chronically mentally ill and seriously disturbed clients)) priority population consumers from underserved groups, including minorities, children, the elderly, disabled, and low-income ((persons)) consumers shall be accessible and meet the special needs of these populations.

(a) The provider shall eliminate or substantially reduce physical, communication, and sociocultural barriers to utilization of services. The provider shall assure access to TTY and certified interpreters for hearing impaired consumers.

((b)) (c) Services shall be compatible with the culture and in the language of ethnic minority ((clients)) consumers where a significant ethnic minority population as defined by department guidelines, exists in the RSN or county.

((c)) (d) In-home services shall be available to homebound ((persons)) consumers, where possible.

((d)) (e) Alternative service delivery models shall be provided, where possible, to enhance utilization by these underserved groups.

((2)) (3) Services shall be provided regularly on some evenings and/or weekends as determined by ((client and potential)) consumer needs.

((3)) (4) In non-RSN counties, if the provider does not offer ((appropriate)) necessary services, the ((client)) consumer shall be referred to such services and the provider shall facilitate the referral.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-225 SERVICES ADMINISTRATION-AWARENESS OF SERVICES. The location of the provider and services offered shall be ((made known to the public)) publicized.

(1) The provider shall maintain listings in ((aH)) telephone and other public directories of the service area.

(2) The provider shall publish and disseminate brochures and other materials describing services and hours of operation.

(3) ((The provider shall publish and disseminate)) Bilingual ((brochures and other)) materials shall be disseminated when there is a significant non-English speaking population in the service area.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-230 SERVICES ADMINISTRATION-((CLIENT)) CONSUMER RIGHTS. The provider shall maintain written policies and procedures relating to ((client)) consumer rights, and shall ensure all personnel are informed and adhere to policies and procedures.

(1) ~~((Clients))~~ Consumers, prospective ((clients)) consumers, and/or legally responsible others shall be informed of ((client)) consumer rights at admission.

(2) The provider shall post a written statement of ((client)) consumer rights in public areas. A copy shall be available to ((clients)) consumers on request. Providers of only telephone services (e.g., crisis lines) shall post the statement of ((client)) consumer rights in a location visible to staff and volunteers during working hours.

(3) Provider staff shall make information available regarding local advocacy organizations that may assist consumers in understanding their rights.

(4) The statement of ((client)) consumer rights shall include at least:

(a) The right to receive appropriate care and treatment, employing the least restrictive alternatives available;

(b) The right to be treated with respect and dignity;

(c) The right to receive treatment which is nondiscriminatory and sensitive to differences of race, culture, language, sex, age, national origin, disability, creed, socioeconomic status, marital status, sexual orientation, and ability to pay((-);

(d) The right to an individualized ((service)) treatment plan reflecting problems and/or needs identified for or with the ((client:)) consumer;

(e) The right to confidentiality as specified in relevant statutes (chapter 71.05 RCW) and regulations (chapter 275-55 WAC and WAC 275-56-240)((-);

~~((+))~~ (f) The right to refuse any proposed treatment consistent with chapter 71.05 RCW;

(g) The right to review the consumer's case record under conditions specified in WAC 275-56-235(2);

(h) The right to receive an explanation of all medications prescribed, including expected effect and possible side effects;

(i) The right to be free of any sexual exploitation or harassment;

(j) The right to lodge a grievance with the provider if the consumer has reason to believe their rights have been violated. The statement shall include the grievance procedure.

(5) Policies of the provider shall address circumstances where confidentiality shall not be maintained, including at least:

(a) ~~((Where))~~ When there is reason to suspect the occurrence of adult or child abuse or neglect;

(b) ~~((Where there is))~~ When the consumer presents a clear threat to do serious bodily harm to self or others; and

(c) To a court under court order((-);

~~(d) The right to refuse any proposed treatment consistent with chapter 71.05 RCW;~~

~~(e) The right to review the client's case record under conditions specified in WAC 275-56-235(2);~~

~~(f) The right to receive an explanation of all medications prescribed, including expected effect and possible side effects;~~

~~(g) The right to be free of any sexual exploitation or harassment;~~

~~(h) The right to lodge a grievance with the provider if the client has reason to believe his or her rights have~~

~~been violated. The statement shall include the grievance procedure)).~~

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-235 SERVICES ADMINISTRATION—PROTECTION OF ((CLIENT)) CONSUMER RIGHTS. The provider shall protect and ensure the rights of all ((clients)) consumers and former ((clients)) consumers.

~~(1) ((Neither evaluation nor treatment services shall be provided to any person under fourteen years of age without the signed consent of the parent or guardian. In an emergency, such child may be seen for one session without consent of parent or guardian. Parental consent for evaluation or treatment services shall not be necessary in the case of a child referred by child protective services or other public agency because of physical, sexual, or psychological abuse or neglect by a parent or parent surrogate.~~

~~(2) When client, or the parent or guardian of a child thirteen years of age or under, requests review of his or her case record, the provider shall:~~

~~(a) Grant the request within seven days, except the request need not be granted if the provider knows or has reason to believe the parent or parent surrogate has been a child abuser or might otherwise harm the child.)) Any minor thirteen years of age or older may request and receive outpatient treatment without consent of the minor's parents. Parental consent for evaluation and treatment services shall not be necessary in the case of a child referred by child protective services or other public agency because of physical, sexual, or psychological abuse or neglect by a parent or parent surrogate.~~

~~(2) When the consumer, or the consumer's legally responsible other, requests review of their case records, the provider shall:~~

~~(a) Grant the request within seven days, unless the provider knows or has reason to believe the parent or parent surrogate has been a child abuser or might otherwise harm the child;~~

~~(b) Review the case record in order to identify and remove any material confidential to another person((-);~~

~~(c) In the presence of a staff member, allow the ((client)) consumer sufficient time and privacy to review the record to ((his or her)) their satisfaction. A clinical staff member shall be available to answer questions((-);~~

~~(d) Permit the following persons to be present during the review, with the consent of the ((client)) consumer,~~

~~(i) Next-of-kin((-);~~

~~(ii) ((The family)) Consumer's physician((-or));~~

~~(iii) ((The client's)) Consumer's attorney((-); or~~

~~(iv) Consumer's advocate;~~

~~(e) Document the review session in the ((client's)) consumer's record((-);~~

~~(f) Assess a reasonable and uniform charge for reproduction, if so desired.~~

~~(3) The written, informed consent of the ((client)) consumer or legally responsible other shall be obtained before:~~

~~(a) Use of ((any)) medication((-);~~

(b) Initiation of ~~((any))~~ nonemergency ~~((service))~~ treatment plan(-);

(c) Use of ~~((any))~~ unusual diagnostic or treatment procedure(-);

(d) Use of ~~((any))~~ audio and/or visual device to record the ~~((client's))~~ consumer's behavior(-);

(e) The ~~((client))~~ consumer serves as a subject for ~~((any))~~ research.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-240 SERVICES ADMINISTRATION—CONFIDENTIALITY OF ~~((CLIENT))~~ CONSUMER INFORMATION. The provider shall protect the confidentiality of all information relating to ~~((clients))~~ consumers or former ~~((clients))~~ consumers pursuant to this chapter and chapter 71.05 RCW.

(1) The provider shall disclose no confidential information, including the fact a person is or has been a ~~((client))~~ consumer, without ~~((a current))~~ the informed consent signed by the ((client)) consumer or legally responsible other except as set forth in subsection (3) of this section.

(2) Standardized forms authorizing release and/or exchange of confidential information shall be used and contain the following:

- (a) ~~((The))~~ Name of the ((client,)) consumer;
- (b) ~~((The))~~ Date(-);
- (c) ~~((The))~~ Name and address of the provider(-);
- (d) ~~((The))~~ Name and address of the person or entity to whom the information is to be provided(-);
- (e) ~~((The))~~ Reason for disclosure(-);
- (f) ~~((The))~~ Specific kind of information to be disclosed(-);
- (g) ~~((The))~~ Period of time the consent is to be in force(-);
- (h) ~~((The))~~ Signature of the ((client)) consumer and/or responsible other(-); and
- (i) ~~((The))~~ Signature of a witness.

(3) Exceptions to subsection (1) of this section are as follows:

(a) Disclosures permitted under relevant statute (chapters 10.77 and 71.05 RCW) or regulations (chapter 275-55 WAC);

(b) To a court under court order;

(c) The fact of admission and any pertinent information and records may be disclosed:

(i) To provider personnel, as needed; however, volunteers and trainees shall have access to ~~((client))~~ consumer records only ((to the extent)) as necessary for treatment;

(ii) ~~((To the extent))~~ As necessary to make an insurance or medical assistance claim. This shall include the department, RSN, county, and providers authorized by the RSN or their designee;

(iii) To a county-designated mental health professional (chapter 71.05 RCW);

(iv) To a hospital or emergency medical personnel for purposes of dealing with an emergency; and

(v) To law enforcement or public health officers under the following conditions:

(A) Only ~~((to the extent))~~ as necessary to carry out the responsibilities of the law enforcement or public health officer;

(B) Such persons shall be responsible for keeping all information confidential ~~((pursuant to))~~ under these standards.

(vi) To a certified evaluation and treatment facility (chapter 71.05 RCW) or to facilitate transfer of the consumer from one treatment facility to another provider, limited to the following:

(A) Treatment records required by law;

(B) A summary of all somatic treatments; and

(C) A discharge summary, which may not include the complete treatment record, but may include:

(I) Statement of the consumer's problem;

(II) Treatment goals;

(III) Type of treatment provided; and

(IV) Recommendation for further treatment;

(vii) To the person designated by the RSN or county to track ~~((the chronically mentally ill))~~ priority populations. Such disclosures shall be limited to the facts of admission, placement, transfer, discharge or referral of ~~((chronically mentally ill persons))~~ priority populations;

(d) Pertinent information must be disclosed, and the provider is obligated to initiate disclosure, under the following conditions:

(i) To child or adult protective services in accordance with RCW 26.44.030 or chapter 74.34 RCW;

(ii) To law enforcement officers and the intended victim when there is a clear ~~((and serious))~~ threat of homicide or intent to do serious bodily harm to another person ((or persons));

(e) To the extent necessary to use a collection agency or the court system to collect delinquent consumer fees when the consumer has sufficient resources to afford payment;

(f) To an individual or organization as necessary for management or financial audits or program monitoring and evaluation. Such information shall remain confidential and may not be used in a manner which discloses the name or other identifying information about the consumer whose records are being released;

(g) For purposes of research as permitted under chapter 42.48 RCW;

(h) To the department, RSN, county or designee, resource management services responsible for serving the consumer or service providers designated by resource management services as necessary to determine placements, progress, and adequacy of treatment;

(i) To the consumer's counsel or guardian ad litem pursuant to chapter 71.05 RCW;

(j) To a correctional facility or correctional officer who is responsible for the supervision of a consumer who is receiving evaluation and treatment services. Release of records under this subsection is limited to:

(i) Evaluation report provided for a written supervision plan;

(ii) Discharge summary including a record or summary of all somatic treatments at the termination of any treatment provided as part of the supervision plan;

(iii) When an individual is returned from a treatment facility to a correctional facility, the following information shall be disclosed: Any information necessary to establish or implement changes in the individual's treatment plan or the level or the kind of supervision as determined by resource management services. Disclosure shall be made to clinical staff or the supervising corrections officer, as appropriate;

(k) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of consumers with mental illness or developmental disabilities. Resource management services may limit the release of information to:

(i) Name, birthdate, and county of residence of the consumer;

(ii) Information regarding whether the consumer was voluntarily admitted, or involuntarily committed;

(iii) Date and place of admission, placement, or commitment;

(iv) Name and address of a guardian of the consumer, and

(v) Date and place of the guardian's appointment.

Any staff member who wishes to obtain additional information shall notify the consumer's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

(l) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of individuals who are under the supervision of the department.

(4) All disclosures made, both with and without the ((client's)) consumer's consent, shall be documented in the case record to include:

(a) Date of disclosure;

(b) Person or entity receiving information;

(c) Nature of information disclosed; and

(d) Reasons for disclosure ((if consent has not been obtained)).

(5) All consumer records shall be stored in a manner ensuring record security and consumer confidentiality. Records shall be maintained in locked cabinets or be housed in a secure room with a lockable door.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-245 SERVICES ADMINISTRATION-RESOLVING ((CLIENT)) CONSUMER GRIEVANCES. The provider shall ((act promptly to hear and take appropriate steps to resolve client grievances. Procedures shall ensure the involvement of appropriate supervisory and administrative staff, and the governing body, as necessary. Confidential information shall not be disclosed to the governing body pursuant to client

grievances without the signed consent of the client)) establish a formal procedure giving consumers the opportunity to report grievances and have them investigated and resolved promptly, including:

(1) Grievances must be put in writing and be dated and signed by the consumer or their representative;

(2) The names or titles of designated supervisory or administrative staff to whom grievances may be taken;

(3) A staff person shall not participate in accepting, investigating, or deciding any grievance in which they are the object of the grievance;

(4) Consumers may choose a staff member, family member, friend, or other advocate to represent them through the grievance procedure. The provider shall make assistance available to help the consumer initiate the grievance;

(5) A written report of the investigation and initial disposition of the grievance shall be made to the consumer within thirty days;

(6) If dissatisfied, the consumer may appeal decisions of the grievance staff to the administrator. A written report of the administrator's decision shall be made to the consumer within thirty days;

(7) The consumer may appeal the administrator's decision to the provider's governing board. A written report of the governing board's decision shall be made to the consumer within thirty days;

(8) The consumer may appeal the governing board's decision to the county or RSN authority. A written report of the authority's response shall be made to the consumer within thirty days;

(9) There shall be no retaliation, formal or informal, against a grievant;

(10) The provider shall retain full records of all grievances in agency confidential files, but not in a consumer's case records.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-260 SERVICES ADMINISTRATION-INTAKE AND INITIAL EVALUATION. ((At intake a clinical staff member shall assess and document the client's presenting problems, history, mental status, need for additional examinations, and treatment needs.

(1) A formal, standardized application for services shall be completed by or for each client and shall become a part of the client's record.

(2) Information describing client rights and confidentiality of information shall be provided at the time of intake.

(3) The initial evaluation shall include:

(a) A clear statement of the presenting problems preferably in the client's own words and/or the parent's words in the case of a child;

(b) A psychosocial, substance abuse, and medical history;

(c) A history of mental health treatment covering at least the last two years;

(d) For children, a developmental history and assessment of academic background and learning problems.

(e) A mental status examination.

~~(f) Direct observation of client behavior.~~

~~(g) An assessment of the client's current level of functioning, strengths, needs, and problems, a provisional diagnosis (Diagnostic and Statistical Manual, 3rd edition), and a determination as to whether the person is acutely mentally ill, chronically mentally ill or seriously disturbed.~~

~~(h) The name and telephone number of the client's present or most recent physician, and the date of the most recent examination or treatment by the physician.~~

~~(4) The client shall be referred for a medical examination when determined necessary. All clients aged sixty and over shall be referred for a medical examination, if such examination has not been done within the preceding ninety days.~~

~~(5) The need for special psychiatric, psychological, neurological, medical or other examinations, tests or procedures shall be determined. The basis for such decisions shall be documented and appropriate referrals made. Before a diagnosis of primary degenerative dementia with senile or presenile onset is made, assessments shall be completed to rule out all forms of treatable medical or mental disorders.~~

~~(6) Fees appropriate to the client's ability to pay shall be established, and the client shall be informed of the fees and of the provider's fee policies during the intake process.) Upon entry into nonemergency services, a clinical staff member shall obtain or develop a current assessment and initiate the individualized treatment plan (ITP). Information obtained from other providers shall be current as of ninety days prior to initiating the intake.~~

~~(1) The following shall be included in the intake:~~

~~(a) A standardized application and consent for services completed by or for each consumer as part of the consumer's record;~~

~~(b) Written information describing consumer rights and confidentiality of information provided each consumer;~~

~~(c) A clear statement of the present problems, preferably in the consumer's own words and/or the parent's words, in the case of a child;~~

~~(d) A history of mental health treatment covering at least the last two years;~~

~~(e) The name of the consumer's most recent physician, if known;~~

~~(f) A mental status exam; and~~

~~(g) An initial plan of action oriented to the presenting problems.~~

~~(2) A full evaluation, obtained within fourteen days, shall include the following additional information:~~

~~(a) A psychosocial history, including substance abuse;~~

~~(b) A medical history, including an account of medications used during the past six months. The client shall be referred for a medical examination when determined necessary. All clients aged sixty and over shall be referred for a medical examination, if such examination has not been done within the preceding ninety days;~~

~~(c) For children, a developmental history and description of any academic or learning problems;~~

~~(d) A description of the consumer's current level of functioning, social supports, strengths, and needs;~~

~~(e) A provisional diagnosis. Before a diagnosis of primary degenerative dementia with senile or presenile onset is made, assessments shall be completed to rule out all forms of treatable medical or mental disorders; and~~

~~(f) A determination on priority population status.~~

~~(3) For purposes of outreach to hard-to-serve consumers, any of the above items may be left incomplete, providing that noncompletion and reasons are documented in the record monthly.~~

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-275 SERVICES ADMINISTRATION—DEVELOPMENT OF INDIVIDUALIZED ((SERVICE)) TREATMENT PLAN. Provider staff shall develop an individualized ((service)) treatment plan ((shall be developed for)) (ITP) with each ((client)) enrolled consumer.

(1) From the assessment, the plan shall identify ((each)) those problems ((or need)) to be addressed in treatment.

(2) The ((plan)) ITP shall contain clearly stated goals for the treatment of those problems.

(a) Each goal shall state the intended ((result to occur)) outcome in ((client)) consumer behavior, skills, attitudes, or circumstances as a result of treatment.

(b) The ((plan)) ITP shall ((specify)) contain an expected timeframe for the attainment of goals ((and for termination)).

(((3) The plan shall identify the services and specific treatment modalities to be utilized.

((a)) (c) The ((plan)) ITP shall include referral for necessary services not offered by the provider.

(((b))) (3) The ITP shall identify the primary therapist and/or case manager responsible for providing and coordinating services ((shall be identified)).

(4) The ((plan)) ITP shall ((clearly show the relationships between the proposed services, intended results, and needs of the client, including how treatment goals are to be met by the particular modalities and techniques to be utilized)) identify the services and strategies to be used to meet the ITP goals.

(5) An assessment and review of progress and updating of the ((plan)) ITP shall be performed at least every ninety days ((in the case of outpatient, day treatment or community support services)).

(a) The primary therapist and/or case manager shall assess with the consumer their progress and need for continued treatment, and where appropriate, modify the ITP and reproject the length of time for goal attainment.

(b) The clinical supervisor shall review, approve, and sign ninety-day summaries prepared by the primary therapist or case manager.

(6) The ((client)) consumer shall participate in ((service)) treatment planning and implementation according to ((his or her)) ability, and the family or significant other shall be involved where available and appropriate to the ((client's)) consumer's needs.

(7) The ((client)) consumer or responsible other shall consent to treatment by signing the ((initial service plan)) ITP and ((when significant changes are made in)) updates to the plan. In the event the ((client)) consumer

refuses to sign, efforts to obtain signature shall be documented.

(8) ~~The ((service plan)) ITP shall be completed and a mental health professional shall review and sign the ((plan)) ITP within thirty days after initiating the ITP. ((When appropriate and sufficient staff are available, the initial service plan shall be reviewed and revised as necessary by a multidisciplinary treatment team including individuals licensed under chapter 18.57, 18.71, 18.83 or 18.88 RCW.))~~

(9) For providers contracting with RSNs, the ITP and updates to the ITP shall be consistent with resource management services' ISP.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-285 SERVICES ADMINISTRATION—PROGRESS NOTES ((AND REVIEW)). ((Client progress in meeting goals shall be documented in the case record:

(1) ~~Progress notes shall be recorded in the case and group record as follows:~~

- (a) ~~After every client contact for outpatient services;~~
- (b) ~~At least weekly for day treatment services;~~
- (c) ~~After each event for emergency services;~~
- (d) ~~Providers utilizing a problem-oriented record system may record progress less frequently, provided a narrative summary of client progress is entered in the case record at least every thirty days, and the date and type of each contact is recorded.~~

(2) ~~Progress notes shall document each service provided, including date, nature of service, progress toward established goals, changes in service plan, referrals, extraordinary events, and be signed by the responsible staff member.~~

(3) ~~The service plan and progress shall be formally assessed at least every ninety days for outpatient, day treatment, and community support services.~~

(4) ~~The assessment of progress shall cover course and progress of treatment in relationship to client needs, problems and goals, noting unusual events, assessing current status and need for continued treatment, reprojecting length of treatment, and modifying the service plan, if necessary.~~

(5) ~~The clinical supervisor shall participate where possible in the formal progress assessment, and in all cases shall review, approve, and sign summaries prepared by the primary therapist or case manager.)) Consumer progress in achieving treatment goals shall be documented in the case record.~~

(1) Staff responsible for the provision or coordination of a consumer's treatment shall enter a narrative summary of the consumer's progress in the consumer's case record at least monthly.

(2) The summary shall include specific progress toward each established goal, changes in treatment plans, referrals, and extraordinary events. The responsible staff member shall sign the summary.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-290 SERVICES ADMINISTRATION—TRANSFER AND ((TERMINATION)) CONTINUITY OF CARE. The provider shall assure continuity of care ((shall be assured)) and promptly close cases ((shall be closed promptly)) upon transfer or termination.

(1) ~~((A comprehensive summary shall be prepared by responsible staff)) The case manager and/or primary therapist shall prepare a service summary and ((shall be made)) make it available to the provider assuming primary responsibility for the ((client)) consumer. ((A copy shall be placed in the client's record.))~~

(2) ~~((Cases involving planned transfer and termination shall be closed within fourteen days of final contact.~~

(3) ~~Planned and/or necessary leaves from treatment for up to ninety days shall be documented in the client's record, and the case need not be closed.~~

(4) ~~Other cases shall be closed within ninety days of the last attempt to contact the client.)) The case manager and/or primary therapist shall follow up any unexplained interruptions in ((client)) consumer contacts ((shall be followed up by the primary therapist or case manager, and these attempts documented in the client's record. Special efforts shall be made to contact the client when he or she is thought to be dangerous to self or others or property or gravely disabled, and shall be documented in the client's record)), as clinically appropriate, prior to termination.~~

(3) The provider shall keep open cases in which the consumer was committed under chapter 71.05 RCW.

(4) Providers contracting with RSNs shall promptly notify resource management services regarding unexplained interruptions. Resource management services shall approve all terminations of enrolled consumers.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-295 SERVICES ADMINISTRATION—MEDICAL RESPONSIBILITY. Medical responsibility shall be vested in a psychiatrist, other physician or osteopath.

(1) A physician licensed to practice ((pursuant to)) under chapter 18.57 or 18.71 RCW, and at least board eligible in psychiatry, shall be responsible for medical services. ~~((a))~~ Providers unable to recruit a psychiatrist may employ a physician without board eligibility in psychiatry provided:

((i)) (a) Psychiatric consultation is provided to the physician at least monthly; and

((ii)) (b) The psychiatrist is accessible in person, by telephone, or by radio communication to the physician for emergency consultation.

((iii) The physician participates in at least twenty hours per year of continuing medical education in psychiatry.

(b) ~~The provider may divide medical responsibility among a number of physicians employed in part-time staff or consultative roles.))~~

(2) Medications shall be reviewed at least every three months by a physician. ~~((A registered nurse or))~~

(3) Only licensed ~~((practical nurse))~~ staff may administer medications ~~((under the supervision of a physician. Medications shall be monitored by a physician or registered nurse (WAC 308-120-300)))~~.

~~((3))~~ (4) Medication information shall be maintained in the ~~((client))~~ consumer record documenting at least the following for each prescribed medication:

~~((i))~~ (a) Name of medication~~((;))~~;

~~((ii))~~ (b) Dosage and method of administration~~((;))~~;

~~((iii))~~ (c) Purpose of medication~~((;))~~;

~~((iv))~~ (d) Dates prescribed, reviewed and/or renewed~~((;))~~;

~~((v))~~ (e) Observed effects, interactions, and side effects, including laboratory findings and corrective actions taken for side effects~~((;))~~;

~~((vi))~~ (f) Reasons for change or termination of medication~~((;))~~; and

~~((vii))~~ (g) Name and signature of prescribing person.

~~((4) When a psychiatrist is available, he or she shall participate in multidisciplinary teams responsible for treatment planning and review.))~~

(5) When medical problems are suspected or identified, a psychiatrist or other physician shall be consulted and included in treatment planning ~~((at regular intervals))~~.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-300 SERVICES ADMINISTRATION—MEDICATION STORAGE. Provider staff shall inspect and inventory medication storage areas ~~((shall be inspected and inventoried))~~ at least quarterly ~~((by the administrator, or designated clinical staff member))~~.

(1) ~~((All))~~ Medications shall be kept in locked storage.

(2) ~~((Any))~~ Medications kept in a refrigerator containing other items shall be kept in a separate container with proper security.

(3) No outdated medications shall be retained, and medications shall be disposed of in accordance with regulations of the state board of pharmacy.

(4) Medications for external use shall be stored separately from oral and injectable medications.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-305 SERVICES ADMINISTRATION—EXTRAORDINARY OCCURRENCES. ~~((There shall be written procedures for the handling, review, and documentation of extraordinary occurrences.~~

~~((1) Procedures shall be established for responding to and))~~ The provider shall write and establish procedures for the objective handling, reviewing, and documenting situations involving:

~~((a) Injury to clients or staff,~~

~~((b))~~ (1) Injury;

(2) Suicide or homicide by a ~~((client))~~ consumer;

~~((c) Client))~~ (3) Consumer behavior so bizarre or disruptive as to threaten the program;

~~((d))~~ (4) Disaster or threatened disaster ~~((of natural or human origin.~~

~~((2) Extraordinary occurrences shall be reported to appropriate supervisory staff, administrator, and governing body.~~

~~((3) Each such occurrence shall be subject to a case review by one or more mental health professionals not participating in the treatment of the client.~~

~~((a) A corrective action plan to prevent similar occurrences shall be developed where appropriate.~~

~~((b) The review, correction action plan, and its implementation shall be documented, including entries in the client's record where appropriate))~~.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-335 SERVICES ADMINISTRATION—CONSUMER RECORD RETENTION AND DESTRUCTION ~~((OF CLIENT RECORDS))~~. ~~((Records shall be retained by))~~ The provider ~~((in accordance with WAC 275-56-325 and shall be destroyed))~~ shall retain records and destroy obsolete records in a manner completely eradicating content and ~~((client))~~ consumer names.

(1) ~~((Client))~~ The provider shall retain consumer records ~~((shall be retained))~~ for a period of not less than five years beyond the last contact with the ~~((client))~~ consumer.

(2) When the ~~((client))~~ consumer is a minor, the provider shall retain the record ~~((shall be maintained))~~ for a period of not less than three years beyond the ~~((client's))~~ consumer's eighteenth birthday, or five years beyond the last contact, whichever is the longer period of time.

(3) The provider shall retain a complete termination summary and reports of special assessment and/or examination procedures ~~((shall be retained))~~ for a period of not less than ten years beyond the last contact with the ~~((client))~~ consumer or three years beyond the ~~((client's))~~ consumer's eighteenth birthday, whichever is the longer period of time.

(4) The provider shall retain emergency records such as telephone crisis logs ~~((shall be retained))~~ for not less than two years.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-340 ~~((EMERGENCY))~~ SERVICES—WRITTEN DESCRIPTIONS. ~~((There))~~ The provider shall ~~((be))~~ maintain written descriptions of all ~~((emergency))~~ service~~((s))~~ components specifying:

(1) Nature, location, and availability of services;

(2) ~~((Qualifications of staff,~~

~~((3) Client))~~ Consumer needs addressed by these services;

~~((4) Usual referral sources and))~~ (3) Procedures; and

~~((5) Policies for each emergency service component to include criteria for outreach response;~~

~~(6) Policies on responding to referrals, preadmissions screening services, and liaison and communication with state hospitals, and other common referral sources, and other preadmission screening services;~~

~~(7)) (4) Expected ((client)) consumer outcomes stated ((as much as possible)) in behavioral terms((- and~~

~~(8) Expected service outcome stated in terms of appropriate admission to state hospitals and diversion to less restrictive alternatives)).~~

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-355 EMERGENCY SERVICES (~~==TWENTY-FOUR HOUR OUTREACH SERVICES~~). ~~((Twenty-four hour))~~ The provider shall deliver emergency ~~((outreach))~~ services ~~((shall be provided in the home or other community setting. Outreach services shall consist))~~ twenty-four hours per day consisting of ((face-to-face)) evaluation and treatment of mental health emergencies and crises for acutely mentally ill ((persons)) consumers of all ages((- and will)).

~~(1) ((Be provided in accordance with written protocol;~~
~~(2) Be provided promptly after screening and dispatch, and document any decision not to respond;~~

~~(3)) Components of emergency services include:~~

- ~~(a) Telephone emergency services; and~~
~~(b) Crisis stabilization and outreach services.~~

~~(2) All emergency services shall:~~

~~(a) Seek to stabilize the emergency or crisis situation and provide ((immediate or continuing)) treatment and support in the least restrictive, clinically appropriate environment available;~~

~~((4)) (b) Be closely coordinated with the RSN or county's involuntary treatment system, and draw upon the resources of that system as needed;~~

~~((5) Utilize)) (c) Use and mobilize ((all)) other necessary community emergency resources;~~

~~((6)) (d) Be appropriate to the age of the ((person)) consumer, and involve family and significant others when indicated and possible;~~

~~((7)) (e) Refer, when appropriate, to other services of the provider or to other resources. When a consumer receiving emergency services is determined to be a priority consumer (WAC 275-56-010) and in need of further treatment, the provider shall maintain continuity of care through transfer to other services of the provider or referral to other appropriate providers and resources. For providers contracting with RSNs, the provider shall refer nonenrolled priority consumers to resource management services according to resource management services' referral criteria;~~

~~((8)) (f) Provide follow-up on emergency contacts to maintain stabilization and ((to)) ensure referrals are carried out and needed services and linkages are provided; and~~

~~((9)) (g) Document all contacts and the contact's disposition, including any significant departures from written ((protocol)) procedures. Emergency records shall document the following:~~

~~(i) Consumer name, address, and telephone number, when available;~~

~~(ii) Name and telephone number of person or agency making initial contact (if other than consumer), when available;~~

~~(iii) Time of initial contact;~~

~~(iv) Responsible staff;~~

~~(v) Time and location of outreach;~~

~~(vi) Nature of emergency;~~

~~(vii) Summary of services provided; and~~

~~(viii) Referrals or other disposition, including to resource management services.~~

~~(3) Telephone emergency services shall:~~

~~(a) Respond promptly to calls and provide information, referral, or immediate counseling to assist the caller in resolving the emergency;~~

~~(b) Facilitate access to other emergency services in the community, as necessary;~~

~~(c) Document all telephone contacts and disposition; and~~

~~(d) Ensure that emergency telephone numbers be prominently listed in telephone directories in areas served by the provider.~~

~~(4) Crisis stabilization and outreach services to consumers shall:~~

~~(a) Be conducted face-to-face;~~

~~(b) Be provided promptly after screening and dispatch; and~~

~~(c) Document disposition, including decisions not to respond, and referrals made.~~

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-365 ~~((EMERGENCY—SERVICES—))~~ PREADMISSION SCREENING SERVICES. Where applicable, the provider shall deliver screening ~~((shall be provided))~~ services for voluntary admission to state hospitals. Information, screening, and assessment shall be provided to ~~((persons))~~ consumers on referral or at their own request to determine need for and appropriateness of admission to a state hospital.

~~(1) ((Information and assistance shall be provided in the same manner and subject to applicable standards for emergency services.~~

~~(2) All common referral sources shall be informed of the availability of preadmission screening services and requested to utilize these services in lieu of direct referral to a state hospital.~~

~~(3) Assessments shall include face-to-face or telephone contact with the client and discussion with the referral source when possible.~~

~~(4)) The availability of appropriate alternatives shall be explored and discussed with ((client)) the consumer and referral source. Admission to a less restrictive and/or less costly alternative shall be facilitated where appropriate.~~

~~((5) Screening services shall utilize state hospitals when the following conditions are met:~~

~~(a) The client meets standards for involuntary commitment under chapter 71.05 RCW;~~

~~(b) The client will accept voluntary admission;~~

~~(c) No appropriate alternative is available to the client, and~~

~~(d) The state hospital serving the county agrees to admit the client.~~

~~(6) Pre-admission)) (2) Preadmission screening of involuntary ((clients)) consumers shall be performed subject to chapter 71.05 RCW and chapter 275-55 WAC.~~

~~(3) Staff shall be mental health professionals trained in assessing clinical status, severity of disturbance, and availability of less restrictive and/or less costly alternatives.~~

~~(4) The provider shall maintain a record of all preadmission screening services. The record shall document:~~

~~(a) Consumer name;~~

~~(b) Referring agency or person;~~

~~(c) Referral information, including evidence of appropriateness for involuntary detention;~~

~~(d) Services provided; and~~

~~(e) Recommendations and disposition.~~

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-385 OUTPATIENT SERVICES~~((=SERVICE DELIVERY))~~. (1) The provider shall deliver outpatient services ((shall be provided)) to ((acutely and chronically mentally ill and seriously disturbed persons)) priority populations when appropriate to their treatment needs.

~~((1) Outpatient services shall include the following modalities:~~

~~(a) Individual therapy;~~

~~(b) Group therapy;~~

~~(c) Family therapy;~~

~~(d) Marital or couples therapy;~~

~~(e) Medication evaluation and monitoring; and~~

~~(f) Activities therapy.~~

~~(2) Outpatient services shall be provided in accordance with written protocol. Significant departures from protocol shall be documented in the client's record.~~

~~((3)) (2) Outpatient services to underserved groups ((minorities, children, elderly, disabled, and low-income persons within the priority populations)) (WAC 275-56-010(2)) shall, ((where)) when possible~~((include alternative models of service delivery such as))~~:~~

~~(a) ((Services in a location and environment appropriate to the clientele;~~

~~(b) Outreach services such as home visits, school visits or visits to other community agencies; and)) Provide options to mainstream service delivery models;~~

~~(b) Emphasize and incorporate the values and norms of the group served; and~~

~~(c) Use services offered by natural caregivers or traditional healers.~~

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-400 DAY TREATMENT SERVICES—SERVICE DELIVERY. The provider shall deliver day treatment services ((shall be provided)) on a regular basis to ((acutely and chronically mentally ill and seriously disturbed persons)) priority populations needing this type of service.

~~(1) Day treatment services shall be provided ((in accordance with written protocol. Significant departures from protocol shall be documented in the client's record)) by adequate numbers of staff, as follows:~~

~~(a) One clinical staff member shall be present in all day treatment sessions conducted by the provider;~~

~~(b) Minimum staff-to-consumer ratios for day treatment sessions shall be maintained as follows:~~

~~(i) One clinical staff member for every four consumers thirteen years of age and under, with at least one such staff member a child mental health specialist;~~

~~(ii) One clinical staff member for every six consumers aged fourteen through seventeen, with at least one such staff member a child mental health specialist; and~~

~~(iii) One clinical staff member for every twelve consumers aged eighteen and over, and with one such staff member a geriatric mental health specialist in sessions serving primarily elderly consumers. One clinical staff member for every eight consumers shall be present in any group therapy.~~

~~(2) Day treatment services shall be available to ((clients)) consumers at least three times weekly.~~

~~(3) Day treatment services shall be planned and structured activities designed for:~~

~~(a) Maintaining ((clients)) consumers in an environment less restrictive than an inpatient setting ((through)) by structuring ((of)) their day and leisure time((-);~~

~~(b) Developing daily living, social, and prevocational skills ((to increase)) increasing the likelihood of ((clients)) consumers engaging in productive activities, and attaining the capacity for independent or semi-independent living((-); and~~

~~(c) Assisting ((clients)) consumers in making the transition from acute inpatient services or serving as an alternative to inpatient care.~~

~~(4) ((The provider shall maintain formal agreements or working relationships and coordinate services where possible with other persons, agencies or facilities serving day treatment clients.))~~

Each day treatment program shall provide or arrange for the following service components, with the particular mix determined by consumer need:

(a) Training in basic living and social skills;

(b) Vocational habilitation or rehabilitation, including prevocational services;

(c) Sheltered work, training, or education;

(d) Day activities, including socialization and recreation; and

(e) Therapeutic community or milieu therapy.

(5) Day treatment services shall be age-appropriate as follows:

(a) Services to school-age children shall include or arrange for suitable educational and developmental programs;

(i) Children with special educational needs shall be provided with special educational programs by cooperative arrangements with schools; and

(ii) Day treatment shall be scheduled to permit regular school attendance for consumers able to function in a regular school setting.

(b) Services to children shall include parent involvement, when possible, and

(c) Services to elderly shall include attention to medical and nutritional needs and shall arrange for emergency medical services during all hours of operation.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-425 CONSULTATION AND EDUCATION SERVICES(=~~SERVICE DELIVERY~~). The provider shall deliver consultation and education services (~~shall be provided~~) to assist others in the community to understand and care for (~~acutely and chronically mentally ill and seriously disturbed persons~~) priority populations.

(1) (~~Case consultation shall be available to staff of other services, including inpatient and residential facilities, and other community care givers as a means of developing or improving service delivery for the priority populations.~~)

(2)) The following components may be provided:

(a) Case consultation to other providers to assist them in the care of priority consumers;

(b) Program consultation to other entities to assist in program design and planning for treatment and support services for (~~acutely and chronically mentally ill and seriously disturbed persons~~) priority populations;

(~~(b)~~) (c) Continuing education programs and training for community caregivers to develop and/or increase their skills in providing mental health services to the priority populations and underserved groups;

(~~(c)~~) (d) Information and education for the public about mental health issues and services through various public media (newspapers, television, radio), and presentations to community groups; and

(~~(d)~~) (e) Educational services for families of (~~acutely and chronically mentally ill and seriously disturbed persons~~) priority populations.

(~~(e)~~) (2) Records shall be maintained of all consultation and education services provided.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-445 COMMUNITY SUPPORT SERVICES(=~~SERVICE DELIVERY~~). The provider shall deliver a program of community support services (~~shall be provided to acutely and chronically mentally ill persons to assist such persons in living in the community~~) to priority populations to help maintain consumers at their highest possible level of functioning.

(1) (~~Services shall be provided in accordance with written protocol. Any significant departure from protocol shall be documented in the client's record.~~) Community support services shall be provided by staff, as follows:

(a) Each consumer shall have one case manager responsible for coordination of services, including mental health, residential, social, vocational, health, educational, income management, and other necessary support services on the consumer's behalf;

(b) The case manager or case management team shall be available for twenty-four hour crisis intervention for

enrollees. For providers contracting with RSNs, the crisis response system (WAC 275-56-089) shall be involved, as necessary;

(c) The case manager shall consult with and assist other significant persons (e.g., family, landlord, clergy, police, physician, attorney) to be supportive and act in the best interests of the consumer;

(d) The case manager shall assist the enrolled consumer to achieve goals identified in the ISP and ITP;

(e) The case manager shall participate with other treatment staff and providers in treatment and discharge planning for the enrolled consumer;

(f) For providers contracting with an RSN, the case manager shall periodically review the ISP and coordinate its revision and updates with resource management services and other providers.

(2) (~~Acutely and chronically mentally ill persons seeking or referred for community support services shall be screened, admitted to the service, and assigned a case manager if appropriate.~~)

(3)) In non-RSN counties, provider staff shall attempt to contact referred (~~clients~~) consumers within two working days of the (~~client's~~) consumer's release from a state mental health facility, certified evaluation and treatment facility (chapter 71.05 RCW), or other inpatient psychiatric facility in order to describe and offer community support and other available services.

(3) Resource management services when established, or the provider in non-RSN counties, shall maintain a liaison with state mental health facilities, certified evaluation and treatment facilities (chapter 71.05 RCW) and other local inpatient psychiatric facilities to be informed of the status of consumers, former consumers, and potential consumers needing community support services.

(a) When an enrolled consumer is in the inpatient facility, the case manager shall contact facility staff and the consumer at least weekly.

(b) The case manager shall participate in treatment and discharge planning for both voluntary and involuntary patients in inpatient facilities when those patients are enrolled consumers of the provider or are accepted for community support services. In RSNs, the case manager shall have primary responsibility for discharge planning for enrolled involuntary patients.

(4) The provider shall establish and maintain working relationships with:

(a) County-designated mental health professionals (chapter 71.05 RCW);

(b) Community services offices (CSO);

(c) Social Security and employment security offices;

(d) Division of vocational rehabilitation;

(e) Residential services;

(f) Advocate and self-help groups; and

(g) Other entities needed to implement the ISP.

NEW SECTION

WAC 275-56-465 REGIONAL SUPPORT NETWORK—RESIDENTIAL MENTAL HEALTH SERVICES. (1) The RSN, when established, shall ensure consumer access to a full range of residential services, including:

- (a) Crisis respite services;
- (b) Supported living services;
- (c) Supervised living services;
- (d) Long-term rehabilitative services;
- (e) Long-term adaptive services under chapter 248-14 WAC;

- (f) Support services to nursing home residents; and
- (g) Evaluation and treatment services under chapter 71.05 RCW.

(2) The RSN shall emphasize the development of permanent homes for consumers and provision of support services to consumers in those homes.

(3) Each residential service shall ensure:

- (a) Sufficient supports to minimize the likelihood of hospitalization;
- (b) Assistance to consumers making residential transitions;
- (c) Twenty-four hour access to:
 - (i) Consultation from a mental health professional;
 - (ii) Crisis response system (WAC 275-56-089);
 - (iii) Emergency medical services;
 - (iv) Prescription services; and
 - (v) Medication administration;
- (d) An assessment of level of functioning; and
- (e) Notification to resource management services, when a consumer is discharged due to an emergency or unauthorized leave.

(4) Crisis respite: The RSN shall provide crisis respite services as a component of both the crisis response system and the ongoing systems of community support and residential services.

(a) A mental health professional shall approve access to crisis respite services.

(b) Services shall be made available to consumers of any age.

(c) If the consumer is currently enrolled in community support services, the case manager shall be responsible for the coordination of follow-up services.

(d) The consumer's case manager, or CRS staff shall, as appropriate, engage and involve significant others during the period of crisis respite.

(e) Crisis respite services shall require ongoing training for all staff in the effective treatment of consumers experiencing a mental health crisis.

(f) Crisis respite services are exempt from (d) and (e) of this subsection.

(5) Supported living services shall provide care to consumers in their own home in the community. Supported living services for children may be provided in alternative foster homes licensed under chapter 388-73 WAC. Supported living services may be provided under community support services.

(a) Supported living services staff shall assist consumers in locating and accessing homes in the community, including development of:

(i) An inventory of housing stock available to participating consumers, or alternative foster homes licensed under chapter 388-73 WAC; and

(ii) Agreements with landlords to assure continued housing for consumer tenants, including during crises.

(b) The program shall include:

(i) Ongoing medication services;

(ii) Twenty-four hour, seven days per week coverage of crisis situations; and

(iii) Regularly scheduled contacts with consumers for independent living training and support. Service length and frequency shall vary depending on consumer need.

(c) Clinical staff shall receive training in the effective treatment of consumers in independent or foster care settings.

(d) Staff shall have primary responsibility for seven to fifteen consumers.

(e) Routine staff coverage shall include evening and weekend hours.

(6) Supervised living services shall be licensed under chapter 248-16 WAC.

(a) The provider shall encourage and assure participation in a minimum of fourteen hours per week of varied, supervised activities to help foster independence and self-reliance;

(b) The provider shall monitor the consumption of consumer medications and develop written procedures to include:

(i) Secure storage of medications (WAC 275-56-300);

(ii) Assuring timely prescription refills; and

(iii) Documentation of medication consumption.

(c) Clinical staff shall receive training in the effective treatment of consumers in residential settings.

(d) The provider shall maintain staffing levels which ensure twenty-four hour, seven days per week safety and supervision of program participants.

(i) The provider shall ensure at least one clinical staff member for every twenty consumers during afternoons and evenings, and at least one clinical staff member at night.

(ii) Staff shall be available and awake at all times.

(iii) The provider may identify one staff person to assume clinical responsibility on each shift.

(iv) The provider may be exempt from WAC 275-56-175(2), if staff have daily access to a mental health professional for clinical consultation under WAC 275-56-180.

(v) Supervised living services may be exempt from WAC 275-56-175(3).

(7) Long-term rehabilitative services shall be licensed under chapter 248-25 WAC.

(a) Provider staff shall offer and encourage participation in a minimum of twenty-eight hours per week of activities provided during the day, evening and weekend hours, including:

(i) Therapeutic community;

(ii) Self-care and daily living skills;

(iii) Medication management and education;

(iv) Exercise; and

(v) Vocational opportunities, as appropriate.

(b) Clinical staff shall receive training in the effective treatment of consumers in residential settings.

(c) The provider shall maintain staffing levels ensuring twenty-four hour, seven days per week safety and supervision of consumers.

(i) The provider shall ensure at least one clinical staff member for every seven consumers during days and

evenings, and one clinical staff member for every sixteen consumers at night.

(ii) Staff shall be available and awake at all times.

(iii) The provider shall identify one staff person to assume clinical responsibility on each shift.

(8) Geriatric long-term rehabilitative services shall be licensed under chapter 248-14 or 248-25 WAC, and subsection (7) of this section.

(a) Staff shall have access to twenty-four hour consultation from a geriatric specialist (under WAC 275-56-185).

(b) A nurse shall be on the premises at all times.

(c) Clinical staff shall receive training in the effective treatment of geriatric consumers in residential settings.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 275-56-030 COUNTY ADMINISTRATION AND PLANNING—AVAILABILITY AND ACCESSIBILITY OF REQUIRED MENTAL HEALTH SERVICES FOR ACUTELY MENTALLY ILL, CHRONICALLY MENTALLY ILL, AND SERIOUSLY DISTURBED PERSONS.

WAC 275-56-120 PROVIDER ADMINISTRATION—DESIGNATION OF ADMINISTRATOR.

WAC 275-56-125 PROVIDER ADMINISTRATION—ORGANIZATIONAL STRUCTURE.

WAC 275-56-130 PROVIDER FISCAL ADMINISTRATION—FISCAL POLICIES AND PROCEDURES.

WAC 275-56-140 PROVIDER FISCAL ADMINISTRATION—PROCEDURES TO MAXIMIZE REVENUES.

WAC 275-56-145 PROVIDER FISCAL ADMINISTRATION—BUDGET OF EXPECTED REVENUES AND EXPENSES.

WAC 275-56-155 PROVIDER FISCAL ADMINISTRATION—DOCUMENTATION AND RETENTION OF ACCOUNTING TRANSACTIONS.

WAC 275-56-160 PROVIDER FISCAL ADMINISTRATION—FISCAL MANAGEMENT SYSTEM REPORTING.

WAC 275-56-165 PROVIDER FISCAL ADMINISTRATION—INDEPENDENT AUDIT OF FINANCIAL OPERATIONS.

WAC 275-56-190 PERSONNEL MANAGEMENT—ADMINISTRATIVE QUALIFICATIONS.

WAC 275-56-250 SERVICES ADMINISTRATION—POLICIES AND PROCEDURES FOR PROVIDER OPERATIONS.

WAC 275-56-255 SERVICES ADMINISTRATION—SCREENING AND INFORMATION AND REFERRAL.

WAC 275-56-265 SERVICES ADMINISTRATION—DRUG USE PROFILE.

WAC 275-56-270 SERVICES ADMINISTRATION—COORDINATION OF SERVICE.

WAC 275-56-280 SERVICES ADMINISTRATION—GROUP SERVICE PLAN.

WAC 275-56-310 SERVICES ADMINISTRATION—POLICIES AND PROCEDURES RELATED TO CLIENT RECORDS.

WAC 275-56-315 SERVICES ADMINISTRATION—CONTENT OF CLIENT RECORDS.

WAC 275-56-320 SERVICES ADMINISTRATION—OUTPATIENT GROUP RECORDS.

WAC 275-56-325 SERVICES ADMINISTRATION—TELEPHONE AND OUTREACH EMERGENCY SERVICES RECORDS.

WAC 275-56-330 SERVICES ADMINISTRATION—SECURITY OF CLIENT RECORDS.

WAC 275-56-345 EMERGENCY SERVICES—STAFFING.

WAC 275-56-350 EMERGENCY SERVICES—TWENTY-FOUR HOUR TELEPHONE SERVICES.

WAC 275-56-360 EMERGENCY SERVICES—CRISIS INTERVENTION SERVICES.

WAC 275-56-370 EMERGENCY SERVICES—RECORD OF PREADMISSION SCREENING SERVICES.

WAC 275-56-375 OUTPATIENT SERVICES—WRITTEN DESCRIPTIONS.

WAC 275-56-380 OUTPATIENT SERVICES—STAFFING.

WAC 275-56-390 DAY TREATMENT SERVICES—WRITTEN DESCRIPTIONS.

WAC 275-56-395 DAY TREATMENT SERVICES—STAFFING.

WAC 275-56-405 DAY TREATMENT SERVICES—SERVICE COMPONENTS.

WAC 275-56-410 DAY TREATMENT SERVICES—AGE-APPROPRIATE SERVICES.

WAC 275-56-415 CONSULTATION AND EDUCATION SERVICES—WRITTEN DESCRIPTIONS.

WAC 275-56-420 CONSULTATION AND EDUCATION SERVICES—STAFFING.

WAC 275-56-430 COMMUNITY SUPPORT SERVICES—WRITTEN DESCRIPTIONS.

WAC 275-56-435 COMMUNITY SUPPORT SERVICES—STAFFING AND CASE MANAGEMENT.

WAC 275-56-440 COMMUNITY SUPPORT SERVICES—COORDINATION WITH INPATIENT FACILITIES AND OTHER AGENCIES.

WAC 275-56-450 COMMUNITY SUPPORT SERVICES—RECORD OF COMMUNITY SUPPORT SERVICES.

WSR 89-20-031

PERMANENT RULES

SECRETARY OF STATE

[Filed September 29, 1989, 3:23 p.m.]

Date of Adoption: September 29, 1989.

Purpose: This rule provides for the consistent and efficient review and authorization of the use of the state seal.

Statutory Authority for Adoption: RCW 43.04.040(4).

Pursuant to notice filed as WSR 89-15-036 on July 17, 1989.

Effective Date of Rule: Thirty days after filing.
September 29, 1989
Donald F. Whiting
Assistant Secretary
of State

Chapter 434-04 WAC
USE OF THE STATE SEAL

WAC

- 434-04-010 Authority and purpose.
- 434-04-015 Definitions.
- 434-04-017 Description of seal for use on state flags.
- 434-04-020 General permitted uses.
- 434-04-030 Permitted uses of the embossed seal.
- 434-04-040 General prohibitions.
- 434-04-050 Application process.
- 434-04-060 Approval and denial of use - applications.
- 434-04-070 Non-exclusive licensing agreement - contents.
- 434-04-075 Renewal of licensing agreement.
- 434-04-080 Revocation of use.
- 434-04-090 Uses exempt from the application process.

NEW SECTION

WAC 434-04-010 AUTHORITY AND PURPOSE. These rules are adopted under authority of chapter 43.04 RCW to provide for the efficient authorization of the use of the state seal.

NEW SECTION

WAC 434-04-015 DEFINITIONS. When used in this chapter, unless the context clearly indicates otherwise: (1) "Secretary" is the Secretary of State and his or her designee;

(2) "State seal" or "seal" is the seal of the state of Washington, used in any form (embossed, displayed, printed, physical representation or any other reproduction) as described in RCW 1.20.080 and in WA. Const., Article XVIII, Section 1, or the seal as used on the state flag according to specifications detailed in WAC 434-04-017, or the seal produced by the seal making device designed and created by the Talcott brothers of Olympia in 1889, unless context indicates otherwise;

(3) "Person" is any public or private corporation, individual, partnership, association, or other entity and includes any officer or governing or managing body thereof;

(4) "State agency" is, for the purpose of this chapter, any office, department, board, commission, or other separate unit or division, however designated, of the state government together with all personnel thereof;

(a) Upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature; and

(b) That has as its chief executive officer a person or combination of persons such as a commission, board, or

council, by law empowered to operate it, responsible either to

- (i) no public officer or
- (ii) the governor.

(5) "State elected official" is a member of the House of Representatives, Senate, Supreme Court, Court of Appeals and the Governor, Auditor, Secretary of State, Treasurer, Commissioner of Public Lands, Superintendent of Public Instruction, Insurance Commissioner, Lieutenant Governor, and Attorney General of the state of Washington and their designees;

(6) "Educational use" means the primary use of an item containing the state seal as an educational tool;

(7) "Commercial use" and "commercially distributed" means a use of items containing the seal that will be distributed for sale. This shall not include those items to be used for official state business.

NEW SECTION

WAC 434-04-017 DESCRIPTION OF SEAL FOR USE ON STATE FLAGS. (1) Each flag shall have official identical seals, one on each side of the flag, and so placed that the center of each seal shall be centered on each side of the flag. The seal may have a serrated edge;

(2) The size of the seal to be used shall be in proportion to the size of the flag as follows:

Flag Size:	Diameter of State Seal:
3' x 5'	19"
4' x 6'	25"
5' x 8'	31"

In all the other instances, the ratio of the seal diameter to the length of the flag shall be 1:3;

(3) The following color references by cable number are those colors in the Standard Color Card of America, Ninth Edition (second issue) of the Textile Color Card Association of the United States, Inc., New York, New York:

- (a) Flag background - Irish green, cable #70, 168;
- (b) State seal background - Oriental blue, cable #70, 209;
- (c) State seal (portrait, lettering, outer and inner rings) - black;
- (d) Gold used in state seal and fringe (if any) - nugget gold, cable #70, 215;
- (e) Face of George Washington - PMS - 169 (flesh tint).
- (4) All colors shall be of color fast washable dyes.

NEW SECTION

WAC 434-04-020 GENERAL PERMITTED USES. (1) Use of the state seal shall be permitted without the written authorization of the secretary in the following circumstances:

(a) Use and display of the seal by state agencies and state elected officials in connection with official state business. However, no state agency nor state elected official other than the secretary shall have authority to permit a contractor or other entity associated with a

state agency or state elected official to use the seal for commercial purposes;

(b) Use of the seal for illustrative purposes by the news media for a publication or broadcast or for a characterization used in a political cartoon;

(c) Use of the seal on the state flag.

(2) Other uses of the seal shall require written authorization from the secretary.

NEW SECTION

WAC 434-04-030 PERMITTED USES OF THE EMBOSSED SEAL. Use of the embossed seal shall be used only on, unless otherwise provided by statute: (1) Sample impressions of the seal provided by the office of the Secretary of State;

(2) Official documents which are authorized and/or required by statute;

(3) Other historic, civic, commemorative or educational uses, provided that the secretary's signature appears thereon.

NEW SECTION

WAC 434-04-040 GENERAL PROHIBITIONS. The seal shall never be used: (1) In any advertising or other promotion for a business, organization, product, article or service, except as provided by license;

(2) In a manner which, in the judgement of the secretary, could mislead the public to believe that a business, organization, product, article or service carries official state sanction or state approval;

(3) In a political campaign to assist or defeat a candidate;

(4) In a manner which is deceptively similar in appearance to the seal;

(5) On wearing apparel including, but not limited to, hats, shirts, sweaters, jackets, shorts, sweatpants and socks, except:

(a) By state agencies and state elected officials in connection with official state business;

(b) As approved by the secretary for civic purposes such as by organizations officially representing the state.

(6) In a manner such that any mark, insignia, letter, word, figure, design, picture, or drawing of any nature is placed upon it or on any part of it;

(7) In any gambling activity except:

(a) When an item is to be used in a raffle which is approved and conducted in accordance with chapter 9.46 RCW and the use is approved under WAC 434-04-040; or

(b) When an item is to be used for official state business.

NEW SECTION

WAC 434-04-050 APPLICATION PROCESS. (1) A person requesting authorization for use of the seal shall supply the following information to the Secretary:

(a) A detailed description of the item to be manufactured or displayed including:

(i) A description of the material with which it will be made;

(ii) The manner in which the seal is to be displayed on the item;

(b) A detailed description of proposed use, including: manner, purpose, and place of use, whether it is primarily an educational item, the manner of distribution of the item and the manner in which the item is to be advertised or promoted;

(c) A sample, photograph, or detailed sketch of the item.

(2) The application fee shall be ten dollars for items to be commercially distributed. The application fee shall be waived for non-commercial uses.

NEW SECTION

WAC 434-04-060 APPROVAL AND DENIAL OF USE - APPLICATIONS. (1) In determining whether to grant authorization for use of the seal, the secretary shall consider the information provided by the applicant and shall apply the following standards:

(a) Whether the appearance of the seal on the product could mislead the public to believe that the product carries official state sanction or approval;

(b) Whether the use of the seal would tend to mislead the public into believing that a person, meeting, project or event carries official state sanction or approval;

(c) Whether the dignity of the seal will be compromised if approval is granted;

(d) Whether the use of the seal is prohibited as otherwise stated in this chapter and in chapter 43.04 RCW.

(2) A written letter of approval or denial from the secretary shall be sent through first-class mail;

(3) Approval shall be in the form of a non-transferable letter of authority. The letter shall set forth, at a minimum, provisions which stipulate:

(a) The limitation on the manufacture, manner of use, display and other employment;

(b) That the seal may not be used or be construed to be operated in any way as an endorsement by the state of Washington;

(c) That the state, in granting authority to use the seal, does not assume any liability in connection with the use of the seal.

(4) As condition to the letter of authority, applicants for commercial use of the seal shall execute a renewable, non-exclusive licensing agreement. Educational uses of the seal which are to be commercially distributed shall not be subject to a licensing agreement.

NEW SECTION

WAC 434-04-070 NON-EXCLUSIVE LICENSING AGREEMENT - CONTENTS. A license agreement issued by authority of this chapter shall contain provisions including, but not limited to, the following:

(1) The agreement shall be non-exclusive;

(2) Any unit manufactured or sold during the term of the agreement shall be subject to a royalty payment. No unit may be sold or manufactured except during the term of the agreement;

(3) The term of the agreement shall be a period of not more than one year, commencing on the day the agreement is executed. At the time the agreement is executed, the applicant shall choose as an ending date either:

(a) One year from the date the agreement is executed; or

(b) The first day of the applicant's next financial year following the date the agreement is executed.

(4) The due date of the royalty payment shall be thirty days after the ending date of the agreement;

(5) At the discretion of the Secretary, the royalty shall equal one dollar per unit manufactured or 5% of the gross receipts. The royalty shall accrue and be payable on or before the due date;

(6) The applicant shall provide, prior to commencing distribution, an actual production sample to the secretary;

(7) The applicant shall have the option to request renewal of the licensing agreement. The license agreement shall contain the procedure for exercising the option to renew;

(8) The secretary shall have the right to inspect production and financial records relating to the use of the seal;

(9) Any guidelines or limitations regarding the advertising or promotion of the item shall be stated.

NEW SECTION

WAC 434-04-075 RENEWAL OF LICENSING AGREEMENT. (1) An applicant may request to renew a licensing agreement without regard to whether the agreement has or has not been previously renewed. A request for renewal shall be in writing and shall be post-marked or received by the secretary on or before the last day of the agreement;

(2) A request for renewal which is received as stipulated by this section shall cause the agreement to be extended for a period of one year, provided that:

(a) The royalty is paid in full on or before the due date; and

(b) No changes in the use or the item occur.

(3) If a request for renewal is not properly submitted and received, the license agreement shall terminate on the last day of the term of the agreement and future use of the seal by the applicant shall be subject to the application process.

NEW SECTION

WAC 434-04-080 REVOCATION OF USE. The secretary may revoke any approval if the secretary determines that false or inaccurate information was submitted in the application or that any laws, rules, regulations or conditions have been violated.

NEW SECTION

WAC 434-04-090 USES EXEMPT FROM APPLICATION PROCESS. Uses of the seal which received written authorization from the secretary before September 1, 1989 shall continue to be authorized provided that:

(1) No changes in the use or in the item occur. Any changes must be approved through the application process; and

(2) The use is not commercial.

WSR 89-20-032

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed September 29, 1989, 4:05 p.m.]

Original Notice.

Title of Rule: Class IV human immunodeficiency virus (HIV) insurance program—Definitions and eligibility requirements.

Purpose: To implement the Class IV human immunodeficiency virus insurance program.

Statutory Authority for Adoption: Chapter 70.24 RCW.

Statute Being Implemented: Section 3, chapter 260, Laws of 1989.

Summary: Establishes the eligibility requirements for the Class IV HIV insurance program created by section 3, chapter 260, Laws of 1989.

Reasons Supporting Proposal: Authorized by new section.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dave Baird, Airdustrial Park, Building 9, (206) 586-4979.

Name of Proponent: Office of HIV/AIDS, Department of Health, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule provides definitions and eligibility requirements for the new Class IV human immunodeficiency virus (HIV) insurance program.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB2 Auditorium, Department of Social and Health Services, 12th and Franklin, Olympia, Washington 98504, on November 17, 1989, at 10:00 a.m.

Submit Written Comments to: David Baird, Thurston Airdustrial Park, Building 9, Olympia, Washington 98504, by November 16, 1989.

Date of Intended Adoption: November 17, 1989.

September 28, 1989

Lucille Christenson

Acting Secretary

Chapter 248-180 WAC

CLASS IV HIV HEALTH INSURANCE ELIGIBILITY

NEW SECTION

WAC 248-180-010 CLASS IV HUMAN IMMUNODEFICIENCY VIRUS (HIV) INSURANCE PROGRAM. Definitions of program covered by the department of health.

(1) "Class IV HIV insurance program" means the program authorized by chapter 70.24 RCW and financed by state funds to assure

health insurance coverage for an individual with Class IV HIV infection as defined by the state board of health meeting eligibility requirements established by the department.

(2) "Class IV HIV infection" means an illness characterized by the diseases and conditions defined and described by the state board of health in WAC 248-100-011(1) and 248-100-076 (1)(c)(i).

NEW SECTION

WAC 248-180-020 ELIGIBILITY. (1) The department shall pay, to the extent a person is liable for group health insurance premiums, such premiums for a person who has a diagnosis of Class IV human immunodeficiency virus (HIV) infection and:

- (a) Is terminated from employment for reasons other than gross misconduct;
 - (b) Has experienced a reduction in employment hours to the extent the applicant is liable for part or all of the health insurance premium;
 - (c) Is entitled to benefits under Title XVIII of the Social Security Act;
 - (d) Ceases to be a dependent child under the requirements of the health insurance plan; or
 - (e) Is divorced or legally separated from the covered employee and has continuation coverage rights.
- (2) An applicant's eligibility under the program shall cease when the individual:
- (a) Dies;
 - (b) Loses insurance eligibility for a reason other than the reasons noted under subsection (1) of this section; or
 - (c) Moves out of state.

WSR 89-20-033

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 89-117—Filed September 29, 1989, 4:28 p.m.]

Date of Adoption: September 29, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-516.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Restrictions in Area 7A provide protection for United States and Canadian origin chinook stocks. The opening in Area 6D provide opportunity to harvest the non-Indian allocation of Strait origin coho, and is necessary to prevent wastage. Openings in Area 7B provide opportunity to harvest non-Indian allocation of Nooksack-Samish origin coho, per permanent regulations. These experimental openings in Area 8D provide opportunity to harvest non-Indian allocation of Tulalip Bay hatchery origin coho, provide information on daylight gillnet effectiveness in Area 8D and the impacts of nontraditional fishing hours for purse seines and gillnets in Area 8D, and ensure an orderly fishery. Openings in Areas 10 and 11 provide opportunity to harvest nontreaty allocation of South Sound origin coho stocks. The restriction in Area 10 provides enhanced sport opportunity in Elliott Bay. Openings in Areas 12 and 12B provide opportunity to harvest the

nontreaty allocation of Hood Canal origin coho. The restriction in Area 12B is necessary to reduce interactions between commercial and sport fisheries, and prevent overharvest of local 12B/12C coho stocks. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: 12:01 a.m., October 1, 1989.
September 29, 1989
Edward P. Manary
for Joseph R. Blum
Director

NEW SECTION

WAC 220-47-517 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 AM Sunday October 1st, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:

- * Area 7A, in that portion north and west of the Iwersen Dock Line – Under the control of the Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.
- * Area 6D – Gillnets using 5-inch minimum mesh and fishing with no more than 900 feet of net, and purse seines using the 5-inch strip, may fish from 12:00 noon Sunday October 1st through 7:00 PM Friday October 6th.
- * Area 7B – Gillnets using 5-inch minimum may fish continuously through 4:00 PM Friday October 27 and purse seines may fish continuously through 4:00 PM Friday October 27.
- * Area 8D – Gillnets using 5-inch minimum mesh may fish from 9:00 AM to 5:00 PM Tuesday, October 3rd, and purse seines using the 5-inch strip may fish from 9:00 AM to 5:00 PM Monday October 2nd.
- * Areas 10, 11, 12, and 12B – Gill nets using 5-inch minimum mesh may fish from 5:00 PM to 9:00 AM nightly, Monday and Tuesday October 2nd and 3rd, and and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM daily, Monday and Tuesday October 2nd and 3rd. This opening excludes those waters of Area 10 east of a line projected from West Point to Alki Point, and excludes those waters of Area 12B south and west of a line projected from Hood Point to Quatsap Point.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 7, 7A (south and east of the Iwersen Dock line), 7C, 7D, 7E, 8, 8A, 9, 9A, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM Sunday October 1st:

WAC 220-47-516 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (89-115)

WSR 89-20-034**EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 89-118—Filed September 29, 1989, 4:28 p.m.]

Date of Adoption: September 29, 1989.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-19000Q.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Measures to protect Skagit River coho are no longer necessary in these areas.

Effective Date of Rule: 11:59 p.m., September 30, 1989.

September 29, 1989
Edward P. Manary
for Joseph R. Blum
Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 30, 1989:

WAC 220-56-19000Q SALTWATER SEASONS AND BAG LIMITS—SALMON. (89-86)

WSR 89-20-035**PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed October 2, 1989, 10:54 a.m.]

Original Notice.

Title of Rule: Organic producer and transition to organic producer certification.

Purpose: To amend rules to allow certification of transition to organic producers as per amendment to chapter 15.86 RCW, 1989 legislative session. Also to amend fee schedule and inspection practices.

Statutory Authority for Adoption: Section 34, section 12, chapter 393 and RCW 15.86.070.

Statute Being Implemented: Chapter 15.86 RCW.

Summary: Amends organic producer certification rules 16-154 [chapter 16-156 WAC] for certification of persons in transition to organic status.

Reasons Supporting Proposal: Allow the public access to organically grown produce under the department's supervision as an alternative.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Verne Hedlund, 406 General Administration Building, Olympia, 753-5043.

Name of Proponent: Washington Department of Agriculture and Washington Department of Agriculture Organic Advisory Board, private and governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Rule amendment will implement certification of transition to organic producers as well as organic producers; and will allow producers in transition to organic to well [sell] product at a higher price as certified transition to organic produce.

Proposal Changes the Following Existing Rules: Changes add certification of transition to organic producers, delete requirements for an unannounced inspection unless deemed necessary for certification and expands fee schedule to include higher categories of gross volume.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Large Auditorium, General Administration Building, on November 13, 1989, at 1:00 p.m.

Submit Written Comments to: Verne Hedlund, November 13, 1989.

Date of Intended Adoption: December 15, 1989.

October 2, 1989

John Daly

Assistant Director

Chapter 16-156 WAC

ORGANIC PRODUCER AND TRANSITION TO ORGANIC PRODUCER CERTIFICATION**AMENDATORY SECTION** (Amending Order 1968, filed 3/8/88)

WAC 16-156-001 APPLICATION. Organic food producers who wish certification under this chapter must submit an application and pay prescribed fees to the department on an annual basis. This application must include a sworn statement that they have over the past year, and will continue throughout the year for which the application is made, fully comply with the statute and rules for production of organic food.

Transition to organic food producers who wish certification under this chapter must also submit an application and pay prescribed fees to the department on an annual basis. This application must include a sworn statement that they have since last harvest and will continue throughout the year for which application is made, fully comply with the statute and rules for production of organic food.

Each application shall be accompanied by a completed grower information form which will remain on file at the department of agriculture office.

AMENDATORY SECTION (Amending Order 1968, filed 3/8/88)

WAC 16-156-005 STANDARDS FOR CERTIFICATION. Standards for organic producer and transition to organic producer certification shall be as set forth in RCW 15.86.030 and WAC 16-154-010 and 16-154-020.

AMENDATORY SECTION (Amending Order 1968, filed 3/8/88)

WAC 16-156-010 SAMPLING. (~~(At least one)~~) A sample representative of a crop grown by (~~each~~) organic producers and transition to organic producers under the organic food certification program (~~(shall)~~) may be tested for pesticide residues ((by the state chemist annually)) whenever the director deems it necessary for certification. These samples shall be collected by the department of agriculture in a representative manner at the producer's farm.

It shall be the producer's responsibility to arrange for and bear the costs for any additional testing which is deemed necessary by the director for certification.

AMENDATORY SECTION (Amending Order 1968, filed 3/8/88)

WAC 16-156-020 INSPECTION. The department of agriculture shall make at least one announced visit and (~~(one)~~) any unannounced visit deemed necessary to each organic producer and transition to organic producer under the organic food certification program each year for the purpose of inspection for compliance with the standards for certification which are chapter 15.86 RCW (Organic food products) and chapter 16-154 WAC (Rules pertaining to sale of organic foods).

This inspection may entail survey of required records, examination of crops and fields, and any other information deemed necessary to the requirements of this chapter.

It shall be the producer's responsibility to arrange for and bear the costs for any additional inspections which are deemed necessary by the director for certification.

AMENDATORY SECTION (Amending Order 1968, filed 3/8/88)

WAC 16-156-030 CERTIFICATION. Washington state department of agriculture certification of organic food producers and transition to organic producers means that any analysis of the representative samples taken by the department of agriculture showed no illegal pesticide usage and inspection of the producer by the department of agriculture showed no illegal practices being followed.

Organic food producers who apply under this program will be able to use the words, "produced under Washington state department of agriculture organic food certification program" in their labeling as long as their practices comply with this chapter and chapters 15.86 RCW and 16-154 WAC.

Food produced under this organic food certification program may be identified by the use of the attached logo. This logo shall only be used for food produced under the Washington state department of agriculture organic food certification program.

Transition to organic producers who apply under this program will be able to use the words "produced under Washington department of agriculture transition to organic food certification program" in their labeling as long as their practices comply with this chapter and chapter 15.86 RCW and chapter 16-154 WAC.

Food produced under this transition to organic food certification program may be identified by use of the attached logo. This logo shall only be used for food produced under the Washington state department of agriculture's transition to organic program.

In no event shall food be sold as Washington certified organic or Washington certified transition to organic prior to an on-site inspection being made by the department of agriculture and grower information form being on file with the department of agriculture.

The logos to identify organic food and transition to organic food produced under this certification programs shall not be changed except for increases or decreases in size, as appropriate.

NEW SECTION

WAC 16-156-035 DECERTIFICATION. Whenever the director finds that a producer who has been certified under this program has:

- (1) Violated the standards for certification which are set forth in RCW 15.86.030 and WAC 16-154-010 and 16-154-020;
- (2) Has filed an application for certification which is false or misleading in any particular;
- (3) Has violated any of the provisions of this chapter; or
- (4) Has failed to provide records as required by WAC 16-154-020;

The director may issue an order revoking that producer's certification under this program or he may issue an order directing the producer to take other appropriate action to correct the violation. If appropriate action is taken, the producer will be returned to its previous status under the program.

Any producer who has received notice that its certification may be revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW. Such application must be in writing, addressed to the director of the Washington department of agriculture and be received in the Olympia administrative offices not later than twenty days from the date of the notice of the opportunity to apply for a hearing.

AMENDATORY SECTION (Amending Order 1968, filed 3/8/88)

WAC 16-156-040 CERTIFIED PRODUCER NUMBER. Organic food producers and transition to organic food producers who make application to the certification program shall be assigned a grower identification number by the department of agriculture. All sales from the producer to the first handler shall include the grower number on the invoice and/or other sales document.

AMENDATORY SECTION (Amending Order 1968, filed 3/8/88)

WAC 16-156-050 APPLICATION FOR CERTIFICATION. Organic food producers and transition to organic producers who wish to apply for the producer inspection program must apply to the department by (~~(April 1, 1988, and thereafter by)~~) January 15 of each year. The application and fees shall be forwarded to the department on forms furnished by the department.

Applications made after the set deadline (~~(shall)~~) may be processed as the department can schedule the initial inspections, provided that the producer may still conduct business as provided in RCW 15.86.050.

AMENDATORY SECTION (Amending Order 1968, filed 3/8/88)

WAC 16-156-060 FEE SCHEDULE. (1) The cost per application shall be based on a sliding scale of gross dollar volume. The fee shall accompany the application.

Information on gross dollar volume shall not be disclosed to unauthorized persons.

(Gross Dollar Volume	Fee
\$ 0 - \$ 10,000	\$150.00
\$ 10,000 - \$ 25,000	\$185.00
\$ 25,000 - \$ 50,000	\$350.00
\$ 50,000 - \$ 100,000	\$525.00
\$100,000 and Over	\$600.00))
Gross Income	Annual Fee
\$ 0 - \$ 12,000	\$150
\$12,000 - \$ 15,000	\$185
\$15,000 - \$ 20,000	\$200
\$20,000 - \$ 25,000	\$275
\$25,000 - \$ 35,000	\$350
\$35,000 - \$ 50,000	\$500
\$50,000 - \$ 65,000	\$600
\$65,000 - \$ 80,000	\$750
\$80,000 - \$ 100,000	\$900
\$100,000 - \$ 150,000	\$1,000
\$150,000 - \$ 200,000	\$1,200
\$200,000 - \$ 280,000	\$1,400
\$280,000 - \$ 375,000	\$1,500
\$375,000 - \$ 500,000	\$2,000
\$500,000 and up	\$2,500

(2) Additional inspections (in addition to two inspections provided for), if required for certification by the director, shall be at \$20/hr. + ((2+)) .24¢/mile from the inspector's assigned duty station.

(3) Additional samples (in addition to one sample provided for), if required for certification by the director, shall cost an additional lab fee of one hundred ten dollars. If an additional visit must be arranged, it shall be at \$20/hr. + ((2+)) .24¢/mile from the inspector's assigned station.



WSR 89-20-036
PROPOSED RULES
WASHINGTON STATE UNIVERSITY
 [Filed October 2, 1989, 2:30 p.m.]

Original Notice.

Title of Rule: Chapter 504-04 WAC, Practice and procedure.

Purpose: These rules are adopted to comply with the Administrative Procedure Act as amended. Outdated procedural rules in chapter 504-08 WAC are repealed.

Statutory Authority for Adoption: RCW 34.05.220, 28B.30.095 and [28B.30.]125.

Statute Being Implemented: RCW 34.05.250, [34.05.]482 and 28B.10.648.

Summary: These rules of practice and procedure apply in adjudicative proceedings at Washington State University. The rules also provide coordination between different parts of Title 504 WAC.

Reasons Supporting Proposal: These rules are adopted on an interim basis to assure compliance with the new Administrative Procedure Act (APA), chapter 34.05 RCW, as amended.

Name of Agency Personnel Responsible for Drafting: Paul Tanaka, Attorney General's Office, Pullman, (509) 335-2636; and Implementation: Dr. Ronald Hopkins, Vice Provost, (509) 335-5581.

Name of Proponent: Washington State University, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 504-04-010 describes matters subject to brief adjudication under the APA; WAC 504-04-020 determines the manner of appointing presiding officers; WAC 504-04-110 adopts the model rules of procedure (chapter 10-08 WAC) with the exception of WAC 10-08-190 regarding cameras and recording devices; WAC 10-08-190 is inconsistent with university policy and rules on confidentiality of hearings for faculty and students and therefore is not adopted; and WAC 504-04-120 through 504-04-140 are supplemental to the model rules and govern confidentiality of proceedings, advising and representation of parties and discovery.

Proposal Changes the Following Existing Rules: Prior procedural rules (chapter 504-08 WAC) are repealed and superseded by the adopted rules. The new rules will conform practice and procedure to the requirements of the APA.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Washington State University, Compton Union Building, Rooms 214-216, Pullman, Washington, on November 14, 1989, at 4:00 p.m.

Submit Written Comments to: Lou Ann Pasquan, 232 French Administration Building, Washington State University, Pullman, Washington 99164-1023, by November 14, 1989.

Date of Intended Adoption: November 17, 1989.

Lou Ann Pasquan
 Director, Administrative
 Procedures and Forms

PRACTICE AND PROCEDURE: WAC 504-04 AND 504-08

Chapter 504-04 WAC
 PRACTICE AND PROCEDURE

PART I
 GENERAL PROCEDURAL RULES

WAC
 504-04-010
 504-04-020

Matters Subject to Brief Adjudication.
 Appointment of Presiding Officers for all Adjudicative Proceedings.

**PART II
PROCEDURAL RULES FOR FORMAL PROCEEDINGS**

WAC

- 504-04-110 Adoption of Model Rules of Procedure for Formal Proceedings—Exception.
 504-04-120 Confidentiality of Student, Faculty and Staff Formal Adjudicative Proceedings.
 504-04-130 Advising and Representation of Parties.
 504-04-140 Discovery.

**PART I
GENERAL PROCEDURAL RULES**

NEW SECTION

WAC 504-04-010 MATTERS SUBJECT TO BRIEF ADJUDICATION. The following proceedings are matters to be treated as brief adjudications pursuant to RCW 34.05.482 through 491:

- (1) Student conduct proceedings. The procedural rules of Chapter 504-25 apply to these proceedings.
- (2) Appeals of residency determinations. If a hearing is required by law or constitutional right, appeals of residency determinations under RCW 28B.15.013 are brief adjudicative proceedings conducted by the Office of Admissions.
- (3) Appeals of parking violations. Appeals of parking violations are brief adjudicative proceedings conducted pursuant to applicable rules. See WAC 504-17-240 and 504-18-170.
- (4) Hearings on student records. Hearings pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g are to be brief adjudicative proceedings conducted pursuant to the rules of Chapter 504-21 WAC.
- (5) Hearings on denial of financial aid. Any hearings required by state or federal law regarding granting, modification or denial of financial aid are brief adjudicative proceedings conducted by the Office of Scholarships and Financial Aid.
- (6) Emergency withdrawal of students. Proceedings to disenroll students for medical or psychological reasons are brief adjudicative proceedings conducted by the Office of Student Affairs.
- (7) Discipline and termination of student employees. When required by law, hearings for the termination of or imposition of disciplinary measures on student employees shall be brief adjudicative proceedings.

NEW SECTION

WAC 504-04-020 APPOINTMENT OF PRESIDING OFFICERS FOR ALL ADJUDICATIVE PROCEEDINGS. The President of Washington State University or his or her designee shall have the power to appoint committees or members of the faculty, staff and student body to be presiding officers for formal and brief adjudicative proceedings. The term "presiding officer" as used in this Chapter shall be read in the plural when the context demands.

**PART II
PROCEDURAL RULES FOR FORMAL PROCEEDINGS**

NEW SECTION

WAC 504-04-110 ADOPTION OF MODEL RULES OF PROCEDURE FOR FORMAL PROCEEDINGS—EXCEPTION. In formal proceedings pursuant to RCW 34.05.413-476 Washington State University adopts the Model Rules of Procedure adopted by the Office of Administrative Hearings, Chapter 10-08 WAC, with the following exception:

WAC 10-08-190 Adjudicative Proceedings, Cameras—Recording Devices.

See WAC 504-04-120 which determines the use of cameras and recording devices at adjudicative proceedings.

Other procedural rules adopted in this title and this chapter are supplementary to the Model Rules. In the case of a conflict between the Model Rules and procedural rules adopted by Washington State University, the procedural rules adopted by the university shall govern.

NEW SECTION

WAC 504-04-120 CONFIDENTIALITY OF STUDENT, FACULTY AND STAFF FORMAL ADJUDICATIVE PROCEEDINGS. In formal adjudicative proceedings, the presiding officer shall

have the power to close all or part of the hearing to public observation. The presiding officer shall have the power to impose reasonable conditions upon observation of the proceeding. The presiding officer also shall have the power to regulate the use of photographic and recording equipment. In the case of hearings involving discipline, termination, or medical withdrawal, hearings will normally be closed to public observation.

NEW SECTION

WAC 504-04-130 ADVISING AND REPRESENTATION OF PARTIES. Any person whose rights are in issue in a formal adjudicative proceeding shall have the right to have an adviser present during any stage of the proceedings. However, only persons admitted to the practice of law in the State of Washington shall be permitted to act as a representative at the proceedings. The presiding officer shall have the power to impose reasonable conditions upon participation of advisors and representatives.

NEW SECTION

WAC 504-04-140 DISCOVERY. Discovery in formal hearings may be permitted at the discretion of the presiding officer. In permitting discovery, reference shall be made to the Civil Rules applicable in court proceedings for guidance.

The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 504-08-001 Definitions.
- (2) WAC 504-08-010 Appearance and practice before agency.
- (3) WAC 504-08-080 Notice and opportunity for hearing in contested cases.
- (4) WAC 504-08-090 Service of process—By whom served.
- (5) WAC 504-08-100 Service of process—Upon whom served.
- (6) WAC 504-08-110 Service of process—Service upon parties.
- (7) WAC 504-08-120 Service of process—Method of service.
- (8) WAC 504-08-130 Service of process—When service complete.
- (9) WAC 504-08-140 Service of process—Filing with agency.
- (10) WAC 504-08-230 Depositions and interrogatories in contested cases—Right to take.
- (11) WAC 504-08-240 Depositions and interrogatories in contested cases—Scope.
- (12) WAC 504-08-250 Depositions and interrogatories in contested cases—Officer before whom taken.
- (13) WAC 504-08-260 Depositions and interrogatories in contested cases—Authorization.
- (14) WAC 504-08-270 Depositions and interrogatories in contested cases—Protection of parties and deponents.
- (15) WAC 504-08-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination.
- (16) WAC 504-08-290 Depositions and interrogatories in contested cases—Recordation.
- (17) WAC 504-08-300 Depositions and interrogatories in contested cases—Signing attestation and return.
- (18) WAC 504-08-310 Depositions and interrogatories in contested cases—Use and effect.
- (19) WAC 504-08-320 Depositions and interrogatories in contested cases—Fees of officers and deponents.
- (20) WAC 504-08-330 Depositions upon interrogatories—Submission of interrogatories.
- (21) WAC 504-08-340 Depositions upon interrogatories—Interrogation.
- (22) WAC 504-08-350 Depositions upon interrogatories—Attestation and return.
- (23) WAC 504-08-360 Depositions upon interrogatories—Provisions of deposition rule.
- (24) WAC 504-08-400 Stipulations and admissions of record.
- (25) WAC 504-08-410 Form and content of decisions in contested cases.
- (26) WAC 504-08-420 Definition of issues before hearing.
- (27) WAC 504-08-510 Continuances.
- (28) WAC 504-08-520 Rules of evidence—Admissibility criteria.

- (29) WAC 504-08-530 Tentative admission—Exclusion—Discontinuation—Objections.
 (30) WAC 504-08-540 Petitions for rule making, amendment or repeal—Who may petition.
 (31) WAC 504-08-550 Petitions for rule making, amendment or repeal—Requisites.
 (32) WAC 504-08-560 Petitions for rule making, amendment or repeal—Agency must consider.
 (33) WAC 504-08-570 Petitions for rule making, amendment or repeal—Notice of disposition.

WSR 89-20-037
PROPOSED RULES
DEPARTMENT OF PERSONNEL

[Filed October 2, 1989, 2:35 p.m.]

Original Notice.

Title of Rule: Amending WAC 356-30-300 Performance evaluation—Requirements—Monitoring.

Purpose: Sets guidelines for the agencies as to how and when to evaluate the performance of their employees.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: Housekeeping changes.

Reasons Supporting Proposal: When paragraph (3) of this rule was adopted some of the original wording was deleted in typing. This is a general housekeeping change.

Name of Agency Personnel Responsible for Drafting: Paul Peterson, 521 Capitol Way South, 586-1769; **Implementation and Enforcement:** Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule describes the purpose of the employee evaluation. It outlines the procedures and provides guidance to the agencies in determining when and how performance evaluations are to be conducted.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on November 9, 1989, at 10:00 a.m.

Submit Written Comments to: Paul Peterson, 521 Capitol Way South, FE-11, Olympia, WA, by November 7, 1989.

Date of Intended Adoption: November 9, 1989.

September 27, 1989

Dee W. Henderson
 Secretary

AMENDATORY SECTION (Amending Order 267, filed 1/2/87)

WAC 356-30-300 PERFORMANCE EVALUATION—REQUIREMENTS—MONITORING. (1) Agencies shall evaluate the

performance of their employees during their probationary or trial service periods and at least once a year thereafter.

(2) The annual evaluation will be conducted during the sixty-day period following the employee's anniversary date, except an agency can establish, on a consistent basis, a due date which better accommodates the agency's particular needs. The evaluation will cover the period ending with the established due date.

(3) Agencies will utilize the standardized employee performance evaluation procedures and forms prescribed by the director of personnel (~~(-supplement)~~). The procedures shall include provisions whereby individual agencies may, with the approval of the director of personnel, supplement the process with special performance factors peculiar to the specific organizational needs.

(4) Each supervisor's annual evaluation shall include an assessment of his or her efforts toward achieving the objectives of the agency's affirmative action program.

(5) The procedures and forms shall:

(a) Be designed to aid in communications between supervisors and subordinates and clarify duties and expectations.

(b) Be designed to inform employees of their performance strengths and weaknesses.

(c) Be based on performance toward the goals and objectives of the agency and its subunits.

(d) Include provisions for the counseling and the development of employees.

(6) Each employee whose work is judged unsatisfactory shall be notified in writing of the areas in which the work is considered deficient. Unless the deficiency is extreme, the employee shall be given an opportunity to demonstrate improvement.

(7) Allowing probationary employees to gain permanent status or trial service employees to gain permanent status in the class to which they have been promoted without completion of an evaluation may be regarded as neglect of duty, incompetence or insubordination on the part of the supervisor and may be cause for disciplinary action.

WSR 89-20-038

**NOTICE OF PUBLIC MEETINGS
 CONVENTION AND TRADE CENTER**

[Memorandum—September 28, 1989]

The board of directors of the Washington State Convention and Trade Center will hold a special meeting on Wednesday, October 4, 1989, at 8:30 a.m. in the board room of the Washington Athletic Club, 1325 Sixth Avenue, Seattle. The board will immediately go into executive session to consider one agenda item: Evaluating qualifications of candidates for the position of general manager.

The board will hold its regular meeting on Wednesday, October 4, 1989, at 3:00 p.m. in Room 321 of the Plymouth Congregational Church, 6th and University, Seattle.

A second special meeting of the board of directors will be held on Thursday, October 5, 1989, at 8:30 a.m. in Room 601 of the Washington State Convention and Trade Center, 800 Convention Place, Seattle. The board will immediately go into executive session to consider one agenda item: Evaluating qualifications of candidates for the position of general manager.

If you have any questions regarding these meetings, please call 447-5000.

WSR 89-20-039
RULES COORDINATOR
DEPARTMENT OF HEALTH
 [Filed October 2, 1989, 2:50 p.m.]

This is formal notification that Leslie Baldwin, Department of Health, 1300 S.E. Quince Street, Olympia, WA 98504, has been designated as the rules coordinator for the Department of Health. This designation supersedes the temporary appointment of John Toohey.

WSR 89-20-040
PROPOSED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
 [Filed October 2, 1989, 2:51 p.m.]

Continuance of WSR 89-15-060.

Title of Rule: Overtime for truck and bus drivers, chapter 296-128 WAC.

Purpose: To implement 1989 amendments to RCW 49.46.130.

Statutory Authority for Adoption: RCW 43.22.270.

Statute Being Implemented: RCW 49.46.130, chapter 104, Laws of 1989.

Summary: Establishing recordkeeping requirements and alternative methods of computing overtime pay for truck and bus drivers subject to the Federal Motor Carriers Act.

Reasons Supporting Proposal: Guidelines for employers, employees and the department are necessary to determine whether alternative methods of computing overtime pay meet the statutory standard established by the 1989 amendments.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mark M. McDermott, 925 Plum Street, Olympia, 753-3487.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Adopting a new section to require employers to maintain records to enable the department to determine employer compliance with overtime laws. The records also are available to past and present employees. The formulas used to determine a pay rate that includes expected overtime is available also to job applicants; and adopting a new section authorizing employers to establish a uniform rate of pay that distributes projected overtime pay over the average number of hours projected to be worked. Minimum standards for calculating a uniform rate of pay are set forth. A formula to determine a uniform rate of pay is suggested. It is expected that the rules will assist employers in implementing alternative methods of computing overtime, as authorized by 1989 amendments to RCW 49.46.130.

Proposal does not change existing rules.

Small Business Economic Impact Statement: [No information supplied by agency.]

Submit Written Comments to: Mark M. McDermott, Assistant Director, ESAC Division, HC-710, by October 27, 1989.

Date of Intended Adoption: November 1, 1989.

October 2, 1989
 Joseph A. Dear
 Director

WSR 89-20-041
PROPOSED RULES
UNIVERSITY OF WASHINGTON
 [Filed October 2, 1989, 2:56 p.m.]

Original Notice.

Title of Rule: Chapter 478-116 WAC, Parking and traffic regulations.

Purpose: To amend parking and traffic regulations.

Other Identifying Information: WAC 478-116-260, 478-116-250 and 478-116-600.

Statutory Authority for Adoption: RCW 28B.10.300 and 28.10.560 [28B.10.560].

Statute Being Implemented: RCW 28B.10.300 and 28B.10.560.

Summary: The amendments propose changes in special event procedures and fees.

Reasons Supporting Proposal: To respond to changed conditions.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tallman Trask III, Executive Vice-president, (206) 543-6410.

Name of Proponent: University of Washington, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Enable parking division manager to define and justify special events, designate parking areas and establish special events parking fees excluding university football games. The rates will be established with the advice of the advisory committee on transportation and will be adequate to assure the parking division remains self-sustaining.

Proposal Changes the Following Existing Rules: See rules shown below.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Student Union Building, HUB 200 A-B-C, on November 13, 1989, at 11:30 a.m. to 1:30 p.m.

Submit Written Comments to: Vice-provost Steve Olswang, Hearing Officer, AH-20, University of Washington, to be received by November 13, 1989.

Date of Intended Adoption: January 14, 1990.

September 28, 1989
 Lloyd Peterson
 Senior Assistant
 Attorney General

AMENDATORY SECTION (Amending Order 89-1, filed 7/13/89)

WAC 478-116-250 SPECIAL PERMITS. (1) Temporary or part-time employees, 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.

(7) The parking manager shall define, justify special events, designate parking areas and establish parking rates for special events, not including university football games. The rates shall be established with the advice of the advisory committee on transportation and shall be sufficient to ensure that the parking fund remains self-sustaining.

AMENDATORY SECTION (Amending Order 89-1, filed 7/13/89)

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	\$288.00
(ii) With reserve designator	Year	576.00
(iii) Motorcycles, scooters and mopeds	Year	36.00
(iv) 24-Hour storage garage	Year	360.00
(v) Drive through (full-time faculty and staff only)	Year	24.00
(vi) Carpool		
: 2-person	Year	120.00
: 3 or more persons	Year	60.00
(vii) Retiree	Year	115.20
(viii) Night permits (4:00 p.m. to 7:30 a.m.)	Year	144.00

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		\$15.00
: 25-Ticket booklet		37.50
(ii) Departmental commuter ticket books (guests)		
: 10-Ticket booklet		40.00
: 25-Ticket booklet		100.00
(iii) Departmental night commuter ticket books (4:00 p.m. to 7:30 a.m.)		
: 10-Ticket booklet		20.00
: 25-Ticket booklet		50.00
(iv) Departmental special visitor 5-ticket booklet		50.00

	PER	AMOUNT
(v) Short term permit		
: Disabled student, employee		Annual Permit Rate
: 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	36.00
(ii) "US" designator	Annual	24.00
(iii) Additional area designator (max. of 2)	Annual	24.00
(iv) "SS" designator	Annual	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 10:00 p.m. weekdays only)		
(i) 0-15 minutes		No charge
(ii) 15 minutes to 30 minutes		1.50
(iii) to 1 hour		2.00
(iv) 1 hour to 2 hours		2.50
(v) 2 hours to 3 hours		3.00
(vi) over 3 hours		4.00
(b) Weekly permit		14.00
(c) Motorcycle permit	Daily	.50
(d) Carpool permit (certain designated areas for 2 or more persons)	Daily	.50-1.00
(e) Evening permits (4:00 p.m. to 7:30 a.m. weekdays)		
(i) 0-15 minutes		No charge
(ii) 15 to 30 minutes		1.00
(iii) over 30 minutes		2.00
(f) Second car permit	Each	1.00
(4) Mechanically issued (Mechanically controlled parking areas as designated—parking meters, ticket dispensers, automatic gates, etc.)		.50-2.00
(a) Parking meters	Hour	.50
(b) Spitter ticket lot E-1	Daily	.75
(c) Other spitter ticket lots	Daily	.75
(d) Spitter tickets for night rate	Evening	2.00
(5) Special event issued		
((α)) 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
((β)) 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.

AMENDATORY SECTION (Amending Order 87-1, filed 7/28/87, effective 9/1/87)

WAC 478-116-260 ATHLETIC EVENT PARKING. The parking fee established in WAC 478-116-600 involving university athletics only, will be charged for each vehicle parked for athletic events, except:

- (1) Vehicles displaying valid university parking permits;
- (2) Vehicles of visiting teams, coaches and bands;
- (3) Vehicles of persons presenting permits for prepaid athletic parking. The agency or office issuing the permit will reimburse the parking fund at the established fee for each vehicle parked.

WSR 89-20-042

PROPOSED RULES

UNIVERSITY OF WASHINGTON

[Filed October 2, 1989, 2:58 p.m.]

w/b/y
90-04-001

related to facility utilization for individuals who may be engaged in the transporting of passengers for the purpose of moorage or shuttling operations.

(c) Use of the university shoreline and moorage facilities for waterfront activities not designated for that area will subject the violators to arrest under provisions of RCW 9A.52.080 (Criminal trespass in the second degree), City of Seattle 12A.08.040 (criminal trespass), or other applicable law.

(2) In the event the university permits a non-university vessel use of the moorage facilities for moorage, loading and unloading passengers, shuttling passengers to and from anchored vessels, or other related activities, the university does not assume responsibility for nor guarantee the expertise or training of the vessels pilots or that such vessels are maintained in a safe condition or are adequately equipped with life vests and other safety devices as required by the United States Coast Guard and the Washington state utilities and transportation commission.

Original Notice.

Title of Rule: Chapter 478-138 WAC, Use of university stadium boat moorage facilities.

Purpose: To amend university stadium boat moorage facilities regulations.

Other Identifying Information: WAC 478-138-030, 478-138-040 and 478-138-050.

Statutory Authority for Adoption: RCW 28B.10.300 and 28.10.560 [28B.10.560].

Statute Being Implemented: RCW 28B.20.300 and 28B.10.560.

Summary: The amendment proposes changes in university boat moorage facilities fees and management responsibilities.

Reasons Supporting Proposal: To respond to changing conditions.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tallman Trask III, Executive Vice-president, (206) 543-6410.

Name of Proponent: University of Washington, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Increase boat moorage fees to meet increasing expenses of operation, repair and replacement of facilities; and to transfer management of the stadium boat moorage facilities to Intercollegiate athletics corresponding to the use of the facilities to athletic events.

Proposal Changes the Following Existing Rules: See rules shown below.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Student Union Building, HUB 200 A-B-C, on November 13, 1989, at 11:30 a.m. to 1:30 p.m.

Submit Written Comments to: Vice-provost Steve Olswang, Hearing Officer, AH-20, University of Washington, to be received by November 13, 1989.

Date of Intended Adoption: January 14, 1990.

September 28, 1989

Lloyd W. Peterson

Senior Assistant

Attorney General

AMENDATORY SECTION (Amending Order 88-02, filed 9/14/88)

WAC 478-138-030 USE OF UNIVERSITY STADIUM BOAT MOORAGE FACILITIES—STADIUM BOAT MOORAGE FACILITIES—AREA DEFINED. (1)(a) The stadium boat moorage facilities shall consist of those docks and floats located on Lake Washington in Union Bay, and such other areas as are designated by the ((manager of the parking division)) director of intercollegiate athletics, which provide water access to the University of Washington shoreline.

(b) The ((manager of the parking division)) director of intercollegiate athletics shall have the authority to determine specific areas along the university shoreline that may be used for waterfront activities which may include but shall not be limited to: Moorage of water related vessels, establishment of load/unload areas for the purpose of loading and unloading passengers to and from water related vessels, and conditions

AMENDATORY SECTION (Amending Order, filed 7/2/73 and 7/27/73)

WAC 478-138-040 USE OF UNIVERSITY STADIUM BOAT MOORAGE FACILITIES—OPERATION OF THE STADIUM BOAT MOORAGE FACILITIES—PERMITS REQUIRED. During special events, operation of the boat moorage is the responsibility of the ((manager of the parking division as a part of the university parking system)) director of intercollegiate athletics and use of the facility shall be controlled by the sale of moorage permits as follows:

(1) Limits of the numbers and types of crafts that can be moored with reasonable safety at the moorage facility shall be established by the university after consultation with and approval by the Seattle fire chief and the local representatives of the ((U.S.)) United States Coast Guard;

(2) Only those boats displaying a valid moorage permit shall be admitted to the boat moorage area and provided moorage space for the special event;

(3) Moorage permits shall be sold, issued, and collected by the ((parking division)) director of intercollegiate athletics as a function of the ((parking system)) intercollegiate athletics for season and/or individual events;

(4) Season football ticket holders shall be notified of and provided with the opportunity to purchase moorage permits for football games in advance of the public offering of moorage permits;

(5) Public sale of moorage permits shall be on a first-come, first-served basis within the limits established under ((WAC 478-138-040)) subsection (1) of this section.

AMENDATORY SECTION (Amending Order 87-2, filed 7/28/87, effective 9/1/87)

WAC 478-138-050 USE OF UNIVERSITY STADIUM BOAT MOORAGE FACILITIES—MOORAGE FEE (FOR EACH EVENT).

Private Boats:	
Length to 50 feet	\$ ((30)) .40 per foot
Length over 50 feet	\$ ((20.00)) 25.00

The number of permits issued to private boats over fifty feet in length may be limited as determined by the manager of the parking division.

Charter Boats:	
Load and unload plus moorage	\$ ((70.00)) 75.00
Load and unload only	\$ ((15.00)) 25.00

Other Craft:
Set by manager of the parking division if necessary for single occurrence.

WSR 89-20-043

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed October 2, 1989, 3:44 p.m.]

Date of Adoption: September 29, 1989.

Purpose: To declare the extent and nature of exemptions, benefits and privileges to be extended to vehicles properly registered or licensed in other jurisdictions, or to the owners of such vehicles, which shall in the judgment of the department, be in the best interest of this state and the citizens thereof, based on the benefits to the economy of this state.

Citation of Existing Rules Affected by this Order: Amending WAC 308-99-025 and new section WAC 308-99-050.

Statutory Authority for Adoption: RCW 46.01.110, 46.16.287 [46.16.276] and 46.87.010.

Pursuant to notice filed as WSR 89-17-065 on August 16, 1989.

Effective Date of Rule: Thirty days after filing.

September 29, 1989

Mary Faulk
Director

AMENDATORY SECTION (Amending Order TL/RG 37, filed 10/9/87)

WAC 308-99-025 REGISTRATION REQUIRED. (1) A resident of this state shall register under chapters 46.12 and 46.16 RCW a vehicle to be operated on the highways of the state. Pursuant to RCW 46.16.028(3), new Washington residents shall be allowed thirty days from the date they become residents as defined in RCW 46.16.028, to procure Washington registration for their vehicles. This thirty-day period shall not be combined with any other period of reciprocity provided for in chapter 46.16 or 46.85 RCW, or in this chapter. Pursuant to RCW (~~46.61.010~~) 46.16.010, failure to make initial registration before operation on the highways of this state is a misdemeanor, and any person convicted thereof shall be punished by a fine of no less than ~~((one))~~ three hundred ~~((sixty-five))~~ thirty dollars, no part of which may be suspended or deferred. Failure to renew an expired registration before operation on the highways of this state is a traffic infraction.

(2) The licensing of a motor vehicle in another state by a resident of this state, as defined in RCW 46.16.028, with willful intent to evade the payment of any tax or license fee imposed in connection with registration, is a gross misdemeanor punishable as follows:

(a) For a first offense, up to one year in the county jail and a fine equal to twice the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(b) For a second or subsequent offense, up to one year in the county jail and a fine equal to three times the amount of delinquent taxes and fees, no part of which may be suspended or deferred.

NEW SECTION

WAC 308-99-050 COMMERCIAL VEHICLE RECIPROcity. Under provisions of the International Registration Plan (IRP), the state of Washington extends reciprocity to commercial vehicles that are properly registered in other states of the United States, the District of Columbia, or Canadian provinces, and meet the following criteria:

(1) A two-axle motor vehicle having a gross weight of twenty-six thousand pounds or less; or

(2) A motor vehicle with three or more axles having a gross weight of not more than twelve thousand pounds; or

(3) Vehicles being used in combination not exceeding twenty-six thousand pounds.

WSR 89-20-044

EMERGENCY RULES

DEPARTMENT OF LICENSING

(Board of Registration for Professional Engineers and Land Surveyors)

[Filed October 2, 1989, 4:02 p.m.]

Date of Adoption: October 2, 1989.

Purpose: To amend chapter 196-26 WAC, Registered professional engineers and land surveyors fees, to change the amount charged to renew engineer and land surveyor licenses.

Citation of Existing Rules Affected by this Order: Amending chapter 196-26 WAC, Registered professional engineers and land surveyors fees.

Statutory Authority for Adoption: RCW 43.24.086.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Projections of the board's expenditures and revenue for the biennium, show that its 024 account will be depleted by January, 1990. If this occurs, the board will be operating with a negative fund balance until the fees proposed by Department of Licensing are implemented and they generate sufficient revenue to bring the fund positive again. Operating with a negative fund balance is a violation of state law.

Effective Date of Rule: Immediately.

October 2, 1989

Kathy Friedt
Deputy Director

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

WAC 196-26-020 ENGINEER FEES. The following fees shall be charged by the professional licensing divisions of the department of licensing:

Title of Fee	Fee
Engineers:	
Application fee	\$ 60.00
Examination retake (2nd subsequent or more)	50.00
Reciprocity	50.00
Engineer certificate (initial registration)	15.00
Replacement certificate	15.00
Renewal	((40.00)) 65.00

Title of Fee	Fee
<i>Late renewal penalty</i>	((40.00)) 65.00
<i>Duplicate license Certification</i>	15.00 25.00
Engineer in training:	
<i>Application, examination and certificate</i>	30.00
<i>Examination retake (2nd subsequent or more)</i>	50.00
<i>Replacement certificate</i>	15.00
<i>Duplicate license Certification</i>	15.00 25.00
Land surveyor	
<i>Examination and certificate</i>	60.00
<i>Examination retake (2nd subsequent or more)</i>	50.00
<i>Reciprocity</i>	50.00
<i>Renewal</i>	((40.00)) 65.00
<i>Late renewal penalty</i>	((40.00)) 65.00
<i>Replacement certificate</i>	15.00
<i>Duplicate license Certification</i>	15.00 25.00
Engineer corporation	
<i>Certificate of authorization</i>	250.00
<i>Renewal</i>	125.00
<i>Duplicate license</i>	15.00
<i>Replacement certificate</i>	15.00
<i>Certification</i>	25.00
Engineer partnership	
<i>Certificate of authorization</i>	250.00
<i>Renewal</i>	125.00
<i>Replacement certificate</i>	15.00
<i>Duplicate license</i>	15.00
<i>Certification</i>	25.00

Reviser's note: RCW 34.05.395 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 89-20-045
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 89-119—Filed October 2, 1989, 4:07 p.m.]

Date of Adoption: October 2, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-44-05000X.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Groundfish management team catch projections of trawl caught sablefish will allow relaxation of trip limits on the deepwater assemblage of Dover sole, arrowtooth flounder, thornyhead rockfish and sablefish without significant risk of exceeding the trawl quota for sablefish. The groundfish management team projected that a trip limit of 3,000 pounds on widow rockfish would need to be imposed on October 11, 1989, to avoid reaching the quota before the end of

the year. On September 20, 1989, the PFMC authorized increased trip limits to allow the taking of the remaining sablefish allocated for fixed gear harvest.

Effective Date of Rule: 12:01 a.m., October 4, 1989.
 October 2, 1989
 Joseph R. Blum
 Director

NEW SECTION

WAC 220-44-05000Y COASTAL BOTTOM-FISH CATCH LIMITS. Notwithstanding the provisions of WAC 220-44-050, effective 12:01 A.M. October 4, 1989, until further notice it is unlawful to possess, transport through the waters of the state, or land in any Washington State port bottomfish taken for commercial purposes from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated:

(1) Widow Rockfish (*Sebastes entomelas*) - 10,000 pounds per vessel trip per calendar week, defined as Wednesday through the following Tuesday. Except that a fisherman having made a 1989 declaration of intent may make one landing of not more than 20,000 pounds biweekly, defined as Wednesday through the second Tuesday following. It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds of widow rockfish per calendar week.

(a) Beginning 12:01 AM October 11, 1989, Widow Rockfish (*Sebastes entomelas*) - 3,000 pounds per vessel trip. No limit on the number of trips per week.

(2) Shortbelly rockfish (*Sebastes jordani*) - no maximum poundage per vessel trip; no minimum size.

(3) Pacific ocean perch (*Sebastes alutus*) - No restrictions on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if Pacific Ocean perch represent 20 per cent or less of total weight of fish on board. Under no circumstances may a vessel land more than 2,000 pounds of Pacific Ocean perch in any one vessel trip.

(4) All other species of rockfish includes all rockfish except Pacific ocean perch (*Sebastes alutus*), widow rockfish (*Sebastes entomelas*), shortbelly rockfish (*Sebastes jordani*) and idiot rockfish (*Sebastes spp.*) - 25,000 pounds of all other species of rockfish combined per vessel trip per calendar week, defined as Wednesday through the following Tuesday, of which no more than 3,000 pounds or 20 percent may be yellowtail rockfish (*Sebastes flavidus*) except that a fisherman having made a 1989 declaration of intent, may make either one landing of no more than 50,000 pounds of all other species of rockfish combined per vessel trip biweekly, defined as Wednesday through the second Tuesday following of which no more than 6,000 pounds, or 20 percent may be yellowtail rockfish or two landings of not more than 12,500 pounds of all other species of rockfish in any one calendar week of which no more than 1,500 pounds or 20 percent may be yellowtail rockfish. It is unlawful for any vessel to make other than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, if no declaration to land other species of rockfish twice weekly has been made.

(5) Sablefish

(a) **Trawl Vessels – No trip limit.** No restrictions on landings up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if sablefish represent 25 percent or less of total combined round weight of sablefish, dover sole, arrowtooth flounder, and thornyhead rockfish on board. To convert from round weight to dressed weight multiply the dressed weight by 1.75. Minimum size 22 inches in length, unless dressed in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail. Trawl vessels are allowed an incidental catch less than the minimum size of 1,000 pounds or 25 percent of the total combined round weight of the deep water complex on board but not to exceed 5,000 pounds per trip.

(b) **Non-Trawl Vessels – Limit 2000 pounds per vessel trip or 20 percent of all legal fish on board whichever is less.** The 20 percent limit does not apply to sablefish landings of less than 100 pounds. There is no size limit on sablefish caught with fixed gear.

(6) **1989 Declarations of Intent – All previous 1989 declaration forms remain in effect.** If no declaration has been made, to make other than one vessel trip per week and land in excess of the minimum amounts as provided for in this section, a new declaration form must be completed as provided for in this subsection. The 1989 declaration of intent to make other than one vessel trip per week must be mailed or delivered to the Department of Fisheries, 115 General Administration Building Olympia, Wa., 98504, and must be received prior to the beginning of such fishing. The declaration of intent must contain the name and address of the fishermen, the name and registration number of the vessel, the date on which such fishing will commence and must be signed and dated by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing by filing a declaration of intent to stop fishing other than once weekly with the department in the above manner. The declaration to stop such fishing and begin one vessel trip per calendar week fishing must be received prior to the beginning of the week in which the one vessel trip per calendar week fishing will resume. The date of first landing will determine the beginning of biweekly periodicity. Biweekly periodicity will restart after a landing that occurs more than four calendar weeks after the immediate prior landing. A calendar week is defined as Wednesday through the following Tuesday.

(7) It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.

(8) For purposes of this section, a vessel trip is defined as having occurred upon the initiation of transfer of catch from the fishing vessel, and all fish aboard the vessel are considered part of the vessel trip limit at the initiation of transfer of catch.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000X COASTAL BOTTOMFISH CATCH LIMITS. (89-69)

WSR 89-20-046**NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY**

[Memorandum—October 3, 1989]

EWU Board of Trustees
9:00 a.m., EWU Spokane Center
October 5, 1989

Board breakfast to be served to board members at 8:00 a.m. at the EWU Spokane Center.

WSR 89-20-047**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF NATURAL RESOURCES
(Forest Fire Advisory Board)**

[Memorandum—October 2, 1989]

The next scheduled meeting of the Forest Fire Advisory Board is Thursday, November 9, 1989. The meeting will begin at 9:00 a.m. and will be held in Fire Control's First Floor Conference Room, located in Building 5 of the Rowsix Complex in Lacey.

WSR 89-20-048**WITHDRAWAL OF PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed October 3, 1989, 3:58 p.m.]

This memorandum is sent pursuant to WAC 1-12-033 as a notice of withdrawal, withdrawing the matter of amending WAC 480-12-375 and 480-12-990; and repealing WAC 480-12-100 relating to brokers and forwarders. Intention was noticed under WSR 88-21-115 and 89-02-023, filed respectively October 19, 1988, and December 29, 1988.

Paul Curl
Secretary

WSR 89-20-049**PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed October 3, 1989, 4:04 p.m.]

Original Notice.

Title of Rule: Chapter 480-35 WAC, relating to regulation of limousine service operators. The proposed

chapter to be adopted is shown below as Appendix A, Docket No. TL-2294. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed chapter to be adopted on economic values, pursuant to chapter 43.21H RCW.

Purpose: To regulate limousine service operators regarding certificate approval and safety and insurance requirements.

Statutory Authority for Adoption: RCW 80.01.040, section 8, chapter 283, Laws of 1989.

Statute Being Implemented: Chapter 283, Laws of 1989.

Summary: Chapter 480-35 WAC defines the requirements for limousine service operators regarding certificates, safety, and insurance.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary, and commission transportation staff, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This chapter sets forth the definition of a limousine charter party carrier of passengers and the requirements for a certificate which such operator must have to operate. In addition, safety requirements are specified for operators and equipment and certain liability and property damage insurance amounts are set. The purpose is to assure that the proposed limousine charter party carrier is fit, willing, and able to properly perform the service and to establish the safety, fitness, and financial responsibility of the carrier. The anticipated effect is to promote a stable transportation service responsive to a public need.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Pursuant to chapters 19.85 and 43.21H RCW, an economic impact statement is not required if less than 10 percent of the businesses within a four-digit standard industry classification is affected. The transportation of passengers using limousine rental service with drivers is classified within industry group 4119 local and suburban passenger transportation, not otherwise classified. Within that industry classification, there are approximately 110 limousine operators in Washington state. Limousine charter party carriers represent 6 percent of the total industry groupings within the industry classification. Therefore, the economic impact on the various groups falling within the industry classification is minimal and a detailed economic assessment is not required.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on November 8, 1989, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, by October 30, 1989.

Date of Intended Adoption: November 8, 1989.

October 2, 1989

Paul Curl
Secretary

APPENDIX "A"

Chapter 480-35 WAC LIMOUSINE CHARTER PARTY CARRIERS

WAC

480-35-010	Definitions.
480-35-020	Licenses.
480-35-030	Certificates.
480-35-040	Applications.
480-35-050	Liability and property damage insurance.
480-35-060	Self-insurance.
480-35-070	Equipment of motor vehicles.
480-35-080	Operation of motor vehicles.
480-35-090	Equipment—Safety.
480-35-100	Registered carriers.
480-35-110	Registration of interstate authority.
480-35-120	Identification decals.

NEW SECTION

WAC 480-35-010 **DEFINITIONS.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Commission" means the Washington utilities and transportation commission.

(2) "Person or persons" means an individual, a corporation, association, joint stock association, or partnership, or their lessees, trustees, or receivers.

(3) "Public highway" includes every public street, road, or highway in this state.

(4) "Motor vehicle" means every self-propelled vehicle, commonly referred to as a limousine, with seating capacity for four to sixteen persons, excluding the driver.

(5) Subject to the exclusions of subsection (7) of this section, "limousine charter party carrier of passengers" means every person engaged in the transportation of a person or group of persons, who, under a single contract, acquires the use of a limousine to travel to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the person or group of persons after having left the place of origin.

(6) "Chauffeur" means any person with a valid Washington state driver's license authorized by the Washington utilities and transportation commission to drive a limousine under this chapter.

(7) The provisions of this chapter do not apply to:

(a) Persons or their lessees, receivers, or trustees insofar as they own, control, operate, or manage taxicabs when operated as such;

(b) Private passenger vehicles carrying passengers on a noncommercial enterprise basis;

(c) Charter party carriers of passengers under chapter 81.70 RCW.

NEW SECTION

WAC 480-35-020 **LICENSES.** No motor vehicle shall be operated upon the public highways of this state by any commercial limousine operator until the owner or person lawfully in control thereof shall have complied with the laws of this state pertaining to motor vehicle licenses and the rules and regulations of the commission governing the operation of motor vehicles upon the public highways.

NEW SECTION

WAC 480-35-030 **CERTIFICATES.** (1) No person may engage in the business of a limousine charter party carrier of persons over any public highway without first having obtained a certificate or registration from the commission to do so.

(2) A certificate shall be issued to any qualified applicant authorizing, in whole or in part, the operations covered by the application if it is found that the applicant is fit, willing, and able to perform properly the service and conform to the provisions of the laws governing commercial limousine operators and the rules and regulations of the commission.

(3) Before a certificate is issued, the commission shall require the applicant to meet certain safety requirements and show proof of minimum financial responsibility as set forth in this chapter.

(4) No certificate will be issued to persons operating under a trade name, unless a certificate of said trade name is filed in accordance with the provisions of chapter 19.80 RCW, and a certified copy thereof filed with the commission.

(5) Certificates must be kept on file at the main office of the owner except when directed to be transmitted to the commission, and shall be subject at all times to inspection by the authorized representatives of the commission.

(6) Any certificate to operate a motor vehicle for the transportation of persons for compensation obtained upon any application by any false affidavit or representation shall be subject to revocation and cancellation by the commission.

(a) No certificate nor any right thereunder may be leased, assigned, or otherwise transferred or encumbered unless authorized by the commission. Requests for such authority shall be on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by a filing fee named in WAC 480-35-040.

(b) No certificate or right to conduct any of the service therein authorized shall be leased, assigned, or otherwise transferred except in its entirety unless the portion thereof not to be leased, assigned, or otherwise transferred is to be immediately cancelled.

(7) The commission may cancel, revoke, or suspend any certificate or registration issued under this chapter on any of the following grounds:

(a) The violation of any of the provisions of chapter 283, Laws of 1989;

(b) The violation of an order, decision, rule, regulation, or requirement established by the commission pursuant to the law governing limousine charter party carriers;

(c) Failure of a limousine charter party carrier of passengers to pay a fee imposed on the carrier within the time required by law;

(d) Failure of a limousine charter party carrier to maintain required insurance coverage in full force and effect; or

(e) Failure of the certificate holder to operate and perform reasonable service.

(8) After the cancellation or revocation of a certificate or registration or during the period of its suspension, it is unlawful for a limousine charter party carrier of passengers to conduct any operations as such a carrier.

(9) Whenever an order is entered by the commission cancelling or revoking a previous order granting a certificate or cancelling or revoking a certificate already issued, and subsequently an application is made, such application shall be filed in the manner required as for the original.

NEW SECTION

WAC 480-35-040 APPLICATIONS. (1) All applications for certificates or registration shall be on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by a filing fee named in subsection (2) of this section.

(2) Miscellaneous fees:

Original application for certificate.....	\$150.00
Application for extension of certificate.....	150.00
Application to sell, lease, mortgage, or transfer a certificate.....	150.00
Application for issuance of duplicate certificate.....	5.00
Application for registration.....	25.00

(3) All applications for the issuance of a duplicate certificate must be accompanied by affidavit of the holder thereof setting forth that the original certificate has been lost or destroyed.

(4) Remittances shall be made by money order, bank draft, or check made payable to the Washington utilities and transportation commission.

NEW SECTION

WAC 480-35-050 LIABILITY AND PROPERTY DAMAGE INSURANCE. (1) Within ten days after the date of the order granting an application for certificate, and before such certificate shall issue, the applicant shall file with the commission evidence of liability and

property damage insurance having been written by a company authorized to write such insurance in the state of Washington covering each motor vehicle used or to be used by such applicant in the following sums:

	Effective 9/1/89	Effective 1/1/91
(a) Minimum amount for bodily injuries to one person	\$100,000	\$100,000
(b) Minimum amount for bodily injuries to all persons injured in any one accident	\$600,000	\$1,000,000
(c) Minimum amount for loss or damage in any one accident to property of others	\$ 50,000	\$ 50,000

Failure to file and keep such insurance in full force and effect shall be cause for dismissal of an application or cancellation of a certificate.

(2) Evidence of insurance shall be submitted on a "Form E" uniform motor carrier bodily injury and property damage liability certificate of insurance.

(3) All liability and property damage insurance policies issued to limousine charter party carriers of passengers shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

NEW SECTION

WAC 480-35-060 SELF-INSURANCE. (1) Every limousine charter party carrier of passengers which qualifies as a self-insurer under the provisions as set forth in section 10, chapter 283, Laws of 1989, may upon proper application to the commission be exempt from all provisions relative to liability and property damage insurance under the rules and regulations as herein set forth: PROVIDED, HOWEVER, That with said application shall be filed a certified copy of the order of the Interstate Commerce Commission showing that the said applicant has qualified under the Interstate Commerce Act as a self-insurer; and a further certification that said company was at the time of the application to the Washington utilities and transportation commission operating under the said self-insuring authority; and that the same is now in full force and effect.

(2) Every limousine charter party carrier qualified and acting under the self-insurer provisions of section 10, chapter 283, Laws of 1989, who may thereafter have all rights as self-insurer cancelled by the Interstate Commerce Commission, shall coincidentally upon the effective date of the order cancelling such right, file with the Washington utilities and transportation commission the proper liability and property damage insurance or surety bond as provided for in WAC 480-35-050(1).

NEW SECTION

WAC 480-35-070 EQUIPMENT OF MOTOR VEHICLES. (1) Motor vehicles shall be equipped in accordance with existing state laws, and the rules and regulations of the commission.

(2) All motor vehicles shall be maintained in a safe and sanitary condition and shall at all times be subject to inspection by the commission's duly authorized representatives.

NEW SECTION

WAC 480-35-080 OPERATION OF MOTOR VEHICLES. (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no chauffeur or operator thereof operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) Qualifications of chauffeurs—adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United

States Department of Transportation in Title 49, code of Federal Regulations, Part 383, Part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on January 1, 1989, are adopted and prescribed by the commission to be observed by all limousine charter party carriers of passengers operating under chapter 283, Laws of 1989, except:

(a) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(b) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

(3) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, code of Federal Regulations, Part 395, as well as and including all appendices and amendments thereto in effect on January 1, 1989, are adopted and prescribed by the commission to be observed by all limousine charter party carriers of passengers operating under chapter 283, Laws of 1989.

(4) Accidents occurring in this state arising from or in connection with the operations of any limousine charter party carrier of passengers operating under chapter 283, Laws of 1989, resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-206-586-1119. Copies of written reports of all accidents, including those described in this subsection, shall be maintained in the main office of the carrier subject to inspection by the commission.

(5) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (2) and (3) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

NEW SECTION

WAC 480-35-090 EQUIPMENT—SAFETY. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 283, Laws of 1989, shall comply with the following:

(1) Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 390.17, Part 392, excluding paragraph (c) of section 392.1; Part 393, excluding paragraph (b) of section 393.1, and sections 393.13, 393.14, 393.15, 393.16, 393.76, 393.100, 393.102, 393.104, 393.106; Part 396, except that with respect to section 396.11 no driver vehicle inspection report need be filed if no defects are found, and excluding paragraph (b) of section 396.1; Part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto, in effect on January 1, 1989, are adopted and prescribed by the commission to be observed by all limousine charter party carriers of passengers operating under chapter 283, Laws of 1989.

(2) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

NEW SECTION

WAC 480-35-100 REGISTERED CARRIERS. (1) Carriers engaged exclusively in interstate or foreign commerce are declared to be registered carriers. Those operating under authority issued by the Interstate Commerce Commission shall have their registration number prefixed by "L". Registered carriers need only comply with such rules and regulations as specifically refer to them or to equipment operated exclusively in interstate commerce across or between points in the state and points outside of the state.

(2) By reference, the Washington utilities and transportation commission hereby adopts the rules promulgated by the National Association of Regulatory Utility Commissioners and adopted by the Interstate Commerce Commission under P.L. 89-170 and codified as Part 1023 of Title 49, Code of Federal Regulations.

(3) Registered carriers shall meet insurance requirements by filing with the Washington utilities and transportation commission a certificate of insurance or complying with the requirements of WAC 480-35-060.

NEW SECTION

WAC 480-35-110 REGISTRATION OF INTERSTATE AUTHORITY. (1) It shall be unlawful for any limousine charter party carrier of passengers to perform a transportation service for compensation upon the public highways of this state without first having secured appropriate authority from the Interstate Commerce Commission, if such authority is required, and without first having registered such authority, if any, with the commission.

(2) Such registration shall be granted upon application, without hearing, upon payment of the appropriate filing fee. Applications to register ICC operating authority with the commission shall be accompanied by the fee of twenty-five dollars for limousine charter party carriers of passengers who have not previously filed currently effective applications for such registration.

NEW SECTION

WAC 480-35-120 IDENTIFICATION DECALS. (1) For the purpose of identification and information of the public, all motor vehicles, including substitute or emergency vehicles, while being operated under certificate, shall have displayed on the vertical surface of the left side of the rear bumper, in the proximity of the license plate, a reflectorized decal to be issued by the Washington utilities and transportation commission. In the event a certificate is revoked or cancelled or the equipment sold, the carrier shall immediately remove the decal from its vehicle or vehicles.

(2) An application for a sufficient number of decals shall be filed with the commission, accompanied by the necessary decal and regulatory fee. New decals shall be issued each year and the cost of the decal shall be three dollars.

(3) The annual regulatory fee shall be established by general order of the commission before November 1 of any year when circumstances so require, but the fee shall not exceed the cost of supervising and regulating such carrier.

(4) The annual decal and regulatory fee shall be collected from each limousine charter party carrier holding a certificate as well as each carrier registered with the commission and such fee shall be due and payable on or before December 31 of each year, to cover the ensuing year beginning February 1.

w/aspect 90-04-516
WSR 89-20-050
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
 [Filed October 3, 1989, 4:08 p.m.]

Original Notice.
 Title of Rule: WAC 480-110-066 and 480-110-081 relating to water companies. The proposed amendatory sections are shown below as Appendix A, Docket No. U-88-2014-R. 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.

Purpose: The proposed amendments provide uniform tariff sheets distribution extension and service connection activity.

Statutory Authority for Adoption: RCW 80.01.040.
 Statute Being Implemented: RCW 80.04.160.

Summary: At present, distribution and service extensions are largely governed by individual contracts between the involved water company and the end user seeking service. Rates charged for these services are subject to infinite variability, and without a tariff rate, customers have no knowledge as to a proper level of charges.

Reasons Supporting Proposal: Reduction in variability and promotion of customer understanding of charges for line extensions and service connections by providing tariffed values for those services based on individual company cost records. As to developers, to assure compliance with water quality standards as a precondition of connection, and to assure that extensions do not adversely impact service to customers within the company's serving area.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary and utilities staff, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Water utilities are presently required to maintain books and records in a manner consistent with commission regulations (RCW 80.04.070), and to file annual reports (RCW 80.04.080), showing the cost and value of the company's property, the amounts expended for improvements, the character of such improvements, the earnings or receipts from all sources. Requiring development of per foot charges, and tariffing those charges, will facilitate quotation of charges for extension and distribution service connections by the company, and make the charges understandable to the customer. In addition it will establish uniformity of rates, reduce consumer complaints, and assist in commission audit of charges assessed.

Proposal Changes the Following Existing Rules: Requires that rates for line extensions and service connections be tariffed in a specified form, and that proposed line extensions to service real estate developments (residential or commercial) do not impact the existing system, and are in compliance with water quality standards.

Small Business Economic Impact Statement: It is expected that there will be some start-up costs encountered by water companies in meeting the requirements of the rule. Records already maintained by the various companies will have to be analyzed, average costs developed, and an initial tariff consistent with the requirements of the rule prepared and filed. It is estimated that an efficiently managed company, maintaining its cost records in accordance with proper accounting should be able to prepare such tariffs in approximately 20 hours of bookkeeper time. The total gross revenues reported for all water companies regulated by the commission in 1988 was \$3,787,955.00. Twenty hours of bookkeeper time at an estimated \$30.00 per hour, would convert to approximately \$0.65 per hundred dollars of revenue. Subsequent revisions would be relatively routine, and

would have minimal cost impact, if any. Because extensions and service connections are now largely a matter of contract, the effect, if any, of an average tariff rate on cost recovery is not presently determinable. Water companies are invited to submit data as to this element.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on November 29, 1989, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, by November 1, 1989.

Date of Intended Adoption: November 29, 1989.

October 3, 1989

Paul Curl
Secretary

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-30, filed 7/15/71)

WAC 480-110-066 DISTRIBUTION EXTENSIONS. ((Each utility shall file as a part of its tariff a distribution extension rule setting forth the conditions under which it will extend its facilities to make service available to an applicant.)) Every water company shall maintain on file with the commission tariff sheets in the form specified in this section containing all rates, charges, and conditions under which it will extend its facilities to make service available to an applicant therefor. If the applicant is a developer seeking a main extension to serve undeveloped commercial or residential sites, the company shall require that the applicant demonstrate compliance with all requirements of the department of health pertaining to engineering, water quantity, and water quality for the area in which extension is sought, and further require the applicant to demonstrate that the extension as requested will not have an adverse effect on the quality and quantity of water available to the company's system as a whole.

Form of tariff sheet

WN U- _____

SHEET NO. _____

(WATER COMPANY OFFICIAL NAME)

For Commission's Receipt Stamp

Schedule X

Distribution Main Extension

Definition:

"Extension" shall be the main distribution piping and apparatuses required to connect from the Company's closest existing facilities, in conformance with sound engineering practices, to the point of interconnection with customer's service line. The company will be the sole determiner of the facility routing.

Applicable:

To piping or main extension lines installed, owned, operated and maintained by the Company.

Allowances:

The Company will furnish and install at its expense main extensions up to _____ feet for 4" pipe, up to _____ feet for 6" pipe, up to _____ feet for 8" pipe and up to _____ feet for 12" pipe.

Charges Beyond Free Allowance:

Main extension charges apply to all prospective classes and types of customers when established means beyond the free allowance of an extension, to the Company's plant facilities, are constructed to meet the customer's connecting facilities. All main extensions are owned and maintained by the Company.

Installation of main extension beyond free allowance;

4" pipe	\$ _____ per foot
6" pipe	\$ _____ per foot
8" pipe	\$ _____ per foot
12" pipe	\$ _____ per foot

Charges for main extensions must be paid prior to construction unless the company and the customer agree otherwise.

Issued _____

Effective _____

Issued by _____

By _____

Title _____

WN U- _____ SHEET NO. _____

(WATER COMPANY OFFICIAL NAME)

For Commission's Receipt Stamp

Schedule X

Main Extension (continued)

Original Extension Certificate:

Upon payment of main extension charges the company will issue to the customer a transferable Original Extension Certificate, the bearer of which is entitled to receive refunds from the company up to _____ years, as a result of subsequent customers taking service from the main extension. The company and the customer will be responsible for identification of original and subsequent customer refunds up to _____ years.

Subdivisions and Speculative Projects:

When a developer requests Main Extension facilities to serve future commercial or residential sites no free allowance will be given until a permanent customer of record requests service connection. Developers will receive an Original Allowance Certificate to guarantee appropriate refunds for prepaid main extensions to the first permanent customer of record.

Federal Income Tax Assessed on Contributions In Aid of Construction:

In addition, there will be a charge on Main Extensions based on a gross up factor of _____ % due to Federal income taxes assessed on contributions in aid of construction.

Issued _____ Effective _____

Issued by _____

By _____ Title _____

AMENDATORY SECTION (Amending Order R-30, filed 7/15/71)

WAC 480-110-081 SERVICE CONNECTIONS. For the connection of its distribution system to the customer's premises, a utility shall, with the exceptions indicated below, furnish and install, at its own expense, the pipe, valves, and fittings between its distribution system and the customer's property line. Such an installation shall be designated as "service connection." The utility shall own, operate, maintain and replace, when necessary, the "service connection."

The utility may make a charge for the "service connection," provided, that a provision is filed in its tariff ((naming such charge)) sheet in the form specified in this section containing all rates, charges, and conditions under which it will install service connections to make service available to an applicant therefor. Any connection longer than the width of the street or public highway at the point of connection will not be considered a "service connection," but will be treated as a distribution extension, unless the connection is privately owned, in which case the utility will connect the customer's service with its distribution system treating the connection as a "service connection."

The customer shall furnish and install the necessary pipe and fittings to make the connection between the various points of consumption and the utility's "service connection" at his property line. Such an installation shall be designated as "customer's service."

A "customer's service" shall extend to that point on his property line easiest of access to the utility from its distribution system, or requiring the least extension of that system. In any case where a reasonable doubt exists as to the proper location for the "customer's service," the utility should be consulted and a location agreed upon.

In the installation of a "customer's service," the customer may be required to leave the trench open and the pipe uncovered for no more than two working days so that it may be examined by a representative of the utility and shown to be free from any irregularity or defect which might interfere with the proper rendering of service by the utility.

More than one "service connection" to supply a customer's premises may be constructed by agreement between the utility and the applicant.

WN U- _____

SHEET NO. _____

(WATER COMPANY OFFICIAL NAME)

For Commission's Receipt Stamp

SCHEDULE NO. _____

SERVICE CONNECTION CHARGE

A charge of \$ _____ will be made for each service connection _____ inch or smaller, for which the utility will furnish and install all necessary pipe and pipe fittings from its main to the customer's property line. The charge for a larger size pipe connection or any connection longer than the width of the street or public highway will be equal to the actual cost of labor and materials.

This charge does not include the cost of a meter or its installation. A meter will be furnished, installed and maintained by the utility without cost to the customer.

The service connection charge will be paid before the water is turned on.

In addition, there will be a charge of \$ _____ based on a gross up factor of _____ % due to Federal income taxes assessed on contributions in aid of construction.

Issued _____

Effective _____

Issued by _____

By _____

Title _____

**WSR 89-20-051
EMERGENCY RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Order R-309, Docket No. TL-2294—Filed October 3, 1989, 4:11 p.m.]

In the matter of adopting chapter 480-35 WAC.

The Washington Utilities and Transportation Commission finds 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 the public interest. A statement of the facts constituting such emergency is the 1989 legislature adopted new provisions which had the effect of requiring a certificate for limousine service operators by requiring an applicant to be fit, willing, and able to properly perform the service, establish safety fitness, and show proof of minimum financial responsibility. There were no grandfather provisions in the legislative enactment and since the act became effective on July 23, 1989, new rules should be established as soon as possible.

This rule-making proceeding is being promulgated pursuant to RCW 80.01.040 and section 8, chapter 283, Laws of 1989.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 [34.05] 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).

This adoption of chapter 480-35 WAC affects no economic values.

In reviewing the entire record herein, it has been determined that the above chapter should be adopted as indicated and as set forth in Appendix A shown below and made a part hereof by this reference. The adoption of these rules will require a certificate for limousine service operators, establish safety fitness, and proof of minimum financial responsibility.

ORDER

WHEREFORE, IT IS ORDERED That the adoption of chapter 480-35 WAC as set forth in Appendix A, take effect as emergency rules of the Washington Utilities and Transportation Commission pursuant to RCW 34.05.350 and 34.05.380(2).

IT IS FURTHER ORDER That the order and the annexed rules, after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, and effective this 27th day of September, 1989.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
A. J. Pardini, Commissioner

APPENDIX "A"

**Chapter 480-35 WAC
LIMOUSINE CHARTER PARTY CARRIERS**

WAC

- 480-35-010 Definitions.
- 480-35-020 Licenses.
- 480-35-030 Certificates.
- 480-35-040 Applications.
- 480-35-050 Liability and property damage insurance.
- 480-35-060 Self-insurance.
- 480-35-070 Equipment of motor vehicles.
- 480-35-080 Operation of motor vehicles.
- 480-35-090 Equipment—Safety.
- 480-35-100 Registered carriers.
- 480-35-110 Registration of interstate authority.
- 480-35-120 Identification decals.

NEW SECTION

WAC 480-35-010 DEFINITIONS. *Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.*

(1) "Commission" means the Washington utilities and transportation commission.

(2) "Person or persons" means an individual, a corporation, association, joint stock association, or partnership, or their lessees, trustees, or receivers.

(3) "Public highway" includes every public street, road, or highway in this state.

(4) "Motor vehicle" means every self-propelled vehicle, commonly referred to as a limousine, with seating capacity for four to sixteen persons, excluding the driver.

(5) Subject to the exclusions of subsection (7) of this section, "limousine charter party carrier of passengers" means every person engaged in the transportation of a person or group of persons, who, under a single contract, acquires the use of a limousine to travel to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the person or group of persons after having left the place of origin.

(6) "Chauffeur" means any person with a valid Washington state driver's license authorized by the Washington utilities and transportation commission to drive a limousine under this chapter.

(7) The provisions of this chapter do not apply to:

(a) Persons or their lessees, receivers, or trustees insofar as they own, control, operate, or manage taxicabs when operated as such;

(b) Private passenger vehicles carrying passengers on a noncommercial enterprise basis;

(c) Charter party carriers of passengers under chapter 81.70 RCW.

NEW SECTION

WAC 480-35-020 LICENSES. *No motor vehicle shall be operated upon the public highways of this state by any commercial limousine operator until the owner or person lawfully in control thereof shall have complied with the laws of this state pertaining to motor vehicle licenses and the rules and regulations of the commission*

governing the operation of motor vehicles upon the public highways.

NEW SECTION

WAC 480-35-030 CERTIFICATES. (1) No person may engage in the business of a limousine charter party carrier of persons over any public highway without first having obtained a certificate or registration from the commission to do so.

(2) A certificate shall be issued to any qualified applicant authorizing, in whole or in part, the operations covered by the application if it is found that the applicant is fit, willing, and able to perform properly the service and conform to the provisions of the laws governing commercial limousine operators and the rules and regulations of the commission.

(3) Before a certificate is issued, the commission shall require the applicant to meet certain safety requirements and show proof of minimum financial responsibility as set forth in this chapter.

(4) No certificate will be issued to persons operating under a trade name, unless a certificate of said trade name is filed in accordance with the provisions of chapter 19.80 RCW, and a certified copy thereof filed with the commission.

(5) Certificates must be kept on file at the main office of the owner except when directed to be transmitted to the commission, and shall be subject at all times to inspection by the authorized representatives of the commission.

(6) Any certificate to operate a motor vehicle for the transportation of persons for compensation obtained upon any application by any false affidavit or representation shall be subject to revocation and cancellation by the commission.

(a) No certificate nor any right thereunder may be leased, assigned, or otherwise transferred or encumbered unless authorized by the commission. Requests for such authority shall be on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by a filing fee named in WAC 480-35-040.

(b) No certificate or right to conduct any of the service therein authorized shall be leased, assigned, or otherwise transferred except in its entirety unless the portion thereof not to be leased, assigned, or otherwise transferred is to be immediately cancelled.

(7) The commission may cancel, revoke, or suspend any certificate or registration issued under this chapter on any of the following grounds:

(a) The violation of any of the provisions of chapter 283, Laws of 1989;

(b) The violation of an order, decision, rule, regulation, or requirement established by the commission pursuant to the law governing limousine charter party carriers;

(c) Failure of a limousine charter party carrier of passengers to pay a fee imposed on the carrier within the time required by law;

(d) Failure of a limousine charter party carrier to maintain required insurance coverage in full force and effect; or

(e) Failure of the certificate holder to operate and perform reasonable service.

(8) After the cancellation or revocation of a certificate or registration or during the period of its suspension, it is unlawful for a limousine charter party carrier of passengers to conduct any operations as such a carrier.

(9) Whenever an order is entered by the commission cancelling or revoking a previous order granting a certificate or cancelling or revoking a certificate already issued, and subsequently an application is made, such application shall be filed in the manner required as for the original.

NEW SECTION

WAC 480-35-040 APPLICATIONS. (1) All applications for certificates or registration shall be on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by a filing fee named in subsection (2) of this section.

(2) Miscellaneous fees:

Original application for certificate.....	\$150.00
Application for extension of certificate.....	150.00
Application to sell, lease, mortgage, or transfer a certificate	150.00
Application for issuance of duplicate certificate	5.00
Application for registration	25.00

(3) All applications for the issuance of a duplicate certificate must be accompanied by affidavit of the holder thereof setting forth that the original certificate has been lost or destroyed.

(4) Remittances shall be made by money order, bank draft, or check made payable to the Washington utilities and transportation commission.

NEW SECTION

WAC 480-35-050 LIABILITY AND PROPERTY DAMAGE INSURANCE. (1) Within ten days after the date of the order granting an application for certificate, and before such certificate shall issue, the applicant shall file with the commission evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the state of Washington covering each motor vehicle used or to be used by such applicant in the following sums:

	Effective 9/1/89	Effective 1/1/91
(a) Minimum amount for bodily injuries to one person	\$100,000	\$100,000
(b) Minimum amount for bodily injuries to all persons injured in any one accident	\$600,000	\$1,000,000

	Effective 9/1/89	Effective 1/1/91
(c) Minimum amount for loss or damage in any one accident to property of others	\$ 50,000	\$ 50,000

Failure to file and keep such insurance in full force and effect shall be cause for dismissal of an application or cancellation of a certificate.

(2) Evidence of insurance shall be submitted on a "Form E" uniform motor carrier bodily injury and property damage liability certificate of insurance.

(3) All liability and property damage insurance policies issued to limousine charter party carriers of passengers shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

NEW SECTION

WAC 480-35-060 SELF-INSURANCE. (1) Every limousine charter party carrier of passengers which qualifies as a self-insurer under the provisions as set forth in section 10, chapter 283, Laws of 1989, may upon proper application to the commission be exempt from all provisions relative to liability and property damage insurance under the rules and regulations as herein set forth: **PROVIDED, HOWEVER,** That with said application shall be filed a certified copy of the order of the Interstate Commerce Commission showing that the said applicant has qualified under the Interstate Commerce Act as a self-insurer, and a further certification that said company was at the time of the application to the Washington utilities and transportation commission operating under the said self-insuring authority, and that the same is now in full force and effect.

(2) Every limousine charter party carrier qualified and acting under the self-insurer provisions of section 10, chapter 283, Laws of 1989, who may thereafter have all rights as self-insurer cancelled by the Interstate Commerce Commission, shall coincidentally upon the effective date of the order cancelling such right, file with the Washington utilities and transportation commission the proper liability and property damage insurance or surety bond as provided for in WAC 480-35-050(1).

NEW SECTION

WAC 480-35-070 EQUIPMENT OF MOTOR VEHICLES. (1) Motor vehicles shall be equipped in accordance with existing state laws, and the rules and regulations of the commission.

(2) All motor vehicles shall be maintained in a safe and sanitary condition and shall at all times be subject to inspection by the commission's duly authorized representatives.

NEW SECTION

WAC 480-35-080 OPERATION OF MOTOR VEHICLES. (1) All motor vehicles shall be operated in

accordance with the requirements of existing state laws and no chauffeur or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) Qualifications of chauffeurs—adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, code of Federal Regulations, Part 383, Part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on January 1, 1989, are adopted and prescribed by the commission to be observed by all limousine charter party carriers of passengers operating under chapter 283, Laws of 1989, except:

(a) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(b) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

(3) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, code of Federal Regulations, Part 395, as well as and including all appendices and amendments thereto in effect on January 1, 1989, are adopted and prescribed by the commission to be observed by all limousine charter party carriers of passengers operating under chapter 283, Laws of 1989.

(4) Accidents occurring in this state arising from or in connection with the operations of any limousine charter party carrier of passengers operating under chapter 283, Laws of 1989, resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-206-586-1119. Copies of written reports of all accidents, including those described in this subsection, shall be maintained in the main office of the carrier subject to inspection by the commission.

(5) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (2) and (3) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

NEW SECTION

WAC 480-35-090 EQUIPMENT—SAFETY. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 283, Laws of 1989, shall comply with the following:

(1) Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 390.17, Part 392, excluding paragraph (c) of section 392.1; Part 393, excluding paragraph (b) of section 393.1, and sections 393.13, 393.14, 393.15, 393.16, 393.76, 393.100, 393.102, 393.104, 393.106; Part 396, except that with respect to section 396.11 no driver vehicle inspection report need be filed if no defects are found, and excluding paragraph (b) of section 396.1; Part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto, in effect on January 1, 1989, are adopted and prescribed by the commission to be observed by all limousine charter party carriers of passengers operating under chapter 283, Laws of 1989.

(2) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

NEW SECTION

WAC 480-35-100 REGISTERED CARRIERS.

(1) Carriers engaged exclusively in interstate or foreign commerce are declared to be registered carriers. Those operating under authority issued by the Interstate Commerce Commission shall have their registration number prefixed by "L". Registered carriers need only comply with such rules and regulations as specifically refer to them or to equipment operated exclusively in interstate commerce across or between points in the state and points outside of the state.

(2) By reference, the Washington utilities and transportation commission hereby adopts the rules promulgated by the National Association of Regulatory Utility Commissioners and adopted by the Interstate Commerce Commission under P.L. 89-170 and codified as Part 1023 of Title 49, Code of Federal Regulations.

(3) Registered carriers shall meet insurance requirements by filing with the Washington utilities and transportation commission a certificate of insurance or complying with the requirements of WAC 480-35-060.

NEW SECTION

WAC 480-35-110 REGISTRATION OF INTERSTATE AUTHORITY. (1) It shall be unlawful for any limousine charter party carrier of passengers to perform a transportation service for compensation upon the public highways of this state without first having secured appropriate authority from the Interstate Commerce

Commission, if such authority is required, and without first having registered such authority, if any, with the commission.

(2) Such registration shall be granted upon application, without hearing, upon payment of the appropriate filing fee. Applications to register ICC operating authority with the commission shall be accompanied by the fee of twenty-five dollars for limousine charter party carriers of passengers who have not previously filed currently effective applications for such registration.

NEW SECTION

WAC 480-35-120 IDENTIFICATION DECALS.

(1) For the purpose of identification and information of the public, all motor vehicles, including substitute or emergency vehicles, while being operated under certificate, shall have displayed on the vertical surface of the left side of the rear bumper, in the proximity of the license plate, a reflectorized decal to be issued by the Washington utilities and transportation commission. In the event a certificate is revoked or cancelled or the equipment sold, the carrier shall immediately remove the decal from its vehicle or vehicles.

(2) An application for a sufficient number of decals shall be filed with the commission, accompanied by the necessary decal and regulatory fee. New decals shall be issued each year and the cost of the decal shall be three dollars.

(3) The annual regulatory fee shall be established by general order of the commission before November 1 of any year when circumstances so require, but the fee shall not exceed the cost of supervising and regulating such carrier.

(4) The annual decal and regulatory fee shall be collected from each limousine charter party carrier holding a certificate as well as each carrier registered with the commission and such fee shall be due and payable on or before December 31 of each year, to cover the ensuing year beginning February 1.

WSR 89-20-052
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed October 3, 1989, 4:25 p.m.]

Original Notice.

Title of Rule: Chapter 388-49 WAC, amending food assistance program.

Purpose: To authorize the department to increase food stamp program net and gross income limits, standard and shelter deductions, and standard utility allowance.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: Effective October 4, 1989, the following food stamp program income and income deduction standards are updated to comply with Code of Federal Regulations: Net and gross income limits standard and shelter deduction, and the standards utility allowance.

Reasons Supporting Proposal: This rule is necessary to provide compliance with Code of Federal Regulation by updating the standards.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Daniel Ohlson, Income Assistance, 753-1354.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, CFR 7 273.9 and letters.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on November 7, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by November 7, 1989.

Date of Intended Adoption: November 17, 1989.

October 3, 1989

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2726, filed 11/18/88)

WAC 388-49-500 INCOME—DEDUCTIONS. (1) The department shall allow the following deductions when computing net income:

(a) A standard deduction of one hundred (~~(six)~~ twelve dollars per household per month(-);

(b) An earned income deduction of twenty percent of gross earned income except as provided in WAC 388-49-640(8) (~~(concerning intentional program violation overpayments-)~~);

(c) A dependent care deduction of the actual amount incurred not to exceed one hundred sixty dollars per dependent when (~~(the)~~) care is necessary for a household member to:

- (i) Seek, accept, or continue employment; or
- (ii) Attend training or education preparatory to employment.

(d) A deduction for nonreimbursable monthly medical expenses over thirty-five dollars incurred by (~~(a)~~) an elderly or disabled household member (~~(who is elderly or disabled-)~~);

(e) Shelter costs in excess of fifty percent of the household's income after deducting the standard, earned income, medical, and dependent care deductions. The shelter deduction shall not exceed one hundred ~~seventy-seven~~ seventy dollars(-);

(f) An excess shelter deduction for the monthly amount exceeding fifty percent of the household's monthly income after all applicable deductions for households containing an elderly or disabled person.

(2) Shelter costs may include:

(a) Costs for a home not occupied because of employment, training away from the home, illness, or abandonment caused by casualty loss or natural disaster shall be allowed if the:

- (i) (~~(The)~~) Household intends to return to the home;
- (ii) (~~(The)~~) Current occupants, if any, are not claiming shelter costs for food stamp purposes; and
- (iii) (~~(The)~~) Home is not being leased or rented during the household's absence.

(b) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster(-);

(c) The standard utility allowance when a household incurs any separate utility charges for heating or cooling costs. A household may incur a separate utility charge when (~~(it)~~) the household:

- (i) Has not yet received a billing for utilities; or

- (ii) Is billed monthly by the landlord for actual usage as determined through individual metering; or

- (iii) Shares residence and utility costs with other persons, in which case the deduction is for the household's prorated share of the standard allowance.

(d) Actual utility costs rather than the standard utility allowance if the household is:

- (i) Not entitled to the standard utility allowance, or
- (ii) Requesting use of actual utility bills. A monthly telephone standard shall be allowed for households incurring telephone expenses if the household is not entitled to claim the standard utility allowance.

(3) A household may switch between actual utility costs and the standard utility allowance:

- (a) At each recertification, and
- (b) One additional time during each twelve-month period following the initial certification action.

(4) The department shall verify:

(a) Continuing shelter costs, if allowing the costs could potentially result in a deduction. Verify on a one-time basis unless the household has:

- (i) Moved, or
- (ii) Reported an increase in costs affecting the amount of the deduction or the information is questionable.

(b) Utility expenses:

(i) If the household is entitled to the standard utility allowance. Verify on a one-time basis unless the household has moved, changed its utilities, or the information is questionable; or

(ii) On a one-time basis if the household (~~(wishes to)~~) claims actual utility expenses at initial certification, recertification, or on a monthly basis for households subject to monthly reporting.

(c) Dependent care costs including changes, except in prospective budgeting(-);

(d) Medical expenses and the reimbursement amounts resulting in a deduction:

(i) At recertification, if the amount has changed more than twenty-five dollars; and

(ii) On a monthly basis for a household subject to monthly reporting.

(5) If medical reimbursement cannot be verified, the department shall certify the household without allowing the deduction, except in prospective budgeting.

AMENDATORY SECTION (Amending Order 2726, filed 11/18/88)

WAC 388-49-505 UTILITY ALLOWANCES. (1) The department shall:

(a) Establish an annualized standard utility allowance for use in calculating shelter costs;

(b) Obtain FNS approval of the methodology used to establish the standard utility allowance;

(c) Establish a separate annualized telephone allowance;

(d) Obtain FNS approval of the methodology used to establish the telephone allowance.

(2) Effective October 1, 1988, the annual standard utility allowances by household size are:

Persons in Household	Annualized Utility Standards
1	((+9)) <u>120</u>
2	((+27)) <u>129</u>
3	((+34)) <u>136</u>
4	((+43)) <u>145</u>
5	((+51)) <u>153</u>
6	((+56)) <u>158</u>
7	((+62)) <u>164</u>
8	((+69)) <u>171</u>
9	((+77)) <u>180</u>
10 or more	((+86)) <u>188</u>

(3) Effective March 1, 1988, the monthly telephone standard is sixteen dollars.

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

AMENDATORY SECTION (Amending Order 2726, filed 11/18/88)

WAC 388-49-510 INCOME ELIGIBILITY STANDARDS. (1) Categorically eligible households, as described in WAC 388-49-180, are not subject to the provisions of this section.

(2) The department shall determine eligibility on the basis of gross income and net food stamp income except for households containing an elderly or disabled member as provided in subsection (3) of this section.

(3) The department shall determine eligibility on the basis of net food stamp income for households containing an elderly or disabled member.

(4) The gross and net monthly maximum income standards as established by the department of agriculture are as follows:

<u>Gross Monthly Income Standard</u>	
<u>Household Size</u>	<u>Maximum Standard</u>
1	\$ ((626)) 648
2	((838)) 869
3	((+050)) 1,090
4	((+263)) 1,311
5	((+475)) 1,532
6	((+687)) 1,753
7	((+900)) 1,974
8	((2,112)) 2,195
9	((2,325)) 2,416
10	((2,538)) 2,637
Each additional person	+ ((213)) 221

<u>Net Monthly Income Standard</u>	
<u>Household Size</u>	<u>Maximum Standard</u>
1	\$ ((481)) 499
2	((645)) 669
3	((808)) 839
4	((971)) 1,009
5	((+135)) 1,179
6	((+298)) 1,349
7	((+461)) 1,519
8	((+625)) 1,689
9	((+789)) 1,859
10	((+953)) 2,029
Each additional person	+ ((+164)) 170

**WSR 89-20-053
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 2875—Filed October 3, 1989, 4:26 p.m.]

Date of Adoption: October 3, 1989.

Purpose: To authorize the department to increase food stamp program net and gross income limits, standard and shelter deductions, and standard utility allowance.

Citation of Existing Rules Affected by this Order: Amending chapter 388-49 WAC, amending food assistance program.

Statutory Authority for Adoption: RCW 74.04.510.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to provide compliance with Code of Federal Regulations by updating the standards.

Effective Date of Rule: October 4, 1989, 12:01 a.m.

October 3, 1989
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2726, filed 11/18/88)

WAC 388-49-500 INCOME—DEDUCTIONS. (1) The department shall allow the following deductions when computing net income:

(a) A standard deduction of one hundred ~~((six))~~ twelve dollars per household per month~~((:))~~;

(b) An earned income deduction of twenty percent of gross earned income except as provided in WAC 388-49-640(8) ~~((concerning intentional program violation overpayments.))~~;

(c) A dependent care deduction of the actual amount incurred not to exceed one hundred sixty dollars per dependent when ~~((the))~~ care is necessary for a household member to:

- (i) Seek, accept, or continue employment; or
- (ii) Attend training or education preparatory to employment.

(d) A deduction for nonreimbursable monthly medical expenses over thirty-five dollars incurred by ~~((a))~~ an elderly or disabled household member ~~((who is elderly or disabled.))~~;

(e) Shelter costs in excess of fifty percent of the household's income after deducting the standard, earned income, medical, and dependent care deductions. The shelter deduction shall not exceed one hundred seventy-seven dollars~~((:))~~;

(f) An excess shelter deduction for the monthly amount exceeding fifty percent of the household's monthly income after all applicable deductions for households containing an elderly or disabled person.

(2) Shelter costs may include:

(a) Costs for a home not occupied because of employment, training away from the home, illness, or abandonment caused by casualty loss or natural disaster shall be allowed if the:

- (i) ~~((The))~~ Household intends to return to the home;
- (ii) ~~((The))~~ Current occupants, if any, are not claiming shelter costs for food stamp purposes; and
- (iii) ~~((The))~~ Home is not being leased or rented during the household's absence.

(b) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster~~((:))~~;

(c) The standard utility allowance when a household incurs any separate utility charges for heating or cooling costs. A household may incur a separate utility charge when ~~((it))~~ the household:

- (i) Has not yet received a billing for utilities; or
- (ii) Is billed monthly by the landlord for actual usage as determined through individual metering; or
- (iii) Shares residence and utility costs with other persons, in which case the deduction is for the household's prorated share of the standard allowance.

(d) Actual utility costs rather than the standard utility allowance if the household is:

- (i) Not entitled to the standard utility allowance, or
- (ii) Requesting use of actual utility bills. A monthly telephone standard shall be allowed for households incurring telephone expenses if the household is not entitled to claim the standard utility allowance.

(3) A household may switch between actual utility costs and the standard utility allowance:

- (a) At each recertification, and
- (b) One additional time during each twelve-month period following the initial certification action.

(4) The department shall verify:
 (a) Continuing shelter costs, if allowing the costs could potentially result in a deduction. Verify on a one-time basis unless the household has:

- (i) Moved, or
- (ii) Reported an increase in costs affecting the amount of the deduction or the information is questionable.

(b) Utility expenses:
 (i) If the household is entitled to the standard utility allowance. Verify on a one-time basis unless the household has moved, changed its utilities, or the information is questionable; or

(ii) On a one-time basis if the household (~~wishes to~~) claims actual utility expenses at initial certification, recertification, or on a monthly basis for households subject to monthly reporting.

(c) Dependent care costs including changes, except in prospective budgeting(-);

(d) Medical expenses and the reimbursement amounts resulting in a deduction:

- (i) At recertification, if the amount has changed more than twenty-five dollars; and
- (ii) On a monthly basis for a household subject to monthly reporting.

(5) If medical reimbursement cannot be verified, the department shall certify the household without allowing the deduction, except in prospective budgeting.

AMENDATORY SECTION (Amending Order 2726, filed 11/18/88)

WAC 388-49-505 UTILITY ALLOWANCES.

(1) The department shall:

- (a) Establish an annualized standard utility allowance for use in calculating shelter costs;
- (b) Obtain FNS approval of the methodology used to establish the standard utility allowance;
- (c) Establish a separate annualized telephone allowance;
- (d) Obtain FNS approval of the methodology used to establish the telephone allowance.

(2) Effective October 1, 1988, the annual standard utility allowances by household size are:

Persons in Household	Annualized Utility Standards
1	((+19)) <u>120</u>
2	((+27)) <u>129</u>
3	((+34)) <u>136</u>

Persons in Household	Annualized Utility Standards
4	((+43)) <u>145</u>
5	((+51)) <u>153</u>
6	((+56)) <u>158</u>
7	((+62)) <u>164</u>
8	((+69)) <u>171</u>
9	((+77)) <u>180</u>
10 or more	((+86)) <u>188</u>

(3) Effective March 1, 1988, the monthly telephone standard is sixteen dollars.

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

AMENDATORY SECTION (Amending Order 2726, filed 11/18/88)

WAC 388-49-510 INCOME ELIGIBILITY STANDARDS. (1) Categorically eligible households, as described in WAC 388-49-180, are not subject to the provisions of this section.

(2) The department shall determine eligibility on the basis of gross income and net food stamp income except for households containing an elderly or disabled member as provided in subsection (3) of this section.

(3) The department shall determine eligibility on the basis of net food stamp income for households containing an elderly or disabled member.

(4) The gross and net monthly maximum income standards as established by the department of agriculture are as follows:

Gross Monthly Income Standard

<u>Household Size</u>	<u>Maximum Standard</u>
1	\$ ((626)) <u>648</u>
2	((838)) <u>869</u>
3	((+050)) <u>1,090</u>
4	((+263)) <u>1,311</u>
5	((+475)) <u>1,532</u>
6	((+687)) <u>1,753</u>
7	((+900)) <u>1,974</u>
8	((2,112)) <u>2,195</u>
9	((2,325)) <u>2,416</u>
10	((2,538)) <u>2,637</u>
Each additional person	+((213)) <u>221</u>

Net Monthly Income Standard

<u>Household Size</u>	<u>Maximum Standard</u>
1	\$ ((481)) <u>499</u>
2	((645)) <u>669</u>
3	((808)) <u>839</u>
4	((971)) <u>1,009</u>
5	((+135)) <u>1,179</u>
6	((+298)) <u>1,349</u>
7	((+461)) <u>1,519</u>
8	((+625)) <u>1,689</u>

Net Monthly Income Standard

<u>Household Size</u>	<u>Maximum Standard</u>
9	((+789)) <u>1,859</u>
10	((+953)) <u>2,029</u>
<i>Each additional person</i>	<i>+(+64)</i> <u>170</u>

WSR 89-20-054

**NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD**

[Memorandum—September 27, 1989]

This notice is given pursuant to provisions of RCW 42.03.075 [42.30.075] and WAC 222-08-040.

The Washington Forest Practices Board will hold its regular quarterly meeting on November 8, 1989, at 2 p.m. at the Snohomish County Public Utilities District, 807 Rainier Street, Snohomish, WA.

Additional information may be obtained from the Division of Forest Regulation and Assistance, 1007 South Washington Street, EL-03, Olympia, WA, 98504, (206) 753-5315.

WSR 89-20-055

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
(Real Estate Commission)**

[Memorandum—October 3, 1989]

The December 8, 1989, Real Estate Commission meeting to be held at the Ramada Inn, Seattle, Washington has changed location. The new location is the Red Lion Inn, Bellevue Center, 300 112th Avenue S.E., Bellevue, WA 98004.

WSR 89-20-056

**NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION**

[Memorandum—October 2, 1989]

The Washington State Human Rights Commission will hold its next regular commission meeting in Seattle. The meeting on October 25 will be held at the Port of Seattle, Third Floor Commission Chambers, Pier 66, Seattle, beginning at 7:00 p.m. and will be a training, planning and work session. The regular business meeting will be held at the Port of Seattle, Third Floor Conference Room, Pier 66, Seattle, beginning at 9:30 a.m. on October 26, 1989.

WSR 89-20-057

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

(Noxious Weed Control Board)

[Filed October 4, 1989, 11:08 a.m.]

Original Notice.

Title of Rule: Chapter 16-750 WAC, State noxious weed list and schedule of monetary penalties.

Purpose: The State Noxious Weed Control Board has amended the state noxious weed list to add species determined to be noxious, to delete species, and to change areas designated for some Class B weeds. Definitions for the chapter have been revised. Additions, deletions, and changes to this chapter are being made to provide for more effective statewide weed control pursuant to chapter 17.10 RCW.

Statutory Authority for Adoption: Chapter 17.10 RCW.

Statute Being Implemented: Chapter 17.10 RCW.

Summary: The state noxious weed list is being amended to add four species to the Class A noxious weed list, to add one species to the Class B noxious weed list, and to delete two species from the Class C noxious weed list. Regions in which Class B weeds will be designated for mandatory control have been changed for seven species. Definitions for the chapter have been amended.

Reasons Supporting Proposal: The State Noxious Weed Control Board is required by chapter 17.10 RCW to adopt a state noxious weed list each year or more often as needed to provide for effective statewide weed control.

Name of Agency Personnel Responsible for Drafting and Implementation: Arlie Clinkenbeard, Chairman, Washington State Noxious Weed Control Board, 149 Third North, Okanogan, (509) 422-3521; and Enforcement: Bill Brookerson, Assistant Director, Agriculture, 406 General Administration, Olympia, (206) 586-5306.

Name of Proponent: Washington State Noxious Weed Control Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The Washington state noxious weed list and schedule of monetary penalties provides the basis for noxious weed control efforts by county noxious weed control boards, weed districts, the State Noxious Weed Board and the Department of Agriculture, in carrying out chapter 17.10 RCW.

Proposal Changes the Following Existing Rules: The proposal adds four species to the Class A noxious weed list, adds one species to the Class B noxious weed list, and deletes two species from Class C noxious weed list. Regions in which Class B weeds will be designated for mandatory control have been changed for seven species. Definitions for control, contain, eradicate, prevent the spread of noxious weeds have been amended while definitions for Class A, Class B and Class C have been added to enhance the clarity of the chapter.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Conference Room of the Washington State Cattlemen's Association Office, 1701 Canyon Road, Ellensburg, WA, on November 15, 1989, at 10:00 a.m.

Submit Written Comments to: Catherine Hovanic, Executive Secretary, 1313 West Meeker Street, Suite 111, Kent, WA 98032, by November 13, 1989.

Date of Intended Adoption: November 15, 1989.

October 4, 1989

Arlie Clinkenbeard

Chairman

By Catherine Hovanic

Executive Secretary

AMENDATORY SECTION (Amending Order 24, Resolution No. 24, filed 8/25/88)

WAC 16-750-003 DEFINITIONS. (1) The definitions set forth in this ((subsection)) section shall apply throughout this chapter, unless the context otherwise plainly requires:

(a) "Board" and "state board" means the noxious weed control board of this state, or a duly authorized representative.

(b) "Director" means the director of agriculture of this state, or a duly authorized representative.

(c) "Department" means the department of agriculture of this state.

(d) "Person" means any individual, partnership, corporation, firm, or any other entity.

(2) The definitions set forth in this subsection shall apply throughout this chapter, chapter 17.10 RCW, and any rules adopted thereunder unless the context otherwise plainly requires:

(a) "Control" means to ((suppress or contain a noxious weed within a geographical area)) prevent all seed production.

(b) ((~~"Suppress" means to reduce the incidence or severity of a noxious weed within a geographical area.~~

~~(c)) "Contain" means to confine a noxious weed ((to a geographical area)) and its propagules to an identified area of infestation.~~

~~((~~(d))~~) (c) "Eradicate" means to eliminate a noxious weed within ((a geographical area)) an area of infestation.~~

~~((~~(e))~~) (d) "Prevent the spread of noxious weeds" means to ((forestall their introduction and/or spread within a geographical area)) contain noxious weeds.~~

~~((~~(f))~~) (e) Class A noxious weeds are those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and whose introduction to the state of Washington was not intentional, or whose intentional introduction poses a serious threat to the state for which no intentional containment is assured by the owner.~~

~~(f) Class B noxious weeds are those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to that region.~~

~~(g) "Class B designate" means those Class B noxious weeds whose populations in a region or area are such that all seed production can be ((reasonably)) prevented within a calendar year.~~

~~((~~(g)~~) "Class B nondesignate" means those Class B noxious weeds whose populations in a region or area are such that all seed production cannot be reasonably prevented in a calendar year:)) (h) Class C are any other noxious weeds.~~

(3) Any county noxious weed control board may enhance the clarity of any definition contained in subsection (2) of this section, making that definition more specific, but shall not change its general meaning.

AMENDATORY SECTION (Amending Order 26, Resolution No. 26, filed 11/29/88)

WAC 16-750-005 STATE NOXIOUS WEED LIST—CLASS A NOXIOUS WEEDS. ((Class A noxious weeds are as follows:

~~(1) All those weeds which have not been reported in the state of Washington as of January 1, 1984, and whose introduction to the state of Washington was not intentional, or whose intentional introduction poses a serious threat to the state for which no control is assured and which is included in one or more of the following publications:~~

~~(a) A Checklist of Names for 3000 Vascular Plants of Economic Importance, by Edward E. Terrell, Steven R. Hill, John H. Wiersma and William E. Rice. USDA-ARS Ag. handbook number 505, revised October 1986;~~

~~(b) A Geographical Atlas of World Weeds, by LeRoy Holm, Juan V. Pancho, James P. Herberger and Donald L. Plucknett. John Wiley and Sons, New York, 1979;~~

~~(c) The World's Worst Weeds, Distribution and Biology, by LeRoy G. Holm, Donald L. Plucknett, Juan V. Pancho and James P. Herberger. University Press of Hawaii, Honolulu, 1977;~~

~~(d) Economically Important Foreign Weeds—Potential Problems in the United States, by Clyde F. Reed, USDA-ARS Ag. handbook number 498, 1977;~~

~~(e) The federal noxious weed list, 7-360-200 CFR;~~

~~(f) The state noxious weed list of any state; and~~

~~(2))~~

COMMON NAME	SCIENTIFIC NAME
bean-caper, Syrian	Zygophyllum fabago
blueweed, Texas	Helianthus ciliaris
buffalobur	Solanum rostratum
<u>bursage, skeleton leaf</u>	<u>Ambrosia tomentosa</u>
<u>chervil, wild</u>	<u>Anthriscus sylvestris</u>
crupina, common	Crupina vulgaris
four o'clock, wild	Mirabilis nyctaginea
hedgearsley	Torilis arvensis
johnsongrass	Sorghum halepense
knapweed, bighead	Centaurea macrocephala
knapweed, featherhead	Centaurea trichocephala
knapweed, Vochin	Centaurea nigrescens
mallow, Venice	Hibiscus trionum
nightshade, silverleaf	Solanum elaeagnifolium
peganum	Peganum harmala
rupturewort	Herniaria cineria
sage, Mediterranean	Salvia aethiopsis
snadragon, dwarf	Chaenorrhinum minus
<u>starthistle, purple</u>	<u>Centaurea calcitrapa</u>
<u>thistle, milk</u>	<u>Silybum marianum</u>
unicorn-plant	Proboscidea louisianica
velvetleaf	Abutilon theophrasti
woad, dyers	Isatis tinctoria

AMENDATORY SECTION (Amending Order 26, Resolution No. 26, filed 11/29/88)

WAC 16-750-011 STATE NOXIOUS WEED LIST—CLASS B NOXIOUS WEEDS.

Name	Will be a "Class B designate" in all lands lying within:
(1) apera, interrupted Apera interrupta	(a) regions 1,2,3,5,6,8,9 (b) Ferry, Stevens, and Pend Oreille counties of region 4 (c) Lincoln and Adams counties of region 7 (d) region 10 except Columbia County.
(2) blueweed Echium vulgare	(a) regions 1,2,3,4,5,6,8,9,10 (b) region 7 except for an area starting at the Stevens County line on SR 291 south to the SR 291 bridge over the Little Spokane River, thence upstream along the Little Spokane River to the first Rutter Parkway Bridge; thence south along the Rutter Parkway to the intersection of Rutter Parkway and Indian Trail Road; thence southerly along Indian Trail Road to a point three miles south (on section line between sections 22 and 27, T-26N, R-42E); thence due west to a point intersecting the line between Ranges 41 and 42; thence north along this line to a point 1/4 mile south of Charles Road; thence north-westerly parallel to Charles Road to a point 1/4 miles south of the intersection of Charles Road and West Shore Road; thence northerly along West Shore Road to the Spokane River (Long Lake);

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
((3)) broom, Scotch Cytisus scoparius	(a) regions 3,4,6,7,10 (b) region 9 except that area lying west of the Kllickitat River in Kllickitat County:))	((+3)) (14) goatgrass, jointed Aegilops cylindrica	(a) regions 1,2,5,8 (b) Ferry County of region 4 (c) Grant and Adams counties of region 6 (d) Franklin County of regions 9 and 10 (e) Intercounty Weed District No. 51.
(3) broom, Scotch Cytisus scoparius	regions 3,4,6,7,9,10.		
(4) bryony, white Bryonia alba	(a) regions 1,2,3,4,5,6,7,8,9 (b) Franklin County of region 10.	((+4)) (15) gorse Ulex europaeus	(a) regions 3,4,6,7,9,10 (b) Thurston and Pierce counties of region 5 (c) Wahkiakum and Cowlitz counties of region 8.
(5) bugloss, common Anchusa officinalis	(a) regions 1,2,3,5,6,8,9,10 (b) Ferry County of region 4 (c) Lincoln, Adams, and Whitman counties of region 7 (d) Pend Oreille County north of the northernmost boundary of T33N.	((+5)) (16) hawkweed, orange Hieracium aurantiacum	(a) regions 3,6,((7;))9,10 (b) Ferry County of region 4 (c) <u>Lincoln and Adams counties of region 7.</u>
(6) camelthorn Alhagi pseudalhagi	(a) regions 1,2,3,4,5,7,8 (b) Intercounty Weed District No. 51, Intercounty Weed District No. 52, Grant County Weed District No. 1, Grant County Weed District No. 2, and Grant County Weed District No. 3 (c) Grant County north of Highway 90 (d) T16N, R29E; T16N, R30E; T15N, R28E except Sec. 5; T15N, R29E; T15N, R30E (e) Franklin County of region 9 (f) Columbia, Garfield, and Asotin counties of region 10 (g) an area beginning at the Washington — Oregon border at the southwest portion of section 15, R32E, T6N, then north to the northwest corner of section 3, R36E, T7N, then east to the northeast corner of section 3, R36E, T7N, then south to southeast portion of section 15, R36E, T6N, at the Washington — Oregon border, then west along the Washington — Oregon border to the point of beginning.	((+6)) (17) hawkweed, yellow Hieracium pratense	(a) regions 1,2,3,5,6,7,8,9,10 (b) <u>Ferry ((County)) and Spokane counties of region 4.</u>
(7) catsear, spotted Hypochaeris radicata	(a) regions 3,4,6,7,9,10.	((+7)) (18) indigobush Amorpha fruticosa	(a) regions 1,2,3,4,5,6,7 (b) ((Franklin County of regions 9 and 10 (c)) Asotin County of region 10.
(8) Cordgrass, smooth Spartina alterniflora	(a) <u>regions 1,3,4,5, 6,7,9,10</u> (b) <u>Whatcom, Snohomish, Island, and San Juan counties of region 2</u> (c) <u>region 8 except Pacific County.</u>	((+9)) (19) knapweed, black Centaurea nigra	(a) regions 1,2,3,4,5,7,9,10 (b) region 6 except Kittitas County (c) region 8 except Clark County.
(9) daisy, oxeye Chrysanthemum leucanthemum	(a) regions 6,7,9,10.	((+9)) (20) knapweed, brown Centaurea jacea	(a) regions 1,2,3,4,5,7,9,10 (b) region 6 except Kittitas County (c) region 8 except Clark County.
((+9)) (10) deadnettle, hybrid Lamium hybridum	(a) regions 1,3,4,5,6, 7,8,9,10 (b) region 2 except Skagit County.	((+20)) (21) knapweed, diffuse Centaurea diffusa	(a) regions 1,2,5,8 (b) Grant County lying in the north half of Township 15 North, Ranges 24 through 27 East; Township 16 North, Ranges 25, 26 and 27 East; Townships 17 and 18 North, Ranges 25 through 30 East; Townships 19 and 20 North, Range 30 East; Township 22 North, Ranges 23, 24, and 25 East; Townships 21, 22, and 23 North, Ranges 28, 29, and 30 East; Townships 24 and 25 North, Ranges 29 and 30 East; Township 26 North, Range 30 East; and the east half of Township 27 North, Range 30 East, all W.M. (c) Adams County except those areas within T15N, R36E, Section 36; T15N, R37E, Sections 22,23,24,25,26,27,28, 31,32,33 and 34; T15N, R38E, Sections 2,10,11,14,15,19 and 20; T16N, R38E, Sections 34 and 35; T17N, R37E, Sections 5 and 6; T18N, R37E, Sections 29,30,31 and 32 (d) Franklin County of regions 9 and 10.
((+10)) (11) dogtailgrass, hedgehog Cynosurus echinatus			
((+11)) (12) fieldcress, Austrian Rorippa austriaca	(a) regions 1,2,3,4,5,6, 7,8,9 (b) region 10 except within the Palouse River Canyon from Big Palouse Falls to the Snake River.	((+11)) (22) knapweed, meadow Centaurea jacea x nigra	(a) regions 1,2,3,4,5,7,9,10 (b) region 6 except Kittitas County (c) region 8 except Clark County.
((+12)) (13) foxtail, slender Alopecurus myosuroides	(a) regions 1,2,3,5,6,8,9,10 (b) Ferry, Stevens, Pend Oreille counties of region 4 (c) Adams and Whitman counties of region 7.	((+12)) (23) knapweed, Russian Acroptilon repens	(a) regions 1,2,5,7,8 (b) region 4 except that area lying within the boundaries of the Colville Indian Reservation within Ferry County

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
	(c) Adams County except those areas in the Main Lind Coulee Drainage area of T17N, R32E, Sections 19,20,25,27,28,29,32, 33,34,35 and 36; T17N, R33E, Sections 16,17,19,20 and 30; and those areas within the Lower Crab Creek drainage area of T15N, R28E, sections 5 and 6; and the western half of T16N, R28E		(d) an area beginning at the Washington—Oregon border at the southwest portion of section 15, R32E, T6N, then north to the northwest corner of section 3, R36E, T7N, then east to the northeast corner of section 3, R36E, T7N; then south to the southeast portion of section 15, R36E, T6N, at the Washington—Oregon border, then west along the Washington—Oregon border to the point of beginning:)
((23)) (24) knapweed, spotted <i>Centaurea maculosa</i>	(d) Intercounty Weed District No. 52 (e) region 10 except Franklin County.	(30) pepperweed, perennial <i>Lepidium latifolium</i>	(a) regions 1,2,3,4,5,7,8,10 (b) Grant County lying northerly of Township 21, North, W.M. (c) Intercounty Weed Districts No. 51 and 52.
((24)) (25) lepyrodiclis <i>Lepyrodiclis holsteoides</i>	(a) regions 1,2,3,5,6,8,9 (b) Adams and Whitman counties of region 7 (c) region 10 except Garfield County.	(31) ragwort, tansy <i>Senecio jacobaea</i> (32) sandbur, longspine <i>Cenchrus longispinus</i>	(a) regions 3,4,6,7,9,10. (a) regions 1,2,3,4,5,7,8 (b) Adams County of region 6 except for that area lying within Intercounty Weed District No. 52 (c) Intercounty Weed District No. 51.
((25)lythrum) (26) loosestrife, purple <i>Lythrum salicaria</i>	(a) regions 1,2,3,4,5,6,8,9,10 (b) region 7 except an area within Whitman County east of the Pullman — Wawawai Road from Wawawai to Pullman and south of State Highway 270 from Pullman to Moscow, Idaho.	(33) skeletonweed, rush <i>Chondrilla juncea</i>	(a) regions 1,2,3,5,8,9 (b) Franklin County except T13N, R36E; and T14N, R36E (c) Adams County except those areas lying east of a boundary line running north from Franklin County along the western boundary of Range 36 East to ((Wellsandt Road then east on Wellsandt Road to Interstate 90 then following)) State highway 26 then east on State Highway 26 to State Highway 261 then north on State Highway 261 to Sutton Road then east on Sutton Road to Snyder Road then north on Snyder Road extended to Providence Road then west on Providence Road to Klein Road then north on Klein Road to Wellsandt Road then east on Wellsandt Road to Interstate 90 then east on I-90 to the Lincoln County line
((26)) (27) medusahead <i>Taeniatherum caput-medusae</i>	(d) region 9 except Benton County (e) region 10 except Walla Walla County (f) Intercounty Weed Districts No. 51 and No. 52.		(d) region 6 except that portion lying within Grant County that is southerly of State Highway 28, northerly of Interstate Highway 90 and easterly of Grant County Road E. Northwest (e) Pend Oreille County north of the northernmost boundary of Township 33 North (f) Asotin County of region 10.
((27)) (28) nutsedge, yellow <i>Cyperus esculentus</i>	(a) regions 1,2,5,8. (a) regions 1,2,3,4,5,7,8 (b) Yakima County Weed District No. 1 (c) region 6 except: (i) those areas lying between State Highway 26 and State Highway 28 in Grant County (ii) those areas lying in Yakima County but not in Yakima Weed District No. 1 (d) region 9 except: (i) those areas lying in Yakima County but not in Yakima Weed District No. 1 (ii) an area lying southerly of State Route 14 and within T2N, Ranges 13 and 14 E (e) region 10 except Walla Walla County.	(34) sowthistle, perennial <i>Sonchus arvensis arvensis</i> (35) spurge, leafy <i>Euphorbia esula</i>	(a) regions 1,2,3,4,5,7,8,9,10. (a) regions 1,2,3,4,5,6,8,9 (b) region 7 except as follows: (i) T27N, R39E, Sections 24, 25,28,29,30,32,33,34 T26N, R39E, Sections 3,4,5,9,10,15,16,21,22 of Lincoln County (ii) T22N, R37E, Sections 1,12,13,14,23,24,25,26, 35,36; T22N, R38E, Sections 3,4,5,6,7,8,17,18, 19; T23N, R38E, Sections 7,8,17,18,19,20,21,27,28, 29,30,31,32,33,34; T23N, R37E, Sections 23,24,25, 26,35,36 of Lincoln County
((28)) (29) oxtongue, hawkweed <i>Picris hieracioides</i>	(a) regions 1,2,3,4,5,6,7,9, 10 (b) region 8 except Skamania County.		
((29) peaweed, Austrian <i>Sphaerophysa salsula</i>	(a) regions 1,2,3,4,5,7,8 (b) Yakima County Weed District No. 1 (c) Columbia, Garfield, Asotin, and Franklin counties		

Name	Will be a "Class B designate" in all lands lying within:
	(iii) T27N, R37E, Sections 34,35,36; T27N, R38E, Sections 31,32,33; T26N, R37E, Sections 1,2,3,10, 11,12,13,14,15,16,26; T26N, R38E, Sections 5, 6,7,8 of Lincoln County
	(iv) <u>T24N, R43E, Section 12, Qtr. Section 3, Parcel No. 9068 of Spokane County</u>
	(v) T25N, R41E, all sections; all T27N, R41E south of the Spokane River; all T26N, R42E west of the Spokane River
	(c) region 10 except as follows: (i) T9N, R39E, Section 8 of Columbia County (ii) T13N, R40E, Sections 10, 11,12,13,14,15,16; T13N, R41E, Sections 5,6, 7,8,9,10,11,12,13,14; T13N, R42E, Sections 2,3, 4,5,7,8,9,10,11,26,27, 34,35 of Garfield County.
(36) starthistle, yellow <i>Centaurea solstitialis</i>	(a) regions 1,2,3,4,5,6,8 (b) region 7 except those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border (c) Franklin County (d) Region 9 except Klickitak County.
(37) Swainsonpea <i>Sphaerophysa salsula</i>	(a) <u>regions 1,2,3,4,5,7,8</u> (b) <u>Yakima County Weed District No. 1</u> (c) <u>Columbia, Garfield, Asotin, and Franklin counties an area beginning at the Washington — Oregon border at the southwest portion of section 15, R32E, T6N, then north to the northwest corner of section 3, R36E, T7N, then east to the northeast corner of section 3, R36E, T7N, then south to the southeast portion of section 15, R36E, T6N, at the Washington — Oregon border, then west along the Washington — Oregon border to the point of beginning.</u> (d) <u>Washington — Oregon border at the southwest portion of section 15, R32E, T6N, then north to the northwest corner of section 3, R36E, T7N, then east to the northeast corner of section 3, R36E, T7N, then south to the southeast portion of section 15, R36E, T6N, at the Washington — Oregon border, then west along the Washington — Oregon border to the point of beginning.</u>
(38) thistle, musk <i>Carduus nutans</i>	(a) regions 1,2,5,6,7,8,9,10 (b) Spokane and Pend Oreille counties.
((38)) thistle, plumeless <i>Carduus acanthoides</i>	(a) regions 1,2,3,5,6,7,8,9,10 (b) region 4 except Stevens County.)
(39) thistle, plumeless <i>Carduus acanthoides</i>	(a) <u>regions 1,2,3,5,6,7,8,9,10</u> (b) <u>region 4 except those areas within Stevens County lying north of State Highway 20.</u>
((39)) (40) thistle, Scotch <i>Onopordum acanthium</i>	(a) regions 1,2,3,4,5,6,8,9 (b) region 7 except for those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border (c) Franklin County.

Name	Will be a "Class B designate" in all lands lying within:
((40)) (41) toadflax, Dalmatian <i>Linaria genistifolia</i> spp. <i>dalmatica</i>	(a) regions 1,2,5,8,10 (b) Kittitas, Chelan, Douglas, Adams counties of region 6 (c) Intercounty Weed District No. 51 (d) Lincoln and Adams counties of region 7 (e) region 9 except as follows: (i) those areas lying within Yakima County (ii) those areas lying west of the Klickitak River and within Klickitak County.
((41)) (42) <i>ventenata</i> <i>Ventenata dubia</i>	(a) regions 1,2,3,5,6,8 (b) Franklin County.
((42)) (43) watermilfoil, Eurasian <i>Myriophyllum spicatum</i>	(a) regions 1,8,9,10 (b) region 7 except Spokane County.

AMENDATORY SECTION (Amending Order 26, Resolution No. 26, filed 11/29/88)

WAC 16-750-015 STATE NOXIOUS WEED LIST—CLASS C NOXIOUS WEEDS. ((Class C noxious weeds are as follows:))

COMMON NAME	SCIENTIFIC NAME
babysbreath	<i>Gypsophila paniculata</i>
bindweed, field	<i>Convolvulus arvensis</i>
carrot, wild	<i>Daucus carota</i>
cocklebur, spiny	<i>Xanthium spinosum</i>
cress, hoary	<i>Cardaria draba</i>
dodder, smoothseed alfalfa	<i>Cuscuta ((spp.)) <u>approximata</u></i>
garden rocket	<i>Eruca vesicaria</i> spp. <i>sativa</i>
henbane, black	<i>Hyoascyamus niger</i>
houndstongue	<i>Cynoglossum officinale</i>
(jimsonweed)	<i>Datura stramonium</i>
kochia	<i>Kochia scoparia</i>
mayweed, scentless	<i>Matricaria maritima</i> var. <i>agrestis</i>
mullein, common	<i>Verbascum thapsus</i>
(nightshade, bitter)	<i>Solanum dulcamara</i>
poison-hemlock	<i>Conium maculatum</i>
puncturevine	<i>Tribulus terrestris</i>
quackgrass	<i>Agropyron repens</i>
rye, cereal	<i>Secale cereale</i>
spikeweed	<i>Hemizonia pungens</i>
St. Johnswort, common	<i>Hypericum perforatum</i>
tansy, common	<i>Tanacetum vulgare</i>
toadflax, yellow	<i>Linaria vulgaris</i>
thistle, bull	<i>Cirsium vulgare</i>
thistle, Canada	<i>Cirsium arvense</i>
whitetop, hairy	<i>Cardaria pubescens</i>
wormwood, absinth	<i>Artemisia absinthium</i>

WSR 89-20-058
PREPROPOSAL COMMENTS
DEPARTMENT OF HEALTH
[Filed October 4, 1989, 11:33 a.m.]

Subject of Possible Rule Making: To implement the provisions of section 506 and, in part, section 507 of chapter 9, Laws of 1989, 1st ex. sess., ESB 6152, concerning hospital charity care, bad debt and penalties.

Persons may comment on this subject by submitting written comment, to the Department of Health, Hospital Data Analysis Section, 711 South Capitol Way, #206, Mailstop FJ-21, Olympia, WA 98504, by October 31, 1989.

Other Information or Comments by Agency at this Time, if any: A draft, for discussion purposes only, may be obtained by calling (260) 753-1990.

October 4, 1989
 Leslie Baldwin
 Rules Coordinator

WSR 89-20-059
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed October 4, 1989, 12:48 p.m.]

07-02-90-097

Original Notice.

Title of Rule: Chapter 173-340 WAC, Model Toxics Control Act cleanup regulation.

Purpose: It establishes administrative processes and standards to identify, investigate and cleanup facilities where hazardous substances have come to be located.

Other Identifying Information: Initiative 97 was adopted by the voters in November, 1988.

Statutory Authority for Adoption: The Model Toxics Control Act, Initiative 97, chapter 2, Laws of 1989.

Statute Being Implemented: Same.

Summary: The act requires the Department of Ecology to adopt regulations.

Reasons Supporting Proposal: To establish administrative processes and standards to identify, investigate and cleanup hazardous waste sites in the state of Washington.

Name of Agency Personnel Responsible for Drafting: Phyllis Baas, Woodland Square, Lacey, (206) 438-3011; Implementation and Enforcement: Carol Fleskes, Woodland Square, Lacey, (206) 438-3007.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This chapter establishes administrative processes and standards to identify, investigate and cleanup facilities where hazardous substances have come to be located. It defines the role of the department and public involvement in decision making. The goal of this chapter is to provide workable process to accomplish effective and expeditious cleanups in a manner that protects human health and the environment.

Proposal Changes the Following Existing Rules: Only to the extent of repealing rules promulgated in 1988 under the proceeding statutory authority, the Hazardous Waste Cleanup Act.

Small Business Economic Impact Statement

Reviser's note: The Small Business Economic Impact Statement and the Determination of Nonsignificance filed by the Department of Ecology have been omitted from publication in the Register under the authority of RCW 34.05.210(4) as being unduly cumbersome to publish. Copies of this material may be obtained from the Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711, Attn. Jerri Brooker, (206) 438-7256.

Chapter 173-340 WAC

((HAZARDOUS WASTE CLEANUP SETTLEMENT PROCEDURES)) MODEL TOXICS CONTROL ACT—CLEANUP

WAC

PART I—OVERALL CLEANUP PROCESS

- 173-340-100 Purpose.
- 173-340-110 Applicability.
- 173-340-120 Overview.
- 173-340-130 Administrative principles.
- 173-340-140 Deadlines.

PART II—DEFINITIONS AND USAGE

- 173-340-200 Definitions.
- 173-340-210 Usage.

PART III—SITE REPORTS AND CLEANUP DECISIONS

- 173-340-300 Site discovery and reporting.
- 173-340-310 Initial investigation.
- 173-340-320 Site hazard assessment.
- 173-340-330 Hazardous sites list.
- 173-340-340 Biennial program report.
- 173-340-350 State remedial investigation and feasibility study.
- 173-340-360 Selection of cleanup actions.

PART IV—SITE CLEANUP AND MONITORING

- 173-340-400 Cleanup actions.
- 173-340-410 Compliance monitoring requirements.
- 173-340-420 Periodic review.
- 173-340-430 Interim actions.

PART V—ADMINISTRATIVE PROCEDURES FOR REMEDIAL ACTIONS

- 173-340-500 Determination of status as a potentially liable person.
- 173-340-510 Administrative options for remedial actions.
- 173-340-520 Consent decrees.
- 173-340-530 Agreed orders.
- 173-340-540 Enforcement orders.
- 173-340-550 Payment of remedial action costs.
- 173-340-560 Mixed funding.

PART VI—PUBLIC PARTICIPATION

- 173-340-600 Public notice and participation.
- 173-340-610 Regional citizens' advisory committees.

PART VII—CLEANUP STANDARDS

- 173-340-700 Reserved.

PART VIII—GENERAL PROVISIONS

- 173-340-800 Property access.
- 173-340-810 Worker safety and health.
- 173-340-820 Sampling and analysis plans.
- 173-340-830 Laboratory analysis procedures.
- 173-340-840 General submittal requirements.
- 173-340-850 Recordkeeping requirements.
- 173-340-860 Endangerment.
- 173-340-870 Project coordinator.
- 173-340-880 Emergency actions.
- 173-340-890 Severability.

PART I—OVERALL CLEANUP PROCESS

NEW SECTION

WAC 173-340-100 PURPOSE. This chapter is promulgated under the Model Toxics Control Act. It establishes administrative processes and standards to identify, investigate, and cleanup facilities where hazardous substances have come to be located. It defines the role of the department and encourages public involvement in decision making at these facilities.

The goal of this chapter is to implement the policy declared by chapter 2, Laws of 1989. This chapter provides a workable process to accomplish effective and expeditious cleanups in a manner that protects human health and the environment. This chapter is primarily intended to address releases of hazardous substances caused by past activities although its provisions may be applied to potential and ongoing releases of hazardous substances from current activities.

NEW SECTION

WAC 173-340-110 **APPLICABILITY.** (1) This chapter shall apply to all facilities where there has been a release or threatened release of a hazardous substance that may pose a threat to human health or the environment. Under this chapter, the department may require or take those actions necessary to investigate and remedy these releases.

(2) Nothing herein shall be construed to diminish the department's authority to address a release or threatened release under other applicable laws or regulations. The cleanup process and procedures under this chapter and under other laws may be combined. The department may initiate a remedial action under this chapter and may upon further analysis determine that another law is more appropriate, or vice versa.

(3) If a hazardous substance remains at a facility after actions have been completed under other applicable laws or regulations, the department may apply this chapter to protect human health or the environment.

NEW SECTION

WAC 173-340-120 **OVERVIEW.** (1) **Purpose.** This section provides an overview of the cleanup process that typically will occur at a site where a release of a hazardous substance has been discovered. If there are any inconsistencies between this section and any specifically referenced sections, the referenced section shall govern.

(2) **Site discovery.** Site discovery includes:

(a) **Release reporting.** A reporting program is established to help identify potential hazardous waste sites. Owners and operators who know of or discover a release of a hazardous substance due to past activities must report the release to the department under WAC 173-340-300. Current releases of hazardous substances must be reported to the department under the state's hazardous waste and water quality laws. The term "hazardous substance" includes a broad range of substances as defined by chapter 2, Laws of 1989.

(b) **Initial investigation.** Within ninety days of learning of a hazardous substance release, the department will conduct an initial investigation of the site under WAC 173-340-310. For sites that may need further remedial action, an early notice letter will be sent to the owner and operator informing them of the department's decision.

(3) **Site priorities.** Priorities for further remedial action are set by the following process:

(a) **Site hazard assessment.** Based on the results of the initial investigation, a site hazard assessment will be performed under WAC 173-340-320. The purpose of the site hazard assessment is to gather information to confirm whether a release has occurred and to enable the department to evaluate the relative potential hazard posed by the release. If the department decides that no further action is required, it will notify the public of that decision through the site register.

(b) **Hazardous sites list.** The department will maintain a list of sites that require further remedial action. Sites will be listed after the completion of a site hazard assessment. Sites placed on the list will be ranked using the department's hazard ranking method. The department may remove a site from the hazardous sites list if the cleanup action at the site has achieved the cleanup standards. See WAC 173-340-330.

(c) **Biennial program report.** Every even-numbered year, the department will prepare a biennial program report for the legislature. The hazard ranking, along with other factors, will be used in this report to identify the projects and expenditures recommended for appropriation. See WAC 173-340-340.

(4) **Detailed site investigations and cleanup decisions.** The following steps will be taken to ensure that the proper method of cleanup is chosen for the site.

(a) **Remedial investigation and feasibility study.** A state remedial investigation/feasibility study will be performed at ranked sites under WAC 173-340-350. The state remedial investigation/feasibility study defines the extent of the problems at the site and evaluates alternative cleanup actions.

(b) **Selection of cleanup action.** The department will evaluate the remedial investigation/feasibility study and select a cleanup action that will protect human health and the environment consistent with WAC 173-340-360. The cleanup action will be set forth in a draft cleanup action plan that addresses cleanup requirements for hazardous substances at the site. After public comment, a final cleanup action plan will be issued by the department.

(5) **Site cleanup.** Once the appropriate cleanup action has been selected for the site, the actual cleanup will be performed.

(a) **Cleanup actions.** WAC 173-340-400 describes the design and construction requirements for implementing the cleanup action plan.

(b) **Compliance monitoring and review.** The cleanup action must include compliance monitoring under WAC 173-340-410 and in some cases periodic review under WAC 173-340-420 to ensure the long-term effectiveness of the cleanup action.

(6) **Procedures for conducting remedial actions.**

(a) **Remedial action agreements.** The department has authority to take remedial actions or to order persons to conduct remedial actions under WAC 173-340-510 and 173-340-540. However, the department encourages agreements for investigations and cleanups in appropriate cases. These agreements can be agreed orders or consent decrees reached under the procedures of WAC 173-340-520 and 173-340-530.

(b) **Independent actions.** Persons may decide to perform investigations and cleanups without department approval under this chapter. Nothing in this chapter prohibits persons from performing such actions before the department is ready to act at the site; however, all interim and cleanup actions must be reported to the department under WAC 173-340-300. Furthermore, the department may take or require additional remedial actions at these sites at any time.

(c) **Public participation.** The public will receive notice and an opportunity to comment on most of the steps in the cleanup process. At many sites, a public participation plan will be prepared to provide opportunities for more extensive public involvement in the cleanup process.

These requirements are described in WAC 173-340-600.

NEW SECTION

WAC 173-340-130 **ADMINISTRATIVE PRINCIPLES.** (1) **Introduction.** The department shall conduct or require remedial actions consistent with the provisions of this section, as typically defined by the subsequent sections.

(2) **Information sharing.** It is the policy of the department to make available information about releases or threatened releases with property owners or other persons with potential liability for a site in order to encourage them to conduct prompt remedial action. It is also the policy of the department to make available information with interested members of the public.

(3) **Information exchange.**

(a) **Technical assistance.** Persons are encouraged to contact the department and seek assistance on the general administrative and technical requirements of this chapter. The department may provide informal advice and assistance to potentially liable persons at any time during the development of a remedial action. Any such oral or written comments by the department or its agents are advisory and not commitments or approvals binding on the department. A person may not represent this advice as an approval of a remedial action. If the person requesting the advice is seeking binding commitments or approvals an order or consent decree shall be used. The department advises persons requiring site-specific legal or technical assistance to hire an attorney or engineering consultant with the appropriate environmental expertise.

(b) **Response to requests.** If the department believes that responding to a request for technical assistance would involve substantial time or resources or would not be in the public interest, the department may decline to provide the requested assistance. The department shall inform the requester of its response. The department may require one or more of the following before devoting time to the request:

(i) A proposed schedule;

(ii) Payment, in advance, for its costs in responding to the request;

(iii) Other assurances that the requester is serious about carrying out the provisions of this chapter; or

(iv) Other information.

(4) **Scope of public participation.** The department seeks to encourage public participation in all steps of the cleanup process. The department shall encourage a level of participation appropriate to the conditions at a facility and the level of the public's interest.

(5) **Scope of information.** It is the department's intention that adequate information will be gathered at a site to enable decisions on appropriate actions. Studies can be performed and submittals made at varying levels of detail appropriate to the conditions at the site. For example, the department might decide that a study of a small site with minimal ground water impacts need not include as detailed an analysis of the ground water flow system as for a study of a geologically more complex site. Once the department has adequate information it will

make cleanup decisions within the framework provided in this chapter and in site-specific orders or decrees.

(6) Combining steps. Several steps in the cleanup process can be combined into fewer steps, when appropriate. For example, the department and a potentially liable person may agree that conditions at a site are such that the remedial investigation/feasibility study and remedial design and implementation steps could be combined into a single step.

(7) Routine cleanup actions. Flexibility in the scope of investigations and in combining steps may be particularly appropriate for routine cleanup actions. For example, the department may decide to approve a routine cleanup action based upon a single investigation that includes a site hazard assessment and a simplified state remedial investigation/feasibility study and engineering design plan.

(a) A cleanup action may be considered routine if the following criteria are met:

(i) It involves an obvious and limited choice among cleanup methods;

(ii) It uses a cleanup method that is reliable and has proven capable of accomplishing cleanup standards;

(iii) Cleanup standards for each hazardous substance addressed by the cleanup are obvious and undisputed, and allow an adequate margin of safety for protection of human health and the environment;

(iv) The department has experience with similar actions; and

(v) The action does not require an environmental impact statement.

(b) Routine cleanup actions consist of or are comparable to one or more of the following remedial actions:

(i) Cleanup of above-ground structures;

(ii) Cleanup of below-ground structures;

(iii) Cleanup of contaminated soils where the action would restore the site to cleanup levels; or

(iv) Cleanup of solid wastes, including containers.

(c) Cleanup of ground water will not normally be considered a routine cleanup action.

(d) A routine cleanup action may be conducted under any of the procedures described in WAC 173-340-510. However, the department will attempt to ensure that all routine cleanup action decisions are consistent with this chapter.

(8) Preparation of documents. Except for the initial investigation, any of the studies, reports, or plans used in the cleanup process can be prepared by either the department or the potentially liable person. The department retains all authority to review and verify the documents submitted and to make decisions based on the documents.

(9) Inter-agency coordination.

(a) The department shall ensure appropriate local, state, and federal agencies and tribal organizations are kept informed and, as appropriate, involved in the development and implementation of remedial actions. The department may require a potentially liable person to undertake this responsibility. If the potentially liable person demonstrates that they are unable to obtain adequate involvement to allow the remedial action to proceed by a particular government agency or tribe, the department shall request their involvement.

(b) The nature and degree of coordination and consultation shall be commensurate with the other agencies and tribes interest and need at the site. Interested agencies and tribes shall also be included in the mailing list for public notices under WAC 173-340-600. To facilitate coordination, it is important for the agencies and tribes to provide specific comments, including the identification of additional information needed or mitigating measures that are necessary or desirable to satisfy their concerns.

(c) Whenever reasonable, the department shall coordinate its activities with other agencies and tribes to minimize the duplication of notices, hearings, and preparation of documents.

(10) Appeals. Unless otherwise indicated all department decisions made under this chapter are remedial decisions and may be appealed only as provided for in section 6, chapter 2, Laws of 1989.

NEW SECTION

WAC 173-340-140 DEADLINES. (1) Purpose. It is the department's intent to move sites through the cleanup process as expeditiously as possible. However, the department is limited by the amount of personnel and funds it can expend in any given fiscal year. This section is intended to establish reasonable deadlines for remedying releases within these constraints. The procedure for setting priorities is described in WAC 173-340-330 and 173-340-340.

(2) Within ninety days of learning of a release or threatened release of a hazardous substance, the department shall complete an initial investigation under WAC 173-340-310.

(3) At least twice a year, the department will determine which sites with completed initial investigations are a high priority for further investigation. The department will at that time schedule high priority sites for further investigations to commence within six months. This determination will be based on best professional judgment of department staff. Sites may be scheduled for further investigation at any time if the department determines that the site is a high priority.

(4) The department shall complete the site hazard assessment and hazard ranking on high priority sites within one hundred eighty days of the scheduled start date. These sites will be identified in the department's site register. Sites not designated as a high priority will be scheduled for future investigations and listed in the biennial report to the legislature (WAC 173-340-340). The department will conduct at least thirty-five site hazard assessments each fiscal year until the number of sites needing site hazard assessments are reduced below this number.

(5) Within thirty days of ranking, the department shall decide whether the site requires further action. The department shall determine which sites are a high priority for a state remedial investigation/feasibility study and which sites are a lower priority where further action can be delayed. The department shall review these lower priority sites and provide an opportunity for public comment as part of the biennial report to the legislature (WAC 173-340-340).

(6) For all high priority sites the state remedial investigation/feasibility study shall be completed under WAC 173-340-350 within eighteen months of signing the order or decree. The department may extend the deadline up to twelve months if the circumstances at the site merit a longer timeframe. The department shall provide the public an opportunity to comment on any extension. The department shall initiate a state remedial investigation/feasibility study on at least ten sites per fiscal year.

(7) The department shall select the cleanup action under WAC 173-340-360 and file a consent decree or issue an order for cleanup action for all high priority sites within six months of the completion of the state remedial investigation/feasibility study. The department may extend the deadline for up to four months for consent decree and order discussions. The department shall provide the public with an opportunity to comment on any extension.

(8) The department will publish site schedules for high priority sites in the site register under WAC 173-340-600(6).

PART II—DEFINITIONS AND USAGE

NEW SECTION

WAC 173-340-200 DEFINITIONS. For the purpose of this chapter, the following definitions shall apply:

(1) "Act" means the same as the "Model Toxics Control Act" and "chapter 2, Laws of 1989."

(2) "Agreed order" means an order issued under WAC 173-340-530.

(3) "Cleanup action" means any remedial action taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with cleanup standards, utilizes permanent solutions to the maximum extent possible, and includes adequate monitoring to ensure the effectiveness of the cleanup action.

(4) "Cleanup action plan" means the document prepared by the department under WAC 173-340-360 which selects the cleanup action and specifies cleanup standards and other requirements for the cleanup action.

(5) "Cleanup process" means the process for identifying, investigating, and cleaning up hazardous waste sites under chapter 2, Laws of 1989.

(6) "Cleanup standards" means the standards promulgated under section 3(2)(d), chapter 2, Laws of 1989.

(7) "Compliance monitoring" means a remedial action that consists of monitoring as described in WAC 173-340-410.

(8) "Containment" means a container, vessel, barrier, or structure, whether natural or constructed, by which a hazardous substance is prevented or hindered from release to or migration into the environment.

(9) "Day" means calendar day; however, any document due on the weekend or a holiday may be submitted on the first working day after the weekend or holiday.

(10) "Decree" means consent decree under WAC 173-340-520. "Consent decree" is synonymous with decree.

- (11) "Department" means the department of ecology.
- (12) "Director" means the director of ecology or the director's designee.
- (13) "Environment" means the natural and built environment within Washington or under jurisdiction of the state including surface waters, ground water, drinking water supply, land surface, soils, bedrock, tidelands, shorelands, sediments, subsurface, ambient air, plants, animals, energy and natural resources, transportation facilities and utilities.
- (14) "Exposure" means subjection to the action, influence, or effects of a substance or condition.
- (15) "Facility" means:
- (a) Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft; or
- (b) Any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.
- (16) "Food crop" means any domestic plant which is produced for the purpose of, or may be used in whole or in part for, consumption by people or livestock. This shall include nursery, root, or seedstock to be used for the production of food crops.
- (17) "Ground water" means subsurface water that occurs in soils and geologic formations that are fully saturated.
- (18) "Hazardous substance" means:
- (a) Any dangerous or extremely hazardous waste as defined in RCW 70.105.010 (5) and (6), or any dangerous or extremely dangerous waste as designated by rule under chapter 70.105 RCW;
- (b) Any hazardous substance as defined in RCW 70.105.010(14) or any hazardous substance as defined by rule under chapter 70.105 RCW;
- (c) Any substance that, on the effective date of this section, is a hazardous substance under section 101(14) of the federal cleanup law, 42 U.S.C., Sec. 9601(14);
- (d) Petroleum or petroleum products; and
- (e) Any substance or category of substances, including solid waste decomposition products, determined by the director by rule to present a threat to human health or the environment if released into the environment.
- The term hazardous substance does not include any of the following when contained in an underground storage tank from which there is not a release: Crude oil or any fraction thereof or petroleum, if the tank is in compliance with all applicable federal, state, and local law.
- (19) "Hazardous waste site" means any facility where there has been confirmation of a release or threatened release of a hazardous substance that requires remedial action.
- (20) "Hazardous sites list" means the list of hazardous waste sites maintained under WAC 173-340-330.
- (21) "Independent remedial actions" means remedial actions conducted without department oversight or approval and not under an order or decree.
- (22) "Initial investigation" means a remedial action that consists of an investigation under WAC 173-340-310 to determine that a release or threatened release may have occurred that warrants further action under this chapter.
- (23) "Interim action" means a discrete remedial action performed under WAC 173-340-430 that partially addresses the cleanup of a site.
- (24) "Mail" means delivery through the United States Postal Service or an equivalent method of delivery or transmittal, including private mail carriers, or personal delivery.
- (25) "Mixed funding" means any funding provided to potentially liable persons from the state toxics control account under WAC 173-340-560.
- (26) "Model Toxics Control Act" or "act" means the act approved by the voters at the November 1988 general election, also known as Initiative 97 (chapter 2, Laws of 1989).
- (27) "Natural person" means any unincorporated individual or group of individuals.
- (28) "Order" means an enforcement order issued under WAC 173-340-540 or an agreed order issued under WAC 173-340-530.
- (29) "Owner or operator" means:
- (a) Any person with any ownership interest in the facility or who exercises any control over the facility; or
- (b) In the case of an abandoned facility, any person who had owned, or operated, or exercised control over the facility any time before its abandonment. The term does not include:

(i) An agency of the state or unit of local government which acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or circumstances in which the government involuntarily acquires title. This exclusion does not apply to an agency of the state or unit of local government which has caused or contributed to the release or threatened release of a hazardous substance from the facility; or

(ii) A person who, without participating in the management of a facility, holds indicia of ownership primarily to protect the person's security interest in the facility.

(30) "Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state government agency, unit of local government, federal government agency, or Indian tribe.

(31) "Potentially liable person" means any person whom the department finds, based on credible evidence, to be liable under section 4, chapter 2, Laws of 1989.

(32) "Public notice" means, at a minimum, adequate notice mailed to all persons who have made a timely request of the department and to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the newspaper of largest circulation in the city or county of the proposed action; and opportunity for interested persons to comment.

(33) "Public participation plan" means a plan prepared under WAC 173-340-600 to encourage coordinated and effective public involvement tailored to the public's needs at a particular facility.

(34) "Regional office" means one of the regional offices of the department of ecology.

(35) "Release" means any intentional or unintentional entry of any hazardous substance into the environment, including but not limited to the abandonment or disposal of containers of hazardous substances.

(36) "Remedy" or "remedial action" means any action or expenditure consistent with the purposes of chapter 2, Laws of 1989 to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

(37) "Routine cleanup action" means a remedial action that consists of a cleanup action meeting the requirements in WAC 173-340-130(7).

(38) "Safety and health plan" means a plan prepared under WAC 173-340-810.

(39) "Sampling and analysis plan" means a plan prepared under WAC 173-340-820.

(40) "Sensitive environment" means an area of particular environmental value, such as: Wetlands; critical habitat for endangered or threatened species; national or state wildlife refuge; critical habitat, breeding or feeding area for fish or shellfish; wild or scenic river; rookery; riparian area; big game winter range; or other area of special environmental concern.

(41) "Site" means the same as facility.

(42) "Site hazard assessment" means a remedial action that consists of an investigation performed under WAC 173-340-320.

(43) "Site register" means the public information document described in WAC 173-340-600.

(44) "State remedial investigation/feasibility study" means a remedial action that consists of activities performed under WAC 173-340-350 to collect, develop, and evaluate sufficient information regarding a site to enable the selection of a cleanup plan.

(45) "Surface water" means those portions of Puget Sound, the Strait of Juan de Fuca, the Strait of Georgia, the Pacific Ocean and any other marine waters within the boundaries of Washington or its jurisdiction, and all public or privately owned natural or constructed lakes, bays, rivers, streams, springs, ponds, impoundments, marshes, wetlands, water courses, and drainage courses within the state or its jurisdiction.

NEW SECTION

WAC 173-340-210 USAGE. For the purposes of this chapter, the following shall apply:

(1) Unless the context clearly requires otherwise the use of the singular shall include the plural and conversely.

(2) The terms "applicable," "appropriate," "relevant," "unless otherwise directed by the department" and similar terms implying discretion mean as determined by the department, with the burden of

proof on other persons to demonstrate the requirements are or are not necessary.

(3) "Conduct" means to perform or undertake whether directly or through an agent or contractor, unless this chapter expressly provides otherwise.

(4) "Include" means included but not limited to.

(5) "May" means the provision is optional and permissive, and does not impose a requirement.

(6) "Shall" means the provision is mandatory.

(7) "Under" means pursuant to, subject to, required by, established by, in accordance with, and similar expressions of legislative or administrative authorization or direction.

PART III—SITE REPORTS AND CLEANUP DECISIONS

NEW SECTION

WAC 173-340-300 SITE DISCOVERY AND REPORTING.

(1) Purpose. As part of a program to identify hazardous waste sites, this section sets forth the requirements for reporting a release of a hazardous substance due to past activities, whether discovered before or after the effective date of this regulation. It also sets forth the requirements for reporting independent cleanup actions. The department may take any other actions it deems appropriate to identify potential hazardous waste sites consistent with chapter 2, Laws of 1989.

(2) Release report. Any facility owner or operator who has information that a hazardous substance has been released to the environment and may be a threat or potential threat to human health or the environment shall report such information to the department by June 1, 1990, or within ninety days of discovery. To the extent known, the report shall include: The identification and location of the hazardous substance, circumstances of the release and the discovery, and any remedial actions planned or underway. All other persons are encouraged to report such information to the department.

(3) Exemptions. The following releases are exempt from these notification requirements:

(a) Application of pesticides and fertilizers for their intended purposes and according to label instructions;

(b) Lawful and nonnegligent use of hazardous substances by a natural person for personal or domestic purposes;

(c) A release in accordance with a permit that specifically addresses that particular hazardous substance;

(d) A release previously reported to the department in fulfillment of a reporting requirement in this chapter or in another law or regulation;

(e) A release to the air;

(f) Releases discovered in public water systems regulated by the department of health.

An exemption from these notification requirements does not imply a release from liability in future actions by the department.

(4) Report of independent actions.

(a) Report. Any person who conducts an independent interim action or cleanup action shall submit a written report to the department within ninety days of the completion of the action. For the purposes of this section, completion of the interim action or cleanup action means no remedial action other than compliance monitoring has occurred at the site for ninety days.

(b) Contents. The report shall include the information in subsection (2) of this section if not already reported, and results of all site investigations, cleanup actions and compliance monitoring planned or underway. The department may require additional reports on the work performed.

(c) Combined reports. If the independent interim action or cleanup action is completed within ninety days of discovery, a single written report may be submitted on both the release and the action taken. The reports shall contain the information specified in subsections (2) and (4) of this section and shall be submitted within ninety days of completion of the interim action or cleanup action.

(d) Notification. The department shall publish a notice of all reports on independent interim actions and cleanup actions received under this section in the site register.

(5) Department response. Within ninety days of receipt of information under this section, the department shall respond in accordance with WAC 173-340-310. Receipt of information regarding an independent interim action or cleanup action under subsection (3) or (4) of this section shall not obligate the department to take any action beyond that prescribed in WAC 173-340-310 and subsection (4)(d) of this section. Neither submission of information on independent interim

action and cleanup actions nor any response by the department shall release the person submitting the report or any other person from liability. The department reserves all rights to pursue any subsequent action it deems appropriate.

(6) Other obligations. Nothing in this section shall eliminate any obligations to comply with reporting requirements that may exist in a permit or under other laws.

NEW SECTION

WAC 173-340-310 INITIAL INVESTIGATION. (1) Purpose. The purpose of the initial investigation is to determine whether or not a release or threatened release of a hazardous substance may have occurred that warrants further action under this chapter.

(a) Applicability and timing. Whenever the department receives information and has a reasonable basis to believe that there may be a release or a threatened release of a hazardous substance that may pose a threat to human health or the environment, the department shall conduct an initial investigation within ninety days.

(b) Exemptions. The department shall not be required to conduct an initial investigation when:

(i) The circumstances associated with the release or threatened release are known to the department and have previously been or currently are being evaluated by the department or other government agency; or

(ii) The release is permitted.

(2) Contents. The initial investigation shall include at a minimum: A site visit and documentation of conditions observed.

(3) Department deferral to others. The department may rely on another government agency or a contractor to the department to conduct an initial investigation on its behalf, provided the department determines such agency or contractor is not suspected to have contributed to the release or threatened release of a hazardous substance and that no conflict of interest exists.

(4) Department decision. Based on the information obtained about the site, the department shall within thirty days of completion of the initial investigation make one or more of the following decisions:

(a) A site hazard assessment is required;

(b) Emergency remedial action is required;

(c) Interim action is required;

(d) The site requires no further action under this chapter at this time because either:

(i) There has been no release or threatened release of a hazardous substance; or

(ii) A release or threatened release of a hazardous substance has occurred, but in the department's judgment, does not pose a threat or potential threat to human health or the environment; or

(e) Other action is required.

A decision for a particular follow-up action does not preclude the department from requiring some other action in the future based on reevaluation of the site or additional information.

(5) Early notice letter.

(a) For sites requiring further remedial action under chapter 2, Laws of 1989, the department will notify the owner, operator, and any potentially liable person known to the department of its decision. This letter may be combined with the notice in WAC 173-340-500.

(b) The notification shall be a letter mailed to the person which includes:

(i) The basis for the department's decision;

(ii) Information on the cleanup process provided for in this chapter;

(iii) A statement that it is the department's policy to work cooperatively with persons to accomplish prompt and effective cleanups; and

(iv) A person or office of the department to contact regarding the contents of the letter.

Nothing in this section shall preclude the department from taking appropriate remedial action on its own at any time.

NEW SECTION

WAC 173-340-320 SITE HAZARD ASSESSMENT. (1) Purpose. The purpose of the site hazard assessment is to provide sufficient sampling data and other information to:

(a) Confirm or rule out that a release or threatened release of a hazardous substance has occurred;

(b) To identify the hazardous substance and provide some information regarding the extent and concentration of the substance;

(c) Identify site characteristics that could result in the hazardous substance entering and moving through the environment;

(d) Evaluate the potential for the threat to human health and the environment; and

(e) Determine the hazard ranking of the site under WAC 173-340-330, if appropriate.

(2) **Timing.** Unless otherwise directed by the department, a site hazard assessment shall be completed before proceeding to any subsequent phase of remedial action, other than an emergency or interim action.

(3) **Administrative options.** The site hazard assessment may be conducted under any of the procedures described in WAC 173-340-510.

(4) **Scope and content.** A site hazard assessment is not intended to be a detailed site characterization, however it shall include sufficient sampling, site observations, maps, and other information needed to meet the purposes specified in subsection (1) of this section. To fulfill this requirement, a site hazard assessment shall include, as appropriate, the following information:

(a) Identification of hazardous substances, including what was released and is threatened to be released and/or what products of decomposition, recombination, or chemical reaction are currently present on site, and an estimate of their quantities and concentrations;

(b) Evidence confirming a release or threatened release of hazardous substances to the environment;

(c) Description of facilities containing releases, if any, and their condition;

(d) Specific location of all areas where a hazardous substance is known or suspected to be, indicated on a site map. This map may consist of an enlarged copy of a United States Geological Survey topographic map or another map of equivalent detail;

(e) Surface water, run-on and run-off and the hazardous substances leaching potential;

(f) Characterization of the subsurface and ground water actually or potentially affected by the release, including vertical depth to aquifer(s) and distance to nearby wells, bodies of surface water, and drinking water intakes;

(g) Preliminary evaluation of receptors, including: Human population, food crop, recreation areas, parks, sensitive environments, irrigated areas, and aquatic resources currently or potentially affected by ground water, air, or surface water containing the release of hazardous substances at the site, including distances to these receptors; and

(h) Any other physical factors which may be significant in estimating the potential or current exposure to sensitive biota.

(5) **Guidance.** The department shall make available guidance for how to conduct a site hazard assessment to meet the requirements of this section.

(6) **Notification.** The department shall make available the results of the site hazard assessment with the site's owner and operator and any person who has received a potentially liable person status letter under WAC 173-340-500 regarding the site. If the department finds after a site hazard assessment that the site requires no further action, it shall publish this decision in the site register.

NEW SECTION

WAC 173-340-330 **HAZARDOUS SITES LIST.** (1) **Purpose.** The department shall maintain a list of sites where remedial action has been determined by the department to be necessary. This hazardous sites list shall fulfill the department's responsibilities under section 3 (2)(b) and (3), chapter 2, Laws of 1989. From this list, the department shall select those sites where action is anticipated and include those in the biennial program report. (See WAC 173-340-340).

(2) **Hazard ranking.** Sites placed on the list shall be given a hazard ranking. The purpose of hazard ranking is to estimate, based on the information compiled during the site hazard assessment, the relative potential risk posed by the site to human health and the environment. This assessment considers air, ground water, and surface water migration pathways, human and nonhuman exposure targets, properties of the substances present, and the interaction of these variables.

(a) The department shall evaluate each site on a consistent basis using the procedure described in the "Washington Ranking Method Scoring Manual," and all revisions and additions thereto. The ranking procedure and major amendments to the manual shall be reviewed by the science advisory board established under chapter 2, Laws of 1989. Information obtained in the site hazard assessment, plus any additional data specified in the manual, shall be included in the hazard ranking evaluation.

(b) The department shall periodically provide notification of the results of hazard ranking in the site register established under WAC

173-340-600. The department shall also make available hazard ranking results for each site with the site owner and operator and any potentially liable person known to the department at the time of ranking.

(c) The department may at its discretion re-rank a site if, prior to the initiation of state action at the site, the department receives additional information within the scope of the evaluation criteria which indicates a significant change in rank may result.

(3) **Listing.**

(a) Sites shall be placed on the hazardous sites list if, after the completion of a site hazard assessment, the department has determined that further action is required at the site. The list shall be updated at least once per year. Placement of a site on the hazardous sites list does not, by itself, imply that persons associated with the site are liable under chapter 2, Laws of 1989.

(b) The hazardous sites list shall also reflect the current status of remedial action at each site. The department may change a site's status to reflect current conditions. The status for each site shall be identified as one of the following:

(i) Sites awaiting remedial action;

(ii) Sites with remedial action in progress;

(iii) Sites where a cleanup action has been conducted but confirmational monitoring is underway;

(iv) Sites with independent remedial actions; or

(v) Other categories established by the department.

(4) **Removing sites from the list.**

(a) The department may remove a site from the list only after it has determined that:

(i) All remedial actions have been completed and compliance with the cleanup standards has been achieved at the site; or

(ii) The listing was erroneous.

(b) A site owner, operator, or potentially liable person may request that a site be removed from the list by submitting a petition to the department. The petition shall include thorough documentation of all investigations performed, all cleanup actions taken, and of adequate compliance monitoring to demonstrate to the department's satisfaction that cleanup standards have been achieved. The department may require payment of costs incurred, including an advance deposit, for review and verification of the work performed. The department shall review such petitions, however the timing of the review shall be at its discretion and as resources may allow.

(c) The department will maintain a record of sites that have been removed from the list under (a)(i) of this subsection. This record will be made available to the public upon request.

(5) **Relisting of sites.** The department may relist a site which has previously been removed if it determines that the site requires further remedial action.

(6) **Notice.** The department shall provide public notice and an opportunity to comment when the department proposes to remove a site from the list. Additions to the list, changes in site status, and removal from the list shall be published in the site register.

NEW SECTION

WAC 173-340-340 **BIENNIAL PROGRAM REPORT.** (1) Before November 1 of each even-numbered year, the department shall prepare a biennial program report for the legislature containing its plan for conducting remedial actions for the following two fiscal years. This report shall identify the projects and expenditures recommended for appropriation from both the state and local toxics control accounts. In determining which sites the department shall consider for planned action, emphasis shall be given to sites posing the highest risk to human health and the environment, as indicated by a site's hazard ranking. The department may also consider other factors in setting site priorities. After legislative action and any revisions this report shall become the department's biennial program plan.

(2) The department shall provide public notice and a hearing on the proposed plan. For purposes of this subsection only, public notice shall consist of mailings to all persons who have made a timely request and to appropriate news media, and publication in the state register. Notice shall also be provided in the site register. The public comment period on the proposed plan shall run for at least thirty days from the date of the publication in the site register.

NEW SECTION

WAC 173-340-350 **STATE REMEDIAL INVESTIGATION AND FEASIBILITY STUDY.** (1) **Purpose.** The purpose of a state

Remedial investigation/feasibility study is to collect, develop, and evaluate sufficient information regarding a site to enable the selection of a cleanup action under WAC 173-340-360.

(2) Timing. Unless otherwise directed by the department, a state remedial investigation/feasibility study shall be completed before selecting a cleanup action under WAC 173-340-360, except for an emergency or interim action.

(3) Administrative options. A state remedial investigation/feasibility study may be conducted under any of the procedures described in WAC 173-340-510.

(4) Public participation will be accomplished in a manner consistent with WAC 173-340-600.

(5) Scope. The scope of a state remedial investigation/feasibility study will depend on the informational needs of the specific facility. This requires that the process remain flexible, with the scope of the state remedial investigation/feasibility study varying from site to site to avoid the collection of unnecessary information. However, in all cases sufficient information must be collected, developed, and evaluated to enable the selection of a cleanup action under WAC 173-340-360. In addition, for facilities on the federal national priorities list, the state remedial investigation/feasibility study shall comply with federal requirements.

(6) Contents. A state remedial investigation/feasibility study shall include the following information as appropriate:

(a) General facility information. General information, including: Project title; name, address, and phone number of project coordinator; legal description of the facility location; dimensions of the facility; present owner and operator; chronological listing of past owners and operators and operational history; and other pertinent information.

(b) Site conditions map. An existing site conditions map which illustrates relevant current site features such as: Property boundaries; proposed facility boundaries; surface topography; surface and subsurface structures; utility lines; well locations; and other pertinent information.

(c) Field investigations. Sufficient investigations to characterize the distribution of hazardous substances present at the site, and threat or potential threat to human health and the environment. Where applicable to the site, these investigations will need to address the following:

(i) Surface water and sediments. Investigations of surface water and sediments to characterize significant hydrologic features such as: Surface drainage patterns and quantities, areas of erosion and sediment deposition, surface waters, floodplains, and actual or potential hazardous substance migration routes towards and within these features. Sufficient surface water and sediment sampling shall be performed to adequately characterize the areal and vertical distribution and concentrations of hazardous substances. Properties of surface and subsurface sediments which are likely to influence the type and rate of hazardous substance migration, or are likely to affect the ability to implement alternative cleanup actions shall be characterized.

(ii) Soils. Investigations to adequately characterize the areal and vertical distribution and concentrations of hazardous substances in the soil due to the facility. Properties of surface and subsurface soils which are likely to influence the type and rate of hazardous substance migration, or which are likely to affect the ability to implement alternative cleanup actions shall be characterized.

(iii) Geology and ground water system characteristics. Investigations of site geology and hydrogeology to adequately characterize the areal and vertical distribution and concentrations of hazardous substances in the ground water and those features which affect the fate and transport of these hazardous substances. This shall include, as appropriate, the description, physical properties and distribution of bedrock and unconsolidated materials; ground water flow rate and gradient for affected and potentially affected aquifers; ground water divides; areas of ground water recharge and discharge; location of public and private production wells; and ground water quality data.

(iv) Climate. Information regarding local and regional climatological characteristics which are likely to affect the hazardous substance migration such as: Seasonal patterns of rainfall; the magnitude and frequency of significant storm events; temperature extremes; prevailing wind direction; and wind velocity.

(v) Land use. Information characterizing human populations exposed or potentially exposed to the hazardous substance released from the facility and present and proposed land uses and zoning for the site and potentially affected areas.

(vi) Natural resources and ecology. Information to determine the impact or potential impact of the hazardous substance from the facility

on the natural resources and ecology of the area such as: Sensitive environment, plant and animal species, and other environmental receptors.

(vii) Hazardous substance sources. A description of the location, quantity, areal and vertical extent, concentration and sources of waste disposal areas. Where relevant, information on the physical and chemical characteristics, and the biological effects of hazardous substances shall be provided.

(viii) Regulatory classifications. Regulatory designations classifying affected air, surface water and ground water, if any.

(d) Baseline risk assessment. A baseline risk assessment characterizing the current and potential threats to human health and the environment that may be posed by hazardous substances. This assessment may not be required when the department determines that proposed cleanup standards are obvious and undisputed and allow an ample margin of safety for protection of human health and the environment.

(e) Cleanup action alternatives. An evaluation of alternative cleanup actions that protect human health and the environment by eliminating, reducing, or otherwise controlling risks posed through each exposure pathway and migration route, shall be required. The number and types of alternatives to be evaluated shall take into account the characteristics and complexity of the facility. A phased approach for evaluation of alternatives may be required for certain facilities, including an initial screening of alternatives to reduce the number of potential remedies for the final detailed evaluation. The final evaluation of cleanup action alternatives that pass the initial screening shall consider the following factors:

(i) Overall protection of human health and the environment, including the degree to which existing risks are reduced, time required to reduce risk at the facility and attain cleanup standards, and on-site and off-site risks resulting from implementing the alternative;

(ii) Attainment of cleanup standards and compliance with applicable federal, state, and local laws;

(iii) Short-term effectiveness, including protection of human health and the environment during construction and implementation of the alternative, and degree of risk to human health and the environment prior to attainment of cleanup standards;

(iv) Long-term effectiveness, including degree of certainty that the alternative will be successful, long-term reliability, magnitude of residual risk, and effectiveness of controls required to manage treatment residues or remaining wastes;

(v) Permanent reduction of toxicity, mobility and volume through treatment, including adequacy of the alternative in treating or managing the hazardous materials, reduction or elimination of hazardous material releases and sources of releases, degree of irreversibility of waste treatment process, and the characteristics and quantity of treatment residuals generated;

(vi) Ability to be implemented. The ability to be implemented including consideration of technical feasibility, availability of needed off-site facilities, services and materials, administrative and regulatory requirements, scheduling, monitoring requirements, access for construction, operations and monitoring, and integration with existing facility operations and other current or potential remedial actions;

(vii) Cost, including consideration of present and future direct and indirect capital, operation and maintenance costs;

(viii) The degree to which community concerns are addressed; and

(ix) The degree to which recycling, reuse, and waste minimization are employed.

(f) Work plans. A sampling and analysis plan, and a safety and health plan shall be prepared as part of state remedial investigation/feasibility study activities. These plans shall conform to the requirements specified in this chapter.

(g) Treatability studies. The department may require treatability studies as necessary to provide sufficient information to develop and evaluate cleanup action alternatives for a site.

(h) Environmental impact. Sufficient information shall be provided to fulfill the requirements of the State Environmental Policy Act.

(i) Other information as required by the department.

(6) In appropriate cases the department may allow departure from the requirements of subsection (5) of this section and will allow information to be incorporated by reference to avoid unnecessary duplication.

(7) Report. A report shall be prepared at the completion of the remedial investigation/feasibility study. Additionally, the department may require reports following discrete elements of the remedial investigation/feasibility study to be submitted. Reports prepared under this

section and under an order or decree shall be submitted to the department for review and approval.

NEW SECTION

WAC 173-340-360 SELECTION OF CLEANUP ACTIONS.

(1) General requirements. All cleanup action plans approved and cleanup actions conducted under this chapter shall meet the following requirements:

- (a) Achieves a degree of cleanup that is protective of human health and the environment;
- (b) Addresses the requirements of applicable state, federal, and local laws;
- (c) Uses permanent solutions to the maximum extent practicable;
- (d) Provides adequate monitoring to ensure the effectiveness of the cleanup action;
- (e) Is appropriate for conditions and circumstances at the facility; and
- (f) Achieves compliance with cleanup standards.

(2) General considerations.
 (a) Cleanup actions involving treatment which permanently and significantly reduces the volume, toxicity, or mobility of the hazardous substances shall be preferred over cleanup actions not involving such treatment.

(b) The off-site transport and disposal of hazardous substances or contaminated materials without treatment is the least favored alternative cleanup action where practicable treatment technologies are available.

(3) Draft cleanup action plan. The department shall issue a draft cleanup action plan for cleanup actions conducted under the provisions of this chapter. The cleanup action plan shall include the following:

- (a) A description of the cleanup action to be implemented, including an explanation of how that action will meet the requirements of section 3 (1)(b) and (2)(d), chapter 2, Laws of 1989;
- (b) A brief summary of other cleanup alternatives evaluated in the remedial investigation/feasibility study or comparable documents;
- (c) A brief summary of how the proposed cleanup alternative addresses the factors in WAC 173-340-350 (3)(a);
- (d) A schedule for implementation of the cleanup action plan; and
- (e) Identification of applicable federal, state, and local requirements to be met to complete the cleanup action.

(4) Public participation. The department will provide public notice and opportunity for comment on the draft cleanup plan as described in WAC 173-340-600.

(5) Final plan. After completion of the public comment period the department shall issue a final cleanup action plan and publish its availability in the site register and by other appropriate methods.

PART IV—SITE CLEANUP AND MONITORING

NEW SECTION

WAC 173-340-400 CLEANUP ACTIONS. Unless otherwise directed by the department, cleanup actions shall comply with this section except for emergencies or interim actions.

(1) Purpose. The purpose of this section is to ensure that the cleanup action:

- (a) Is designed, constructed, and operated in a manner which is consistent with the cleanup action plan and accepted engineering practices;
- (b) Is protective of human health and the environment;
- (c) Complies with cleanup standards; and
- (d) Results in compliance with applicable federal, state, and local requirements.

(2) Administrative options. A cleanup action may be conducted under any of the procedures described in WAC 173-340-510.

(3) Public participation. During cleanup action implementation, public participation shall be accomplished in a manner consistent with the requirements of WAC 173-340-600.

(4) Plans describing the cleanup action. Design, construction, and operation of the cleanup action shall be consistent with the purposes of this section and shall consider relevant information provided by the state remedial investigation/feasibility study. For most cleanups, to ensure this is done it will be necessary to prepare the following engineering documents. The scope and level of detail in these documents may vary from site to site depending on the site specific conditions and nature and complexity of the proposed cleanup action. In some cases it

may be appropriate to combine the information in these various documents into one report to avoid unnecessary duplication. Any document prepared in order to implement a cleanup may be used to satisfy these requirements provided they contain the required information. In addition, for facilities on the national priorities list the plans prepared for the cleanup action shall also comply with federal requirements.

(a) Design engineering report. The engineering report shall include sufficient information for the development and review of construction plans and specifications. It shall document engineering concepts and design criteria used for design of the cleanup action. The following information shall be included in the engineering report, as appropriate:

(i) Goals of the cleanup action including specific cleanup or performance requirements;

(ii) General information on the facility including a summary of information in the state remedial investigation/feasibility study updated as necessary to reflect the current conditions;

(iii) Identification of who will own, operate, and maintain the cleanup action during and following construction;

(iv) Facility maps showing existing site conditions and proposed location of the cleanup action;

(v) Characteristics, quantity, and location of materials to be treated or otherwise managed, including ground water containing hazardous substances;

(vi) A schedule for final design and construction;

(vii) A description and conceptual plan of the actions, treatment units, facilities, and processes required to implement the cleanup action including flow diagrams;

(viii) Engineering justification for design and operation parameters, including: Design criteria, assumptions and calculations for all components of the cleanup action; expected treatment, destruction, immobilization, or containment efficiencies and documentation on how that degree of effectiveness is assured; assurance that the cleanup action will achieve compliance with cleanup requirements by citing pilot or treatability test data, results from similar operations, or scientific evidence from the literature;

(ix) Design features for control of hazardous materials spills and accidental discharge (for example, containment structures, leak detection devices, run-on and run-off controls);

(x) Design features to assure long-term safety of workers and local residences (for example, hazardous substances monitoring devices, pressure valves, bypass systems, safety cutoffs);

(xi) A discussion of methods for management or disposal of any treatment residual and other waste materials containing hazardous substances generated as a result of the cleanup action;

(xii) Facility specific characteristics which may affect design, construction, or operation of the selected cleanup action, including: Relationship of the proposed cleanup action to existing facility operations; probability of flooding, probability of seismic activity, temperature extremes, local planning and development issues; soil characteristics and ground water system characteristics;

(xiii) A general description of construction testing which will be used to demonstrate adequate quality control;

(xiv) A general description of compliance monitoring which will be performed during and after construction to meet the requirements of WAC 173-340-410;

(xv) A general description of construction procedures proposed to assure that the safety and health requirements of WAC 173-340-810 are met;

(xvi) Any additional information needed to supplement that provided in the state remedial investigation/feasibility study to fulfill the requirements of the State Environmental Policy Act (chapter 43.21C RCW);

(xvii) Any additional information needed to address the applicable state, federal and local requirements; and property access issues which need to be resolved to implement the cleanup action; and

(xviii) Other information as required by the department.

(b) Construction plans and specifications. Construction plans and specifications shall detail the cleanup actions to be performed. The plans and specifications shall be prepared in conformance with currently accepted engineering practices and techniques and shall include the following information as applicable:

(i) A general description of the work to be performed and a summary of the engineering design criteria from the engineering design report;

(ii) General location map and existing facility conditions map;

(iii) A copy of any permits and approvals;

- (iv) Detailed plans and procedural material specifications necessary for construction of the cleanup action;
- (v) Specific quality control tests to be performed to document the construction, including specifications for the testing or reference to specific testing methods, frequency of testing, acceptable results, and other documentation methods;
- (vi) Startup procedures and criteria to demonstrate the cleanup action is prepared for routine operation;
- (vii) Additional information to address applicable state, federal, and local requirements;
- (viii) A compliance monitoring plan prepared under WAC 173-340-410 describing monitoring to be performed during construction, and a sampling and analysis plan meeting the requirements of WAC 173-340-820;
- (ix) Procedures to assure safety and health requirements of WAC 173-340-810 are met, including specification of contaminant action levels and contingency plans as appropriate; and
- (x) Other information as required by the department.
- (c) Operation and maintenance plan. An operation and maintenance plan which presents technical guidance and regulatory requirements to assure effective operations under both normal and emergency conditions. The operation and maintenance plan shall include the following elements, as appropriate:
 - (i) Name and phone number of the responsible individuals;
 - (ii) Cleanup action implementation schedule;
 - (iii) Process description and operating principles;
 - (iv) Design criteria and operating parameters and limits;
 - (v) General operating procedures, including startup, normal operations, operation at less than design loading, shutdown, and emergency or contingency procedures;
 - (vi) A discussion of the detailed operation of individual treatment units, including a description of various controls, recommended operating parameters, safety features, and any other relevant information;
 - (vii) Procedures and sample forms for collection and management of operating and maintenance records;
 - (viii) Spare part inventory, addresses of suppliers of spare parts, equipment warranties, and appropriate equipment catalogues;
 - (ix) Equipment maintenance schedules incorporating manufacturer's recommendations;
 - (x) Contingency procedures for spills, releases, and personnel accidents;
 - (xi) A compliance monitoring plan prepared under WAC 173-340-410 describing monitoring to be performed during operation and maintenance, and a sampling and analysis plan meeting the requirements of WAC 173-340-820;
 - (xii) Description of procedures which assure that the safety and health requirements of WAC 173-340-810 are met, including specification of contaminant action levels and contingency plans, as appropriate;
 - (xiii) Procedures for the maintenance of the facility after completion of the cleanup action, including provisions for removal of unneeded appurtenances, and the maintenance of covers, caps, containment structures, and monitoring devices; and
 - (xiv) Other information as required by the department.
- (5) In appropriate cases the department may authorize departure from the requirements of subsection (4) of this section, and may allow information to be incorporated by reference to avoid unnecessary duplication.
- (6) Administrative actions required for construction or to otherwise implement the cleanup action shall be identified and where possible, resolved prior to, or during, the design phase to avoid delays during construction and implementation of the cleanup action.
- (7) Construction. Construction shall be conducted in accordance with the construction plans and specifications, and other plans prepared under this section.
 - (a) Department inspections.
 - (i) The department may perform site inspections and construction oversight. The department may require that construction activities be halted at a site if construction or any supporting activities: Are not consistent with approved plans; are not in compliance with environmental regulations or accepted construction procedures; or endanger human health or the environment.
 - (ii) The department may conduct a formal inspection of the site following construction and an initial operational shake down period to

ensure satisfactory completion of the construction. If such an inspection is performed, the construction documentation report and engineer's opinion specified in (b)(ii) of this subsection shall be available prior to the inspection.

(b) Construction documentation.

(i) All aspects of construction shall be performed under the supervision of a professional engineer registered in the state of Washington or a qualified technician under the direct supervision of a professional engineer registered in the state of Washington. During construction detailed records shall be kept of all aspects of the work performed including construction techniques and materials used, items installed, and tests and measurements performed.

(ii) As built reports. At the completion of construction the engineer responsible for the supervision of construction shall prepare as built drawings and a report documenting all aspects of facility construction. The report shall also contain an opinion from the engineer, based on testing results and inspections, as to whether the cleanup action has been constructed in substantial compliance with the plans and specifications and related documents.

(iii) In appropriate cases the department may authorize departure from the requirements of this subsection and may allow information to be incorporated by reference to avoid unnecessary duplication.

(c) Plan modifications. Changes in the design or construction of the cleanup action performed under an order or decree shall be approved by the department.

If the department determines that the design and construction plan represents a substantial change from the cleanup action plan, the department shall provide public notice and opportunity for comment under WAC 173-340-600.

(8) Plans or reports prepared under this section and under an order or decree shall be submitted to the department for review and approval.

(9) Waste management. Any waste contaminated by a hazardous substance generated during cleanup activities and requiring off-site treatment, storage or disposal, shall be transported to a facility permitted or approved to handle these wastes.

NEW SECTION

WAC 173-340-410 COMPLIANCE MONITORING REQUIREMENTS. (1) Purpose. The purposes of compliance monitoring and evaluation of the data are to:

(a) Protection monitoring. Confirm that human health and the environment are adequately protected during construction and the operation and maintenance period of an interim action or cleanup action as described in the safety and health plan;

(b) Performance monitoring. Confirm that the interim action or cleanup action has attained cleanup or performance standards;

(c) Confirmational monitoring. Confirm the long-term effectiveness of the interim action or cleanup action once cleanup or performance standards have been attained.

(2) General requirements. Compliance monitoring shall be required for all cleanup actions and may be required for interim actions performed under this chapter.

(3) Compliance monitoring plans. A compliance monitoring plan shall be prepared for all cleanup actions and may be required for interim actions unless otherwise directed by the department and except for emergency actions. Plans prepared under this section and under an order or decree shall be submitted to the department for review and approval. Protection monitoring may be addressed in the safety and health plan. Performance and confirmational monitoring may be addressed in separate plans and may be combined with other plans or submittals, such as those in WAC 173-340-400 and 173-340-820.

Compliance monitoring plans shall be specific for the media being tested and shall contain the following elements:

(a) A sampling and analysis plan meeting the requirements of WAC 173-340-820 which shall explain in the statement of objectives how the purposes of WAC 173-340-410(2) are met;

(b) Data analysis and evaluation procedures used, to demonstrate and confirm compliance and justification for these procedures, including:

(i) A description of any statistical method to be employed; or

(ii) If sufficient data is not available prior to writing the plan to propose a reliable statistical method to demonstrate and confirm compliance, a contingency plan proposing one or more reliable statistical methods to demonstrate and confirm compliance, and the conditions under which the methods would be used at the facility; and

(c) Other information as required by the department.

NEW SECTION

WAC 173-340-420 PERIODIC REVIEW. If the department selects or approves a cleanup action that results in hazardous substances remaining at a site, the department shall review such cleanup action no less frequently than every five years after the initiation of such cleanup action to assure that human health and the environment are being protected.

NEW SECTION

WAC 173-340-430 INTERIM ACTIONS. (1) Purpose. The purpose of this section is to describe how certain interim actions can occur prior to the selection and completion of a cleanup action. An interim action is:

(a) An action that is technically necessary to reduce a threat or potential threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance at a facility; or

(b) An action that corrects a problem that may become substantially worse or cost substantially more to address if the action is delayed; or

(c) An action needed to provide for completion of a site hazard assessment, state remedial investigation/feasibility study or design of a cleanup action.

(d) Example. A site is identified where oil-based wood preservative has leaked from a tank and is puddled on the ground and is floating on the water table. Run-off from adjacent properties passes through the site. Neighborhood children have been seen on the site. In this case, several interim actions would be appropriate prior to fully defining the extent of the distribution of hazardous substances at the site and selecting a cleanup action. These interim actions might consist of removing the tank, fencing the site, rerouting run-off, and removing the product puddled on the ground and floating on the water table. Further studies would then determine what additional soil and ground water cleanup would be needed.

(2) General requirements.

(a) Interim actions may:

(i) Achieve cleanup standards for a portion of the site;

(ii) Provide a partial cleanup, that is, cleanup hazardous substances from all or part of the site, but not achieve cleanup standards;

(iii) Provide a partial cleanup of hazardous substances and not achieve cleanup standards, but provide information on how to achieve cleanup standards for a cleanup. For example, demonstration of an unproven cleanup method.

(b) Relationship to the cleanup action:

(i) If the cleanup action is known, the interim action shall be consistent with the cleanup action.

(ii) If the cleanup action is not known, the interim action shall not foreclose reasonable alternatives for the cleanup action. This is not meant to preclude the destruction or removal of hazardous substances.

(3) Timing.

(a) Interim actions may occur anytime during the cleanup process. Interim actions shall not be used to delay or supplant the cleanup process. An interim action may be done prior to or in conjunction with a site hazard assessment and hazard ranking. However, sufficient technical information must be available regarding the facility to ensure the interim action is appropriate and warranted.

(b) Interim actions shall be followed by additional remedial actions unless compliance with cleanup standards has been confirmed at the site.

(c) The department shall set appropriate deadlines commensurate with the actions taken for completion of the interim action.

(4) Submittal requirements. Prior to conducting an interim action, a report shall be prepared. Reports prepared under an order or decree shall be submitted to the department for review and approval. Reports shall be of a scope and detail commensurate with the work performed and site-specific characteristics, and shall include, as appropriate:

(a) A description of the interim action and how it will meet the criteria identified in subsections (1) and (2) of this section;

(b) Information from the applicable subsections of the remedial investigation/feasibility study of WAC 173-340-350, including at a minimum;

(i) A description of existing site conditions and a summary of all available data related to the interim action;

(ii) Alternative interim actions considered and an explanation why the proposed alternative was selected;

(c) Information from the pertinent subsections of the design and construction requirements of WAC 173-340-400;

(d) A compliance monitoring plan meeting the pertinent requirements of WAC 173-340-410;

(e) A safety and health plan meeting the requirements of WAC 173-340-810; and

(f) A sampling and analysis plan meeting the requirements of WAC 173-340-820.

(5) Construction. Construction of the interim action shall be in conformance with WAC 173-340-400(5).

(6) Administrative options. Interim cleanup actions may be conducted under any of the procedures described in WAC 173-340-510.

(7) Public participation will be accomplished in a manner consistent with WAC 173-340-600.

PART V—ADMINISTRATIVE PROCEDURES FOR REMEDIAL ACTIONS

NEW SECTION

WAC 173-340-500 DETERMINATION OF STATUS AS A POTENTIALLY LIABLE PERSON. (1) Status letter. The department shall issue a potentially liable person status letter to any person it believes to be potentially liable as provided for in section 2(8), chapter 2, Laws of 1989. Persons will be notified when the department has credible evidence of their potential liability under section 4, chapter 2, Laws of 1989 and when the department is ready to proceed with remedial action except for emergencies and initial investigations. The status letter shall be sent by certified mail, return receipt requested, or by personal service.

(2) Contents of letter. The status letter shall provide:

(a) The name of the person the department believes to be potentially liable;

(b) A general description of the location of the facility;

(c) The basis for the department's belief that the person has a relationship to the facility;

(d) The basis for the department's belief that a release or threatened release of a hazardous substance has occurred at the facility and that the release or threatened release poses a threat or potential threat to human health or the environment;

(e) This letter shall provide an indication of the department's intentions regarding enforcement or other actions at the facility; and

(f) The names of other persons to whom the department has sent a status letter.

(3) Opportunity to comment. Any comments shall be submitted in writing to the department within thirty days from the date of receipt of the status letter unless the department provides an extension.

(4) Determination of status. If after reviewing any comments submitted, the department concludes that credible evidence supports a finding of liability, then the department shall issue a determination of potentially liable person status.

(5) Voluntary waiver. Persons may accept status as a potentially liable person at any time through a voluntary waiver of their right to notice and comment.

(6) Additional potentially liable persons. The department reserves the right to notify additional potentially liable persons at any time, and as resources permit, will facilitate potentially liable persons' efforts to identify additional potentially liable persons. The department shall notify in writing, all persons who previously received a status letter for the facility whenever additional status letters have been sent.

NEW SECTION

WAC 173-340-510 ADMINISTRATIVE OPTIONS FOR REMEDIAL ACTIONS. (1) Policy. It is the responsibility of each and every potentially liable person to perform a thorough and expeditious cleanup of sites where a release or threatened release of a hazardous substance requires remedial action. Potentially liable persons are encouraged to initiate discussions and negotiations with the department and the office of the attorney general which may lead to an agreement on the remedial action to be conducted with the state of Washington. The department may provide informal advice and assistance on the development of proposals for remedial action, as provided by WAC 173-340-130. Any approval by the department or the state of remedial action shall occur by one of the means described in subsections (2) and (3) of this section.

(2) Actions initiated by the potentially liable person. Potentially liable persons may initiate a remedial action, as follows:

(a) A person may initiate negotiations for a consent decree by submitting a letter under WAC 173-340-520(1).

(b) A person may request an agreed order by submitting a letter under WAC 173-340-530.

(3) Action initiated by the department. The department may initiate remedial action by:

(a) Issuing a letter inviting negotiations on a consent decree under WAC 173-340-520(2); or

(b) Issuing an enforcement order under WAC 173-340-540.

(4) Department remedial action. Nothing in this chapter shall preclude the department from taking appropriate remedial action on its own at any time. Except for emergency actions and initial investigations, reasonable effort will be made to notify potentially liable persons prior to the department taking remedial actions for which the recovery of public funds can be sought under section 5(3), chapter 2, Laws of 1989.

(5) Independent remedial action. Nothing in this chapter shall preclude potentially liable persons from taking independent remedial action without oversight or approval from the department at sites not under an order or decree. Persons performing independent remedial actions do so at their own risk and may be required to take additional remedial actions if the department deems such actions necessary. In such circumstances, the department reserves all of its rights to take actions authorized by law.

NEW SECTION

WAC 173-340-520 CONSENT DECREES. (1) Initiated by potentially liable persons. To request a consent decree a person shall submit a letter to the department and office of the attorney general via certified mail, return receipt requested, or by personal delivery.

(a) Request. The letter shall describe, based on available information:

(i) The proposed remedial action, including the schedule for the work;

(ii) Information which demonstrates that the settlement will lead to a more expeditious cleanup, be consistent with cleanup standards if the remedial action is a cleanup action, and be consistent with any previous orders;

(iii) The facility, including location and boundaries;

(iv) The environmental problems to be addressed including a description of the releases at the facility and the potential impact of those releases to human health and the environment;

(v) A summary of the relevant historical use or conditions at the facility;

(vi) The date on which the potentially liable person will be ready to submit a detailed proposal;

(vii) Any special scheduling considerations for implementing the remedial actions;

(viii) Names of other persons who the person has reason to believe may be potentially liable persons at the facility; and

(ix) A proposed public participation plan. This proposed plan shall be commensurate with the nature of the proposal and site and shall include the elements listed in WAC 173-340-600(8).

(b) The letter may include:

(i) A waiver of the procedural requirements of WAC 173-340-500 and acceptance, for purposes of settlement, of potentially liable person status.

(ii) The contents of detailed proposal under (f) of this subsection.

(c) Recognizing that the steps of the cleanup process may be combined and may vary by site, the information in the request shall be at the level of detail appropriate to the steps in the process for which the consent decree is requested. For example, a request for a consent decree for a state remedial investigation/feasibility study should generally include the level of information needed for a site hazard assessment, so that the department and the public can evaluate the proposed scope of work and relative priority of the site.

(d) The department may waive part of the letter requirements of (a) of this subsection if the requirements have already been met.

(e) Response. The department shall respond to the request, unless the department needs additional time to determine potentially liable person status under WAC 173-340-500. This determination will be based in part on a preliminary finding by the department that any resulting consent decree would be in accordance with section 4 (4)(a), chapter 2, Laws of 1989. The department may:

(i) Request additional information;

(ii) Accept the request and require the person to submit a detailed written proposal by a specified date; or

(iii) Provide written reasons for denying the request.

(f) Contents of detailed proposal. The proposal shall contain:

(i) A proposed technical scope of work describing the remedial action to be conducted;

(ii) The data, studies, or any other information upon which the settlement proposal is based;

(iii) A statement describing the potentially liable person's ability to conduct or finance the remedial action as described in the proposed scope of work; and

(iv) A schedule for proposed negotiations and implementation of the proposed remedial actions.

(g) The department and the office of the attorney general shall determine whether the proposal provides a sufficient basis for negotiations, and shall deliver to the potentially liable person within sixty days following receipt of their proposal a written notice indicating whether or not the proposal is sufficient to proceed with negotiations.

(h) Time limits for negotiations. The department shall set the time period and starting date for negotiations. The department and the office of the attorney general shall then negotiate with those potentially liable persons who have received a notice under (e) of this subsection that their proposal was sufficient to proceed with negotiations. Negotiations may address one or more phases of remedial action. The length of the negotiation period specified by the department shall be no less than that proposed by the potentially liable person provided it does not conflict with the deadlines established under WAC 173-340-140.

(i) Enforcement stay. Unless an emergency exists, the department will stay any enforcement action under chapter 2, Laws of 1989, but the duration of such stay shall not exceed one hundred twenty days from the date negotiations begin. The department can withdraw from negotiations if it determines that:

(i) Reasonable progress is not being made toward a consent decree acceptable to the department; or

(ii) The proposal is inappropriate based on new information or changed circumstances.

The department may commence with enforcement action after notifying the potentially liable person, in writing, of its intent to withdraw from negotiations.

(2) State-initiated procedures. When the department believes that a consent decree will be a more expeditious method to achieve remedial action at a facility, it may initiate the procedures set forth in this subsection by sending a letter to the potentially liable person. The letter shall be sent via certified mail, return receipt requested, or by personal service.

(a) The letters may be delivered with potentially liable person status letters issued under WAC 173-340-500. The period for negotiation shall not commence until the thirty-day comment period required by WAC 173-340-500 has expired or the person expressly waives the procedural requirements of WAC 173-340-500.

(b) Contents of letter. The letter shall:

(i) Inform potentially liable person(s) that the department and the attorney general want to begin negotiations which may lead to a consent decree providing for remedial action;

(ii) Propose a draft consent decree and scope of work;

(iii) Define the negotiation process and schedule which shall not exceed ninety days;

(iv) Reference the department's finding under WAC 173-340-500;

(v) Request a written statement of the potentially liable person's willingness to proceed with the negotiation process defined in the letter; and

(vi) Request the names of other persons whom the person has reason to believe may be potentially liable persons at the facility.

(c) The letter may request the potentially liable person to respond, in writing, to the proposed draft consent decree and scope of work prior to initiating the negotiation phase.

(d) Negotiations. The department and the office of the attorney general shall negotiate with potentially liable persons who have indicated to the department a willingness to proceed with the negotiations. The negotiation time frame shall begin from the date the potentially liable person receives the letter under (a) of this subsection unless modified by the department. Negotiations may address one or more phases of remedial action.

(e) Enforcement stay. Unless an emergency exists, the department will stay any enforcement action under chapter 2, Laws of 1989, but the duration of the stay shall not exceed ninety days from the date negotiations begin. The department can withdraw from negotiations if it determines that:

(i) Reasonable progress is not being made toward a consent decree acceptable to the department; or

(ii) The proposal is inappropriate based on new information or changed circumstances. The department may commence with enforcement action after notifying the potentially liable person, in writing, of its intent to withdraw from negotiations.

(f) Deadline extensions. The department may at its discretion extend the deadline for negotiations established in (b) of this subsection, provided the extension does not exceed thirty days.

(3) Filing a decree. After satisfying the public comment and hearing requirements, the department shall determine whether the proposed settlement negotiated under subsection (1) or (2) of this section, is more expeditious and consistent with cleanup standards established and in compliance with any order issued by the department relevant to the remedial action. After making the requisite findings, the department shall refer the proposed consent decree with the findings required by section 4(4), chapter 2, Laws of 1989, to the office of the attorney general. If agreed to by the office of the attorney general, the consent decree will be filed by that office with the appropriate superior court or the federal court having jurisdiction over the matter.

NEW SECTION

WAC 173-340-530 AGREED ORDERS. (1) Agreed orders may be used for all remedial actions except for nonroutine cleanup actions and interim actions that constitute a substantial majority of a cleanup action likely to be selected. Since an agreed order is not a settlement, an agreed order shall not provide for mixed funding, a covenant not to sue, or protection from claims for contribution. An agreed order shall only mean that as of the effective date of the order, the actions encompassed by the agreed order satisfy the department's requirements for such action at that time. The department may require additional remedial actions should it deem such actions necessary.

(2) Request.

(a) To request an agreed order, a person shall submit a letter to the department based on available information, describing:

- (i) The proposed remedial action including a schedule for the work;
- (ii) The facility, including location and boundaries;
- (iii) The environmental problems to be addressed, including the releases at the facility and the potential impact of those releases to human health and the environment;
- (iv) A summary of the relevant historical use or conditions at the facility;

(v) Names of other persons whom the person has reason to believe may be potentially liable persons at the facility; and

(vi) A proposed public participation plan. This proposed plan shall be commensurate with the nature of the proposal and site and shall include at a minimum the elements listed in WAC 173-340-600(6).

(b) The letter may include a waiver of the procedural requirements of WAC 173-340-500, and acceptance, for purposes of the order, of potentially liable person status.

(c) Recognizing that the basic steps of the cleanup process may be combined and may vary by site, the information in the request shall be at the level of detail appropriate to the step in the process for which the order is requested. For example, a request for an order for a state remedial investigation/feasibility study should generally include the level of information needed for a site hazard assessment, so that the department and the public can evaluate the proposed scope of work and relative priority of the site.

(d) The department may waive part of the letter requirements of (a) of this subsection if the requirements have already been met.

(3) Response. The department shall respond to the request within sixty days, unless the department needs additional time to determine potentially liable person status under WAC 173-340-500. The department may:

- (a) Request additional information;
 - (b) Proceed with discussions, if the department believes it is in the public interest to do so; or
 - (c) Provide written reasons for denying the request.
- (4) Discussions on the order shall not exceed sixty days unless the department decides continued discussions are in the public interest.

Unless an emergency exists, the department will stay any enforcement action under chapter 2, Laws of 1989; however, the duration of such stay shall not exceed sixty days from the date discussions begin. Furthermore, the department can withdraw from discussions if it determines that:

- (a) Reasonable progress is not being made toward an agreed order acceptable to the department; or
- (b) The agreed order is inappropriate based on new information or changed circumstances.

The department may commence with enforcement action after notifying the potentially liable person in writing of its intent to withdraw from discussions.

(5) Focus of discussions. The focus of discussions for the agreed order shall ordinarily be the technical scope of work and work schedule. This subsection is not intended to preclude discussion on any item. It is intended to convey the expectation that the scope of work and work schedule will be the primary topics of discussion in formulating agreed orders.

(6) Prior to signing an agreed order, the department shall provide appropriate public participation opportunities under WAC 173-340-600. If the agreed order is for a routine cleanup action and any person requests judicial review, then the applicable consent decree procedures under WAC 173-340-520 will be initiated.

(7) Revisions. If the department and the potentially liable person signing the order agree to substantial changes in the order, the department shall provide appropriate additional public notice and opportunity to comment.

NEW SECTION

WAC 173-340-540 ENFORCEMENT ORDERS. The department may issue an enforcement order requiring remedial action after issuing a notice of potentially liable person status letter under WAC 173-340-500. In emergencies, the notice of potentially liable person status may occur concurrently with the issuance of the order. Unless an emergency requires otherwise, the issuance of a potentially liable person status letter shall precede or take place concurrently with the issuance of an order. Furthermore, except in an emergency, the department shall issue its determination under WAC 173-340-500(4) before an order can become effective.

NEW SECTION

WAC 173-340-550 PAYMENT OF REMEDIAL ACTION COSTS. (1) Policy. Section 5(3), chapter 2, Laws of 1989 requires that the state seek to recover the amounts spent by the department for investigative and remedial actions and orders. It is the department's intention to recover those costs which are reasonably attributable to the site. Timing of cost recovery for individual sites will be considered on a case-by-case basis, however, the department generally will seek payment of costs as they are incurred.

(2) Costs. Each person who is liable under chapter 2, Laws of 1989 is liable for remedial action costs incurred by the department. Remedial action costs are costs reasonably attributable to the site and may include costs of direct activities, support costs of direct activities, and interest charges for delayed payments.

(3) Request for payment. When the department requests payment of remedial action costs it shall provide an itemized statement documenting the costs incurred.

(4) Interest charges. A minimum of twelve percent interest shall accrue on all remedial action costs not paid within ninety days of the billing date, or within another longer time period designated by the department.

(5) Contribution rights. In addition to any other action under chapter 2, Laws of 1989, cost recovery is available through contribution actions between potentially liable persons, unless such claims are barred by section 4 (4)(d), chapter 2, Laws of 1989. The right to contribution furthers the purposes of chapter 2, Laws of 1989 because it provides an incentive for potentially liable persons to work with the department in complying with chapter 2, Laws of 1989.

(6) Natural resource damages. Nothing in this section shall affect the authority of the department and the office of attorney general to recover natural resource damages.

NEW SECTION

WAC 173-340-560 MIXED FUNDING. (1) Introduction. Under section 7 (2)(d)(xi), chapter 2, Laws of 1989, the department may provide public funds from the state toxics control account to a potentially liable person for the purpose of assisting with the payment of remedial action costs regardless of when incurred. This assistance can be provided in the form of a loan or a contribution, in cash or in kind. Any funding decision under this section is solely the responsibility of the director.

(2) Applicability and request.

(a) Mixed funding shall be provided only to potentially liable persons whom the department has found to be eligible and who have entered into a consent decree with the department under the requirements of this chapter.

(b) The consent decree shall identify remedial action tasks to be addressed by the mixed funding, costs to be borne by the potentially liable person, costs to be borne by the state toxics control account and terms of the agreement. In the case of loans, the consent decree shall also define any terms and conditions under which the potentially liable person receiving mixed funding has agreed to reimburse the state toxics control account.

(c) The potentially liable person shall submit sufficient documentation to support its request for mixed funding.

(3) Eligibility and mixed funding criteria. The director shall make a determination, based upon specific criteria whether a proposal is eligible for funding. The only circumstances under which mixed funding can be approved by the department are when the funding will achieve both:

(a) A substantially more expeditious or enhanced cleanup than would otherwise occur; and

(b) The prevention or mitigation of unfair economic hardship. In considering this criterion the department shall consider the extent to which mixed funding will either:

(i) Prevent or mitigate unfair economic hardship faced by the potentially liable person if the remedial action plan were to be implemented without public funding; or

(ii) Achieve greater fairness with respect to the payment of remedial action costs between the potentially liable person entering into a consent decree with the department and any nonsettling potentially liable persons.

(4) Funding decision. The department may have informal discussions on mixed funding. If a potentially liable person is found to be eligible for mixed funding, the director shall make a determination regarding the amount of funding to be provided, if any. This shall be determined solely in the discretion of the director and is not subject to review. A determination of eligibility is not a funding commitment. Actual funding will depend on the availability of funds.

(5) The department may recover the amount of public funding spent on investigations and remedial actions from potentially liable persons who have not entered into a consent decree under this chapter. For purposes of such cost recovery action, the amount in mixed funding attributed to the site shall be considered as remedial action costs paid by the department.

PART VI—PUBLIC PARTICIPATION

NEW SECTION

WAC 173-340-600 PUBLIC NOTICE AND PARTICIPATION. (1) Purpose. Public participation is an integral part of the department's responsibilities under the Model Toxics Control Act. The department's goal is to provide the public with timely information and meaningful opportunities for participation which are commensurate with each site. The department will meet this goal through a public participation program that includes: The early planning and development of a site-specific public participation plan; the provision of public notices; a site register; public meetings or hearings; and the participation of regional citizens' advisory committees.

(2) Criteria. In order to promote effective and meaningful public participation, the department may determine that public participation opportunities in addition to those specifically required by chapter 2, Laws of 1989, or this chapter, are appropriate and should be provided. In making this determination, the department may consider:

(a) Known or potential risks to human health and the environment that could be avoided or reduced by providing information to the public;

(b) Public concerns about the facility;

(c) The need to contact the public in order to gather information about the facility;

(d) The extent to which the public's opportunity to affect subsequent departmental decisions at the facility may be limited or foreclosed in the future;

(e) The need to prevent disclosure of confidential, unverified, or enforcement-sensitive information;

(f) The routine nature of the contemplated remedial action; and

(g) Any other factors as determined by the department.

(3) Public notice. Whenever public notice is required by chapter 2, Laws of 1989, the department shall at a minimum provide or require notice as described in this section except as specified for the biennial report in WAC 173-340-340.

(a) Request. Notice shall be mailed to persons who have made a timely request. A request for notice is timely if received prior to or during the public comment period for the current phase of remedial action at the facility. However, the receipt of a request for notice shall not require the department to extend the comment period associated with the notice.

(b) Direct mail. Notice shall be mailed to persons who reside within the potentially affected vicinity of the proposed action. The potentially affected vicinity shall include all property adjoining the site and any other area that the department determines to be directly affected by the proposed action.

(c) Newspaper publication. Notice of the proposed action shall be published in the newspaper of largest circulation in the city or county of the proposed action, by one or more of the following methods: Display ad; legal notice; or any other appropriate format, as determined by the department.

(d) Other news media. Notice of the proposed action shall be mailed to any other news media which the department determines to be appropriate. The department may consider how a medium compares with the newspaper of largest circulation in terms of: Audience reached; timeliness; adequacy in conveying the particular information in the notice; cost; or other relevant factors.

(e) Comment periods. All public notices shall indicate the public comment period on the proposed action.

(f) Combining public comment requirements. Whenever reasonable, the department shall consolidate public notice and opportunities for public comment under this chapter with public notice and comment requirements under other laws and regulations.

(4) Public meetings. During any comment period on a public notice issued under this chapter, if ten or more persons request a public meeting on the subject of the public notice, the department shall hold a public meeting for the purpose of receiving comments.

(5) Additional methods. In addition to "public notice" required by chapter 2, Laws of 1989, or this chapter, the department may use any of the following methods to provide information to the public:

(a) Press releases;

(b) Fact sheets;

(c) Public meetings;

(d) Publication;

(e) Personal contact by department employees;

(f) Posting signs at the facility;

(g) Notice in the site register;

(h) Any other methods as determined by the department.

(6) Site register. The department shall regularly publish and maintain a site register, giving notice of the following:

(a) Determinations of no further action under WAC 173-340-320;

(b) Results of site hazard rankings;

(c) Availability of annual and biennial reports;

(d) Issuance of orders, agreed orders, or proposed consent decrees;

(e) Public meetings or hearings;

(f) Scoping of department-conducted state remedial investigation/feasibility study;

(g) Availability of state remedial investigation/feasibility study reports and draft and final cleanup plans;

(h) Change in site status or placing or removing sites from the hazardous sites list;

(i) Availability of engineering design reports;

(j) Schedules developed under WAC 173-340-140;

(k) Reports of independent cleanup actions received under WAC 173-340-300;

(l) Commencement of negotiations or discussions under WAC 173-340-520 and 173-340-530; and

(m) Any other notice that the department deems appropriate for inclusion.

(7) Evaluation. As part of requiring or conducting a remedial action at any facility, the department shall evaluate public participation needs at the facility, including an identification of the potentially affected vicinity for the remedial action.

(8) Public participation plans.

(a) Scope. The public participation plans required by this section are intended to encourage a coordinated and effective public involvement tailored to the public's needs at a particular facility. The scope of a

plan shall be commensurate with the nature of the proposed remedial actions; the level of public concern; and the risks posed by the facility.

(b) Early planning encouraged. In order to develop an appropriate plan, the department or potentially liable person (if submitting a plan to the department) should engage in an early planning process to assess the public participation needs at the facility. This process may include identifying and conferring with individuals, community groups, local governments, tribes, public agencies, or any other organizations that may have an interest in or knowledge of the facility.

(c) Plan development. The department shall develop the plan, or work with the potentially liable person to develop the plan. If a plan already exists for a facility, the department shall consider whether the existing plan is adequate, or whether the plan should be amended. For example, a plan originally developed to address a state remedial investigation/feasibility study may need to be amended to address implementation phases.

(d) Plans required. As part of requiring or conducting a remedial action, except emergency actions, at any site that has been assigned a hazard ranking score, the department shall ensure that a public participation plan is developed and implemented. The department may also require the development of a public participation plan for facilities which have not been assigned a hazard ranking score as part of an agreed order or consent decree with a potentially liable person.

(e) Plan as part of order or decree. A potentially liable person will ordinarily be required to submit a proposed public participation plan as part of its request for an agreed order or a consent decree. If a plan already exists for the facility, the potentially liable person may either resubmit the existing plan with any proposed amendments or submit an entirely new proposed plan. The proposed plan may be revised during the course of discussions or negotiations on the agreed order or consent decree.

The final public participation plan will become part of the agreed order or consent decree.

(f) Contents. The public participation plan shall include the following:

(i) Applicable public notice requirements and how these will be met, including: When public notice will occur; the length of the comment periods accompanying each notice; the potentially affected vicinity and any other areas to be provided notice, to the extent known.

(ii) Information repositories. The plan should identify at least one information repository at an appropriate location. Multiple locations may be appropriate.

(iii) Methods of identifying the public's concerns. Such methods may include: Interviews; questionnaires; meetings; contacts with community groups or other organizations which have an interest in the site; establishing citizen advisory groups for sites; or obtaining advice from the appropriate regional citizens' advisory committee.

(iv) Methods of addressing the public's concerns and conveying information to the public. These may include any of the methods listed in subsection (5) of this section.

(v) Coordination of public participation requirements. The plan should identify any public participation requirements of other federal, state or local laws, and address how such requirements can be coordinated. For example, if Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) applies to the proposed action, the plan should explain how CERCLA and this chapter's public comment periods will be coordinated.

(vi) Amendments to the plan. The plan should outline the process for amending the plan. Any amendments must be approved by the department.

(vii) Any other elements that the department determines to be appropriate for inclusion in the final public participation plan.

(g) Implementation. The department shall retain approval authority over the actions taken by a potentially liable person to implement the plan.

(9) Consent decrees. In addition to any other applicable public participation requirements, the following shall be required for consent decrees.

(a) A public participation plan which meets the requirements of subsection (8) of this section shall be developed when required by subsection (8)(d) of this section.

(b) Notice of negotiations. When the department decides to proceed with negotiations it shall place a notice in the site register advising the public that negotiations have commenced. This notice shall include the name of the facility, a general description of the subject of the order and the deadlines for negotiations.

(c) Notice of proposed decree. The department shall provide or require public notice of proposed consent decree. The notice may be combined with notice of other documents under this chapter, such as a cleanup action plan, or under other laws. The notice shall briefly:

(i) Identify and generally describe the facility;

(ii) Identify the person(s) who are parties to the consent decree;

(iii) Generally describe the terms of the proposed consent decree;

(iv) Indicate the date, place, and time of the public hearing on the proposed consent decree; and

(v) Invite the public to comment at the public hearing or in writing. The public comment period shall run for at least thirty days from the date of the issuance of the notice.

(d) Public hearing. The department shall hold a public hearing on the proposed consent decree for the purpose of providing the public with an opportunity to comment.

(e) Revisions. If the state and the potentially liable person agree to substantial changes to the proposed consent decree, the department shall provide additional public notice and opportunity to comment.

(f) Extensions. The department shall provide public notice in the site register on the extension of deadlines for high priority sites.

(10) Agreed orders. In addition to any other applicable public participation requirements, the following shall be required for agreed orders under WAC 173-340-530.

(a) Public participation plan. A plan meeting the requirements of subsection (8) of this section shall be developed when required by subsection (8)(d) of this section.

(b) Notice of discussions. When the department decides to proceed with discussions it shall place a notice in the site register advising the public that discussions have commenced. This notice shall include the name of the facility, a general description of the subject of the order and the deadlines for discussions.

(c) Notice of orders. Public notice shall be provided by the department for any agreed order. For orders covering a state remedial investigation/feasibility study, public notice shall be mailed no later than thirty days prior to the effective date of the order. For all other agreed orders, public notice shall be mailed no later than three days after the date of issuance of the order. The department may determine that it is in the public interest to provide public notice prior to the effective date of any agreed order or to hold a public meeting or hearing. This notice shall briefly:

(i) Identify and generally describe the facility;

(ii) Identify the person(s) who are parties to the order;

(iii) Generally describe the terms of the proposed order; and

(iv) Invite the public to comment on the proposed order.

(d) Revisions. If the department and the potentially liable person agree to substantial changes to the proposed order, the department shall provide additional public notice and opportunity to comment.

(e) Extensions. The department shall publish in the site register the extension of deadlines for high priority sites.

(11) Enforcement orders. In addition to any other applicable public participation requirements, the department shall provide public notice of all enforcement orders. Except in the case of emergencies, notice shall be mailed no later than the date of the issuance of the order. In emergencies, notice shall be mailed no later than ten days after the issuance of the order.

(a) Contents of notice. All notices shall briefly:

(i) Identify and generally describe the facility;

(ii) Identify the person(s) who are parties to the order;

(iii) Generally describe the terms of the proposed order; and

(iv) Invite the public to comment on the proposed order.

(b) The department may amend the order on the basis of public comments. The department shall provide additional public notice and opportunity to comment if the order is substantially changed.

(12) State remedial investigation/feasibility study. In addition to any other applicable public participation requirements, the following shall be required during a state remedial investigation/feasibility study.

(a) Scoping. When the department elects to perform a state remedial investigation/feasibility study, public notice and an opportunity to comment on the scope of the state remedial investigation/feasibility study will be provided.

(b) Extensions. The department shall publish in the site register the extensions of deadlines for high priority sites.

(c) Report. The department shall provide or require public notice of state remedial investigation/feasibility study reports prepared under WAC 173-340-350. This public notice may be combined with public

notice of the draft cleanup action plan. At a minimum, public notice shall briefly:

- (i) Describe the site and state remedial investigation/feasibility study results;
- (ii) Identify the department's selected cleanup action and provide an explanation for its selection;
- (iii) Invite public comment on the report. The public comment period shall extend for at least thirty days from the date of mailing of the notice.

(13) Selection of cleanup actions. In addition to any other applicable public participation requirements, the department shall:

(a) Provide a notice of availability and a brief description of the proposed alternative in the site register;

(b) Provide public notice of the draft cleanup action plan. A notice of a draft cleanup plan may be combined with notice on the state remedial investigation/feasibility study. Notice of a final cleanup action plan may be combined with notice on a draft consent decree or on an order. At a minimum, public notice shall briefly:

- (i) Describe the site;
- (ii) Identify the department's selected cleanup action and provide an explanation for its selection;
- (iii) Invite public comment on the draft cleanup action plan. The public comment period shall run for at least thirty days from the date of issuance of the public notice.

(14) Cleanup action implementation. In addition to any other applicable public participation requirements, the following shall be required during cleanup action implementation.

(a) Public notice and opportunity to comment on a design and construction plan that represents a substantial change from the cleanup action plan.

(b) When the department conducts a cleanup action, public notice and an opportunity to comment shall be provided on the engineering report and notice shall be given in the site register.

(15) Routine cleanup and interim actions. In addition to any other applicable public participation requirements, the following will be required for routine cleanup actions and interim actions.

(a) Public notice shall be provided for any proposed routine cleanup or interim actions under WAC 173-340-130 or 173-340-430. This public notice shall be combined with public notice of an order or settlement whenever practicable.

(b) At a minimum, public notice shall briefly:

- (i) Describe the site;
- (ii) Identify the cleanup action;
- (iii) Identify the likely or planned schedule for the action;
- (iv) Reference any planning documents prepared for the action;
- (v) Identify department staff who may be contacted for further information; and
- (vi) Invite public comment on the routine cleanup or interim action. The public comment period shall extend for at least thirty days from the date of the mailing of notice.

NEW SECTION

WAC 173-340-610 REGIONAL CITIZENS' ADVISORY COMMITTEES. (1) The department shall establish regional citizens' advisory committees as part of a public participation program. The regional citizens' advisory committees are intended to promote meaningful and effective public involvement in the department's remedial action program under chapter 2, Laws of 1989. The committees will advise the department as to the concerns of citizens locally and regionally regarding the remedial actions within each committee's region, with emphasis on issues that affect the region as a whole, rather than site-specific concerns.

(2) Location. There shall be a regional citizens' advisory committee representing each geographic region of the state served by a regional office of the department.

(3) Membership. At any time, each committee shall have no fewer than five and no more than twelve members. The director shall, no later than March 1, 1990, appoint five members to each committee to represent citizens' interests in the region. These members shall serve three-year terms that may be renewed at the director's discretion. These members should represent citizen interests in the region.

(a) The director may appoint up to seven additional members to represent communities that may be affected by the remedial actions

within each region. These members shall serve two-year terms that may be renewed at the director's discretion.

(b) At no time shall more than twenty-five percent of the membership of any committee consist of persons who are elected or appointed public officials or their representatives.

(c) The department shall advise the public as to whether any vacancies exist on the committees, and shall accept applications from interested citizens.

(d) The following persons shall not be eligible to serve on any committee:

(i) Persons whom the department has found are potentially liable persons under WAC 173-340-500 with regard to any facility that is currently the subject of department investigative, remedial or enforcement actions, not including compliance monitoring;

(ii) Agents or employees of such potentially liable persons as described in (d)(i) of this subsection; and

(iii) Agents or employees of the department.

(e) A member shall refrain from participating in a committee matter if that member for any reason cannot act fairly and in the public interest with regard to that matter.

(f) The director may dismiss a member for cause in accordance with the terms of the regional citizens' advisory committee charter.

(4) Meetings. The committees shall meet at least twice a year at the regional offices or elsewhere as agreed upon by a committee and the department. Appropriate department staff may attend these meetings. The department shall brief the committees on the program's major planned and ongoing activities for the year.

(a) The department and the committees may agree to additional meetings.

(b) Each committee will designate one of its members to serve as chair. The committee chairs shall meet every year with the program manager or his/her designee.

(c) All committee meetings shall be open to the public. The department shall inform the public of committee meetings.

(5) Resources to be allocated to the committees.

(a) The department shall determine, after consulting with the committees, the amount of staff time and other department resources that shall be available to the committees for each biennium.

(b) The department shall designate staff to work with the committees.

(c) Members shall be reimbursed for travel expenses (as provided for in chapter 43.03 RCW) for any meetings approved by the department.

(6) Responsibilities. The committees are directed to:

(a) Meet at least twice annually;

(b) Inform citizens within each region as to the existence of the committees and their availability as a resource;

(c) Review the department's biennial program priorities, and advise the department of citizen concerns regarding the program priorities;

(d) Advise the department on a timely basis of citizen concerns regarding investigative or remedial activities within each region, and where possible, suggest ways in which the department can address those concerns;

(e) Annually prepare a brief report to the department describing:

(i) Major citizen concerns that have been brought to the committee's attention during the past year;

(ii) Any committee proposals or recommendations to address these concerns;

(iii) The committee's plans for the coming year; and

(iv) Any other information or issues which the committee believes appropriate for inclusion.

(7) The committees are encouraged to work with the department and the public to develop additional committee goals or responsibilities.

PART VII—CLEANUP STANDARDS

NEW SECTION

WAC 173-340-700 RESERVED.

PART VIII—GENERAL PROVISIONS

NEW SECTION

WAC 173-340-800 PROPERTY ACCESS. (1) Normal entry procedures. Whenever there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents or contractors may, after reasonable notice, enter upon any real property, public or private, to conduct investigations or remedial actions. For the purpose of this subsection, unless earlier access is granted, reasonable notice shall mean:

(a) Written notice to site owner and operator to the extent known to the department, sent through the United States Postal Service at least three days prior to entry; or

(b) Notice to site owner and operator to the extent known to the department, in person or by telephone at least twenty-four hours prior to entry.

(2) Notification of property owner. The department will ask a resident, occupant, or other persons in custody of the site to identify the name and address of owners of the property. If an owner is identified who has not been previously notified, the department will make a prompt and reasonable effort to notify such owners of remedial actions planned or conducted.

(3) Orders and consent decrees. Whenever investigations or remedial actions are conducted under a consent decree or order, a potentially liable person shall not deny access to the department's authorized employees, agents, or contractors to enter and move freely about the property to oversee and verify investigations and remedial actions being performed.

(4) Ongoing operations. Persons gaining access under this section shall take all reasonable precautions to avoid disrupting the ongoing operations on a site. Such persons shall comply with all state and federal safety and health requirements which the department determines to be applicable.

(5) Access to documents. The department's authorized employees, agents or contractors may, after reasonable notice, enter property for the purpose of inspecting documents relating to a release or threatened release at the facility. Persons maintaining such documents shall:

(a) Provide access during normal business hours and allow the department to copy these documents; or

(b) At the department's request, provide legible copies of the requested documents to the department.

(6) Emergency entry. Notice by the department's authorized employees, agents, or contractors is not required for entry onto property to investigate, mitigate, or abate an emergency posed by the release or threatened release of a hazardous substance. The department will make efforts which are reasonable under the circumstances to promptly notify those owners and operators to the extent known to the department of the actions taken.

(7) Other authorities. Where consent has not been obtained for entry, the department shall secure access in a manner consistent with state and federal law, including compliance with any warrant requirements. Nothing in this chapter shall affect site access authority granted under other state laws and regulations.

(8) Access by potentially liable persons. The department shall make reasonable efforts to facilitate access to real property and documents for persons who are conducting remedial actions under either an order or decree.

(9) Information sharing. The department will provide the documents and factual information on releases or threatened releases obtained through this section to persons who request such in accordance with chapter 42.17 RCW and chapter 173-03 WAC. The department does not intend application of these authorities to limit its sharing of such factual information.

(10) Split samples. Whenever the department intends to perform sampling at a site, it shall indicate in its notification under subsection (1) of this section whether sampling may occur. The person receiving notice may take split samples, provided this does not interfere with the department's sampling.

NEW SECTION

WAC 173-340-810 WORKER SAFETY AND HEALTH. (1) General provisions. Requirements under the Occupational Safety and Health Act of 1970 (29 U.S.C. Sec. 651 et seq.) and the Washington Industrial Safety and Health Act (chapter 49.17 RCW), and regulations promulgated pursuant thereto shall be applicable to remedial actions taken under this chapter. These requirements are subject to enforcement by the designated federal and state agencies. All governmental agencies and private employers are directly responsible for the

safety and health of their own employees and compliance with those requirements. Actions taken by the department under this chapter do not constitute an exercise of statutory authority within the meaning of section (4)(b)(1) of the Occupational Safety and Health Act.

(2) Safety and health plan. Potentially liable persons responsible for undertaking remedial actions under WAC 173-340-520 through 173-340-540, shall submit a safety and health plan for the department's review and comment. The safety and health plan must be consistent with chapter 49.17 RCW and regulations promulgated pursuant thereto.

NEW SECTION

WAC 173-340-820 SAMPLING AND ANALYSIS PLANS. (1) General. A sampling and analysis plan shall be prepared for all sampling activities which are part of investigation and remedial actions unless otherwise directed by the department and except for emergencies. The level of detail required in the sampling and analysis plan vary with the scope and purpose of the sampling activity. Sampling and analysis plans prepared under an order or decree shall be submitted to the department for review and approval.

(2) Contents. The sampling and analysis plan shall specify procedures which ensure that sample collection, handling, and analysis will result in data of sufficient quality to plan and evaluate remedial actions at the site. Additionally, information necessary to insure proper planning and implementation of sampling activities shall be included. References to standard protocols or procedures manuals may be used provided the information referenced is readily available to the department. The sampling and analysis plan shall contain:

(a) A statement on the purpose and objectives of the data collection, including quality assurance and quality control requirements;

(b) Organization and responsibilities for the sampling and analysis activities;

(c) Requirements for sampling activities including:

(i) Project schedule;

(ii) Identification and justification of location and frequency of sampling;

(iii) Identification and justification of parameters to be sampled and analyzed;

(iv) Procedures for installation of sampling devices;

(v) Procedures for sample collection and handling, including procedures for personnel and equipment decontamination;

(vi) Procedures for the management of waste materials generated by sampling activities, including installation of monitoring devices, in a manner that is protective of human health and the environment;

(vii) Description and number of quality assurance and quality control samples, including blanks and spikes;

(viii) Protocols for sample labeling and chain of custody; and

(ix) Provisions for splitting samples, where appropriate.

(d) Procedures for analysis of samples and reporting of results, including:

(i) Detection or quantification limits;

(ii) Analytical techniques and procedures;

(iii) Quality assurance and quality control procedures; and

(iv) Data reporting requirements, and where appropriate, validation procedures.

(3) Available guidance. The department shall make available guidance for preparation of sampling and analysis plans.

NEW SECTION

WAC 173-340-830 LABORATORY ANALYSIS PROCEDURES. Reserved.

NEW SECTION

WAC 173-340-840 GENERAL SUBMITTAL REQUIREMENTS. Unless otherwise specified by the department, all reports, plans, specifications, and similar information submitted under this chapter shall meet the following requirements:

(1) Cover letter. Include a letter describing the submittal and specifying the desired department action or response.

(2) Number of copies. Three copies of the plan or report shall be submitted to the department's office responsible for the facility. The department may require additional copies to meet public participation and interagency coordination needs.

(3) Certification. All engineering work submitted under this chapter shall be under the seal of a professional engineer registered with the state of Washington.

(4) Visuals. Maps, figures, photographs, and tables to clarify information or conclusions shall be legible. All maps, plan sheets, drawings, and cross-sections shall meet the following requirements:

(a) To facilitate filing and handling, be on paper no larger than 24 x 36 inches and no smaller than 8 1/2 x 11 inches. Photo-reduced copies of plan sheets may be submitted provided at least one full-sized copy of the photo-reduced sheets are included in the submittal.

(b) Identify and use appropriate and consistent scales to show all required details in sufficient clarity.

(c) Be numbered, titled, have a legend of all symbols used, and specify drafting or origination dates.

(d) Contain a north arrow.

(e) Use United States Geological Survey datum as a basis for all elevations.

(f) For planimetric views, show a survey grid based on monuments established in the field and referenced to state plane coordinates. This requirement does not apply to conceptual diagrams or sketches when the exact location of items shown is not needed to convey the necessary information.

(g) Where grades are to be changed, show original topography in addition to showing the changed site topography. This requirement does not apply to conceptual diagrams or sketches where before and after topography is not needed to convey the necessary information.

(h) For cross-sections, identify the location and be cross-referenced to the appropriate planimetric view. A reduced diagram of a cross-section location map shall be included on the sheets with the cross-sections.

(5) Sampling data. All sampling data shall be submitted consistent with procedures specified by the department.

(6) Appendix. An appendix providing the principal information relied upon in preparation of the submittal. This should include, for example: A complete citation of references; applicable raw data; a description of, or where readily available, reference to testing and sampling procedures used; relevant calculations; and any other information needed to facilitate review.

NEW SECTION

WAC 173-340-850 RECORDKEEPING REQUIREMENTS.

(1) Any remedial actions at a facility must be documented with adequate records. Such records may include: Factual information or data; relevant decision documents; and any other relevant, site specific documents or information.

(2) Unless otherwise required by the department, records shall be retained for at least ten years from the date of completion of compliance monitoring.

(3) Records shall be retained by the person taking remedial action, unless the department requires that person to submit the records to the department.

(4) The department shall maintain its records in accordance with chapter 42.17 RCW.

NEW SECTION

WAC 173-340-860 ENDANGERMENT. In the event that the department determines that any activity being performed at a facility is creating or has the potential to create a danger to human health or the environment, the department may direct such activities to cease for such period of time as it deems necessary to abate the danger.

NEW SECTION

WAC 173-340-870 PROJECT COORDINATOR. The potentially liable person shall designate a project coordinator for work performed under an order or decree. The project coordinator shall be the designated representative for the purposes of the order or decree. That person shall coordinate with the department and the public and shall facilitate compliance with requirements of the order or decree.

NEW SECTION

WAC 173-340-880 EMERGENCY ACTIONS. Nothing in this chapter shall limit the authority of the department, its employees, agents, or contractors to take or require appropriate action in the event of an emergency.

NEW SECTION

WAC 173-340-890 SEVERABILITY. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances shall not be affected.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 173-340-010 PURPOSE.
- WAC 173-340-020 DEFINITIONS.
- WAC 173-340-030 EMERGENCY ACTIONS.
- WAC 173-340-040 SETTLEMENT PROCEDURES.
- WAC 173-340-050 STATE CONDUCTED REMEDIAL ACTION—NOTICE.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 173-336-010 PURPOSE AND AUTHORITY.
- WAC 173-336-020 DEFINITIONS.
- WAC 173-336-030 GENERAL.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 173-338-010 PURPOSE.
- WAC 173-338-020 DEFINITIONS.
- WAC 173-338-030 EVALUATION CRITERIA.
- WAC 173-338-040 SCORING PROCEDURE.
- WAC 173-338-050 RESCORING.

WSR 89-20-060

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Filed October 4, 1989, 12:50 p.m.]

Original Notice.

Title of Rule: Chapter 173-342 WAC, Additional taxable hazardous substance list.

Purpose: To list additional hazardous substances subject to the 0.7% hazardous substance tax.

Other Identifying Information: Initiative 97 was adopted by the voters in November, 1988.

Statutory Authority for Adoption: The Model Toxics Control Act, Initiative 97, section 9, chapter 2, Laws of 1989.

Statute Being Implemented: Same.

Summary: Section 9 (1)(d) allows ecology to add (or delete from those added), by rule, additional substances subject to the hazardous substance tax. This is the implementing rule.

Reasons Supporting Proposal: To establish the criteria for listing additional substances and the administrative process for the rule.

Name of Agency Personnel Responsible for Drafting: Steve Robb, Woodland Square, Lacey, (206) 438-3057; Implementation: Carol Fleskes, Woodland Square, Lacey, (206) 438-3007; and Enforcement: Not applicable.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule describes the criteria ("Basis to Determine") for identifying additional taxable hazardous substances, the administrative listing process, and the list. The list is currently "reserved," that is, nothing is currently on the list. When the rule is amended to add to the list, then the first possession of those substances will be subject to the 0.7% hazardous substance tax as described in WAC 458-20-252.

Proposal does not change existing rules.

Small Business Economic Impact Statement: Until this proposed rule is amended, it has no economic impact on any business. No taxes, fees, or other operating costs will be incurred.

Hearing Location: Spokane County Health Center Auditorium, West 1101 College Avenue, Spokane, on November 8, 1989, at 7:00 - 9:00 p.m.; and at the U.S. Federal Building, 915 2nd Avenue, Seattle, on November 9, 1989, at 7:00 - 9:00 p.m.

Submit Written Comments to: Steve Robb, by November 17, 1989.

Date of Intended Adoption: January 9, 1990.

October 3, 1989
Fred Olson
Deputy Director

Chapter 173-342 WAC

ADDITIONAL TAXABLE HAZARDOUS SUBSTANCE LIST

WAC

- 173-342-010 Purpose and authority.
- 173-342-020 Definitions.
- 173-342-030 Basis to determine what is a taxable hazardous substance.
- 173-342-040 Listing.
- 173-342-050 List.

NEW SECTION

WAC 173-342-010 PURPOSE AND AUTHORITY. The purposes of this chapter are to establish requirements for the addition or deletion of materials to the list of hazardous substances which are subject to the state hazardous substance tax pursuant to chapter 2, Laws of 1989, and to list or delete those substances.

It is the intent of this rule to add only materials which are similar to those previously defined by the Model Toxics Control Act as taxable hazardous substances. Those are, in general terms, petroleum products, pesticide products, and chemicals. Manufactured products which may be environmentally detrimental, but not of special hazard, such as plastic containers, solid metals, and wood products or wood fibers are not of this type.

The authority to add or delete additional substances is granted under section 9, chapter 2, Laws of 1989.

NEW SECTION

WAC 173-342-020 DEFINITIONS. For the purpose of this chapter, the following terms have the meanings given below:

(1) "Director" means the director of the department of ecology or the director's designee.

(2) "Hazardous substance" means anything designated as such by the provisions of this rule, as adopted and thereafter amended. In addition, this term includes:

(a) Any substance that, on March 1, 1989, is a hazardous substance under section 101(14) of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by P.L. 99-499. These substances consist of chemicals and elements in their purest form. (Reportable quantities associated with these chemicals under CERCLA are not considered for the purposes of

this tax, but are duly noted here to avoid any confusion regarding the intent of the federal regulation. See CERCLA, 42 USCA, Sec. 9601.) A CERCLA substance which contains water, a stabilizer, or a preservative is still considered pure. Combinations of CERCLA substances as ingredients together with nonhazardous substances will not be taxable unless the end product is specifically designated as a hazardous substance by the department of ecology under the provisions of this rule;

(b) Petroleum products;

(c) Pesticide products required to be registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

(3) "Material" means substance, chemicals, category of chemicals, or mixtures of chemicals including products.

(4) "Persistence" means the tendency of a substance to resist degradation and remain in the atmosphere, soil, and/or water.

(5) "Toxicity" means a measure of the propensity of a chemical to produce injury once it reaches a susceptible receptor in or on a living organism.

(6) Except for terms defined in this section, the definitions in section 9, chapter 2, Laws of 1989 and WAC 458-20-252 apply to this chapter.

NEW SECTION

WAC 173-342-030 BASIS TO DETERMINE WHAT IS A TAXABLE HAZARDOUS SUBSTANCE. Additional materials may be defined as taxable hazardous substances on the basis of a departmental determination of:

(1) Substantial negative environmental factors such as toxicity and persistence of materials being considered for listing or delisting; and

(2) Substantial adverse impact on waste management operations such as the management of hazardous waste, solid waste, wastewater treatment facilities, wastewater from ground or marine septic systems, and contaminated sites.

NEW SECTION

WAC 173-342-040 LISTING. The director may propose to add (or delete from those materials previously added) materials to the definition of hazardous substance.

(1) Additions or deletions to the list shall be made by amendment of this rule pursuant to the Administrative Procedure Act (chapter 34.05 RCW).

(2) The director of ecology shall add or delete materials no more than twice during each calendar year.

(3) For tax purposes, changes in this definition shall take effect on the first day of the next month that is at least thirty days after the effective date of the rule.

(4) For each material proposed for additional listing, the department shall prepare a "basis for listing" which shall include those factors and data which led the director to propose the listing.

(5) The director shall prepare a "basis for deletion" which shall include those factors and data which led the director to propose deletions from materials previously added.

NEW SECTION

WAC 173-342-050 LIST. (Reserved.)

WSR 89-20-061

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed October 4, 1989, 1:42 p.m.]

Original Notice.

Title of Rule: WAC 296-20-124 Rejected and closed claims; 296-14-400 Reopenings for benefits; and 296-20-680(8) Classification of disabilities in proportion to total bodily impairment.

Purpose: WAC 296-20-124 is amended to eliminate the requirement to file an application to reopen an asbestos-related disease claim to permit payment of bills from recommended periodic medical examinations;

WAC 296-14-400 is amended to provide a waiver of the seven year time limitation to reopen claims where there is objective evidence of worsening caused by a previously accepted asbestos-related disease; and WAC 296-20-680(8) is amended to establish 75% as the degree of total bodily impairment assigned to Category 6 of the permanent respiratory impairment listings.

Statutory Authority for Adoption: Chapters 34.04 [34.05], 51.32 and 51.36 RCW.

Statute Being Implemented: RCW 51.32.080, 51.32.160 and 51.36.010.

Summary: WAC 296-20-124 provides for coverage of periodic examinations (usually annual) recommended to workers with accepted asbestos-related disease claims, without requiring submission of an application to reopen the claim. The pulmonary function of workers with asbestos-related disease is routinely monitored for early detection of additional deterioration or cancer. Adoption of the amendment will eliminate a burdensome paperwork requirement; WAC 296-14-400 specifically provides for a waiver of the discretionary seven year reopening limit in accepted cases of progressive asbestos-related disease when worsening is objectively shown. Diseases caused by asbestos exposure can progress over long periods of time and some related conditions may not develop for decades. The rule provides a reasonable assurance of coverage of a worsened condition in the future; and WAC 296-20-680(8) establishes a percentage for Category 6 of the permanent respiratory impairment listings. A rule amendment adopted effective January 1, 1983, failed to assign a percentage to Category 6 of the lung impairment listings. The proposal for 75% is in the mid-range for the most serious pulmonary impairment class according to the leading AMA publication.

Reasons Supporting Proposal: See above Summary.

Name of Agency Personnel Responsible for Drafting: Michael G. Watson, Mailstop HC-244, Olympia, 753-2320; Implementation and Enforcement: Robert L. McCallister, Mailstop HC-281, Olympia, 753-4173.

Name of Proponent: Department of Labor and Industries, state of Washington, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 296-20-124, medical experts recommend periodic examination of workers with asbestos-related disease, even if the only evidence of disease involves chest x-ray abnormalities. Coverage of these examinations is currently provided by filing a reopening application per WAC 296-20-097. The proposed amendment permits coverage of the examination without the need for additional paperwork by the worker or physician. The application would still be necessary to reopen the claim for additional benefits; WAC 296-14-400, the amendment specifically provides for a waiver of the discretionary seven year reopening limit in accepted cases of progressive asbestos-related disease where worsening is objectively shown. Diseases caused by asbestos exposure can progress over long periods of time and some related conditions may not develop for decades. In the

event a covered asbestos disease claim has been closed longer than the seven year limitation, reopening for benefits is in the discretion of the Director of Labor and Industries. The rule provides a reasonable assurance of coverage of a worsened condition in the future; and WAC 296-20-680(8), a rule amendment adopted effective January 1, 1983, failed to assign a percentage to Category 6 of the respiratory impairment listings. The proposal to assign a 75% figure is in the mid-range for the most serious pulmonary impairment class in the American Medical Association's *Guides to the Evaluation of Permanent Impairment*.

Few awards at this level of disability are made as workers with functional loss of that magnitude often require continuous treatment and/or are unable to work. The percentage assignment is also utilized in second injury fund charge determinations.

Proposal Changes the Following Existing Rules: WAC 296-20-124, the rule is amended to permit payment for recommended medical surveillance of workers with asbestos-related disease claims in a closed status. The rule is intended to streamline processing of accepted claims; WAC 296-14-400, the rule is amended to provide a waiver of the seven year reopening limitation in asbestos-related disease claims when worsening due to that condition is objectively established; and WAC 296-20-680(8), this rule is amended to establish a level of permanent partial disability for Category 6 of the respiratory listings where no percentage assignment currently exists.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Auditorium, 1st Floor, General Administration Building, Olympia, Washington, on November 21, 1989, at 1:30 p.m.

Submit Written Comments to: Michael G. Watson, General Administration Building, Mailstop HC-244, Olympia, Washington 98504, by November 21, 1989.

Date of Intended Adoption: December 22, 1989.

October 3, 1989

Joseph A. Dear

Director

AMENDATORY SECTION (Amending Order 88-13, filed 6/24/88)

WAC 296-14-400 REOPENINGS FOR BENEFITS. The director at any time may, upon the workers' application to reopen for aggravation or worsening of condition, provide proper and necessary medical and surgical services as authorized under RCW 51.36.010. This provision will not apply to total permanent disability cases, as provision of medical treatment in those cases is limited by RCW 51.36.010.

The seven-year reopening time limitation shall run from the date the first claim closure becomes final and shall apply to all claims regardless of the date of injury. In order for claim closure to become final on claims where closure occurred on or after July 1, 1981, the closure must include documentation of medical recommendation, advice or examination. Such documentation is not required for closing orders issued prior to July 1, 1981. First closing orders issued between July 1, 1981, and July 1, 1985, shall for the purposes of this section only, be deemed issued on July 1, 1985.

The seven-year reopening time limitation shall be waived by the director in claims where objective evidence of worsening is present and proximately caused by a previously accepted asbestos-related disease.

In order to support a final closure based on medical recommendation or advice the claim file must contain documented information from a

doctor, or nurse consultant (departmental) or a nurse practitioner supervised by a doctor. The doctor or nurse consultant or nurse practitioner may be in private practice, acting as a member of a consultation group, employed by a firm, corporation, or state agency.

For the purpose of this section, a "doctor" means the following professions: Medicine and surgery; osteopathic; chiropractic; drugless therapeutic; podiatry; dentistry; optometry. WAC 296-20-01002.

When a claim has been closed by the department or self-insurer for sixty days or longer, the worker must file a written application to reopen the claim. An informal written request filed without accompanying medical substantiation of worsening of the condition will constitute a request to reopen, but the time for taking action on the request shall not commence until an application form provided by the department has been completed in full by the worker and the doctor and filed with the department or self-insurer as the case may be.

A formal application occurs when the worker and doctor completes and files the application for reopening provided by the department. Upon receipt of an informal request without accompanying medical substantiation of worsening of the worker's condition, the department or self-insurer shall promptly provide the necessary application to the worker for completion.

Applications for reopenings filed on or after July 1, 1988, must be acted upon by the department within ninety days of receipt of the application by the department or the self-insurer. The ninety-day limitation shall not apply if the worker files an appeal or request for reconsideration of the department's denial of the reopening application.

The department may, for good cause, extend the period in which the department must act for an additional sixty days. "Good cause" for such an extension may include, but not be limited to the following:

(1) Inability to schedule a necessary medical examination within the ninety-day time period;

(2) Failure of the worker to appear for a medical examination;

(3) Lack of clear or convincing evidence to support reopening or denial of the claim without an independent medical examination;

(4) Examination scheduled timely but cannot be conducted and a report received in sufficient time to render a decision prior to the end of the ninety-day time period.

The department shall make a determination regarding "good cause" in a final order as provided in RCW 51.52.050.

The ninety-day limitation will not apply in instances where the previous closing order has not become final.

AMENDATORY SECTION (Amending Order 80-29, filed 12/23/80, effective 3/1/81)

WAC 296-20-124 REJECTED AND CLOSED CLAIMS. (1) No payment will be made for treatment or medication on rejected claims or for services rendered after the date of claim closure.

(2) When the department or self-insurer has denied responsibility for an alleged injury or industrial condition the only services which will be paid are those which were carried out at the specific request of the department or the self-insurer and/or those examination or diagnostic services which served as a basis for the adjudication decision. Following the date of the order and notice of claim closure, the department or self-insurer will be responsible only for those services specifically requested or those examinations, and diagnostic services necessary to complete and file a reopening application.

(3) Periodic medical surveillance examinations will be covered by the department or self-insurer for workers with closed claims for asbestos-related disease, to include chest x-ray abnormalities, without the necessity of filing a reopening application when such examinations are recommended by accepted medical protocol.

(4) Replacement of prosthetics, orthotics, and special equipment can be provided on closed claims after prior authorization. See WAC 296-20-1102 for further information.

AMENDATORY SECTION (Amending Order 80-29, filed 12/23/80, effective 3/1/81)

WAC 296-20-680 CLASSIFICATION OF DISABILITIES IN PROPORTION TO TOTAL BODILY IMPAIRMENT.

(1) Permanent Cervical and Cervico-Dorsal Impairments

Category	1	0%
	2	10%
	3	20%
	4	25%
	5	35%

(2) Permanent Dorsal Region Impairments

Category	1	0%
	2	10%
	3	20%

(3) Permanent Dorso-Lumbar and Lumbosacral Impairments

Category	1	0%
	2	5%
	3	10%
	4	15%
	5	25%
	6	40%
	7	60%
	8	75%

(4) Permanent Impairments of the Pelvis

Category	1	0%
	2	2%
	3	5%
	4	5%
	5	5%
	6	5%
	7	10%
	8	10%
	9	15%

(5) Permanent Convulsive Neurologic Impairments

Category	1	0%
	2	10%
	3	35%
	4	60%

(6) Permanent Mental Health Impairments

Category	1	0%
	2	10%
	3	25%
	4	45%
	5	70%

(7) Permanent Cardiac Impairments

Category	1	0%
	2	10%
	3	20%
	4	35%
	5	50%
	6	65%

(8) Permanent Respiratory Impairments

Category	1	0%
	2	15%
	3	25%
	4	40%
	5	65%
	6	75%

(9) Permanent Air Passage Impairments

Category	1	0%
	2	5%
	3	15%
	4	25%
	5	35%
	6	60%

(10) Permanent Air Passage Impairments Due to Nasal Septum Perforations

Category	1	0%
	2	2%

(11) Permanent Loss of Taste and Smell

Category	1	3%
	2	3%

(12) Permanent Speech Impairments

Category	1	0%
	2	5%
	3	10%
	4	20%
	5	30%
	6	35%

(13) Permanent Skin Impairments

Category	1	0%
	2	5%
	3	10%
	4	25%
	5	40%
	6	60%

(14) Permanent Impairments of Upper Digestive Tract, Stomach, Esophagus or Pancreas

Category	1	0%
	2	5%
	3	10%
	4	35%
	5	60%

(15) Permanent Impairments of Lower Digestive Tract

Category	1	0%
	2	5%
	3	15%
	4	30%

(16) Permanent Impairments of Anal Function

Category	1	0%
	2	5%
	3	15%
	4	25%

(17) Permanent Impairments of Liver and Biliary Tract

Category	1	0%
	2	5%
	3	20%
	4	40%
	5	60%

(18) Permanent Impairments of the Spleen, Loss of One Kidney, and Surgical Removal of Bladder with Urinary Diversion

Category	1	15%
	2	10%
	3	20%

(19) Permanent Impairments of Upper Urinary Tract

Category	1	0%
	2	10%
	3	25%
	4	45%
	5	65%

(20) Additional Permanent Impairments of Upper Urinary Tract Due to Surgical Diversion

Category	1	10%
	2	15%

(21) Permanent Impairments of Bladder Function

Category	1	0%
	2	10%
	3	20%
	4	30%
	5	50%

(22) Permanent Anatomical or Functional Loss of Testes

Category	1	0%
	2	5%
	3	10%
	4	25%
	5	35%

WSR 89-20-062

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed October 4, 1989, 1:44 p.m.]

Original Notice.

Title of Rule: WAC 296-17-534 Classification 1002, Mills: Shake and/or shingle—Automated processes.

Purpose: Amend existing WAC to recognize changes in technology, processes, and hazard within shake and shingle mills with automated processes.

Statutory Authority for Adoption: RCW 51.04.020(1).

Statute Being Implemented: RCW 51.16.035.

Summary: Establishes a new subclassification code for shake and shingle mill operations with automated processed.

Reasons Supporting Proposal: Changes in technology, processes, and workplace hazard will produce a safer work environment, resulting in fewer and less costly claims. Using the existing classification for these operations would produce rates which are excessive for the exposure insured. Change proposed was requested by industry.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: R. L. McCallister, Douglas Connell and Frank Romero, 905 Plum Street S.E., Olympia, 753-1434.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule amendment is to establish within the workers' compensation classification plan a

new subclassification for shake and shingle mill operators who employ automated processes. The existing classification treatment for shake and/or shingle mills does not recognize the differences in workplace hazard when modern processing methods are used. This change will recognize the variances in hazard required by RCW 51.16.035 and produce rates that reflect expected industry losses. It is anticipated that this change will be more responsive to industry and produce lower insurance rates. This proposed change is the result of an industry request.

Proposal Changes the Following Existing Rules: Adds a new industry subclassification definition to an existing classification of industry.

Small Business Economic Impact Statement: This statement pertains to revisions in chapter 296-17 WAC, proposed by the Department of Labor and Industries to become effective January 1, 1990, and is prepared to conform with sections 3(2) and 4 of the Regulatory Fairness Act (chapter 6, Laws of 1982).

Existing Rules: Chapter 296-17 WAC presently defines 297 risk classifications for purposes of reporting exposures and computing premiums for workers' compensation insurance. Base rates are established separately for accident fund and medical aid fund coverage in each risk classification within these rules, and an assessment rate for all risk classifications is prescribed for the supplemental pension. An "experience rating plan" is also established, which provides adjustment of the base industrial insurance rate by class up or down to a "merit rate" based upon past reporting experience of each individual employer. Chapter 296-17 WAC also provides optional rating plans referred to as retrospective rating. These optional rating plans are available on an elective basis to employers and industry groups and provide them with additional opportunities to reduce their workers' compensation insurance costs through accident prevention and active claims management.

Treatment of Small Business under Existing Rules: Classification definitions are keyed to the nature of an employer's business and/or employment, and are independent of business size. Once applicable classifications are determined, base rates are identical for all employers within each classification. Experience rating increases or decreases individual employer's accident fund rates, providing rate reductions for favorable past experience and rate increases for unfavorable past experiences. Within the experience-rating plan, small employers with loss-free records in the rating experience period are allowed rate credits in excess of those initially computed by the rating plan based on risk size, by a maximum modification for loss-free firms of various sizes in WAC 296-17-890. During 1989 medical aid premiums became subject to experience rating under a three-year phase-in plan. Experience rating of medical aid premiums is achieved in much the same fashion as the accident fund. Employers and industry groups (associations) wishing to further reduce their workers' compensation insurance costs can participate in optional retrospective rating plans. Dependent on the plan selected and the employers' actual losses, adjustments are made to premiums paid in; if actual losses are below expected losses for the plan selected,

dividends are paid to the employer. Employers with losses which are greater than expected losses pay additional premiums within the limits as determined by their selected plans.

Effect of Proposed Revisions: A new subclassification definition is being proposed for shake and shingle mill operations that employ automated processes. Employers qualifying for this new subclassification will realize a reduction in their workers' compensation insurance costs. The savings per hour of labor is not impacted by employer size. Employers in the same risk classification having experience records producing the same experience factor will be assigned the same premium cost per hour of labor. There is no increase in administrative costs for employers to comply with this change, since no new records or forms are required for compliance.

Hearing Location: First-Floor Conference Room, General Administration Building, 11th and Columbia, Olympia, Washington, on November 13, 1989, at 10:00 a.m.

Submit Written Comments to: Douglas Connell, Assistant Director for Employer Services, HC-211, 905 Plum Street S.E., Olympia, WA 98504, by November 13, 1989.

Date of Intended Adoption: December 1, 1989.

October 4, 1989

Joseph A. Dear
Director

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-534 CLASSIFICATION 1002.

Mills: Shake and shingle - automated processes

For purposes of this subclassification, automated processes refers to shake and shingle mills equipped with automatic feeders on all saws, adjustable packing and cutting stations, and fully automatic systems for conveying material to work stations. All equipment must be equipped with automatic shut off switches. Within a shingle mill the operation of a trim saw must be performed by an individual as a separate function from that of the shingle saw operator (shingle sawyer is not to perform both functions). Shake splitters must be equipped with a gauge control mechanism which permits the operator to automatically set the cut width. Conveyor systems must have dual controls to allow the deckman and sawyer the ability to control incoming material to the work station.

Block mills must be equipped with an automated pallet dump to eliminate the handling of material to the sawyer work station. Blocked wood purchased by mills must be contained in pallets prior to entering the mill yard or premises. Log mills must be equipped with a fully mechanized log slip (used to move logs from into the deck area), log turners, stabilizers, and lifters must be present in the deck area, automatic deck cut-off saw, live deck for moving material from the deck to the splitting area and overhead mounted splitters. Trim saws, also referred to as clipper saws, must be equipped with a laser guide or quartz light. This lighting reveals to the operator where its saw blade is in relationship to the material being processed.

For purposes of this subclassification, the following terms or words shall be given the meanings below:

Automatic deck or cut-off saw - A large saw, usually circular, used to trim logs to a specified length (rounds) before they enter a manufacturing plant.

Clipper saw - A machine used to make shingle edges parallel.

Shingle - Roofing or siding material having sawn faces and backs, are of a standard thickness at the butt end and tapered finish at the other end.

Shake - Roofing or siding material having at least one surface with a natural grain textured split surface.

Live deck – A chain driven platform located in the same proximity as the deck saw and is used to convey cut rounds from the cutting area to the splitting area.

Log stabilizer – A levered device adjacent to the deck saw used to hold the log steady while it is being cut.

Log slip – A chain driven conveyor used to move logs into the deck area.

Laser or quartz guide light – An overhead mounted light above a saw that illuminates that portion of a work surface where the saw blade will pass or make a cut.

Log turner – A levered device adjacent to the deck saw used to turn a log automatically.

Overhead splitter – A ceiling mounted hydraulic, air or electrically operated apparatus with wedge shaped end that is used to split log rounds into block wood when activated by the splitterman.

Shingle saw – A machine used to make shingles.

Shake splitter – A machine used to split blocks into shake blanks.

Shake saw – A machine used to saw shake blanks into a finished wedged shape product.

Shake and shingle mills not meeting all the conditions as set forth above shall be separately classified in classification 1005 "Shake and shingle mills, N.O.C."

Sawmills, operation and maintenance

This ((classification)) subclassification excludes operations conducted in the woods rated under risk classification 5001 (WAC 296-17-659) logging, N.O.C.

WSR 89-20-063

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed October 4, 1989, 1:46 p.m.]

Original Notice.

Title of Rule: Manual of rules, classifications, rates and rating system for Washington workers' compensation insurance, chapter 296-17 WAC.

Purpose: Revise general reporting rules, classification plan, and corresponding base rate tables and retrospective rating plan table applicable to workers' compensation insurance underwritten by the Washington State Fund, Department of Labor and Industries.

Statutory Authority for Adoption: RCW 51.04.020(1).

Statute Being Implemented: RCW 51.16.035.

Summary: Agency proposes to establish seven new risk classifications; repeal seven existing classification definitions; amend approximately thirty other risk classification definitions; adjust base rates for all existing and new classifications including a general rate increase of 9 percent; amend five general reporting rules; establish a new general reporting rule for construction; and amend a retrospective rating plan table.

Reasons Supporting Proposal: RCW 51.16.035 requires the department to maintain actuarial solvency of the industrial insurance funds and maintain a classification plan. Adjustments to the classification plan reflect changes in Washington industries and/or changes in loss experience by various industries. The rate adjustment is proposed to offset increases in medical costs, higher utilization of benefits by claimants, and cost of living adjustment approved by the legislature.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Douglas Connell, William White and Francis Romero, 905 Plum Street S.E., Olympia, 753-1434.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Revisions to the classification plan are intended to provide greater ratepayer equity. Since classifications are keyed to the nature of an employer's business and rates are based on losses sustained by industries or businesses within a given classification, the more precise the plan, the greater the equity to the policyholder (employer). Revisions to general reporting rules are intended to clarify how the classification plan is to be administered and/or how a classification or premium calculation is to be determined. Revisions to base rates are intended to recognize recent loss (claims) experience and reported exposure (hours worked) over which those losses can be spread. In addition to class adjustments, a general rate increase of 9 percent is proposed which is needed to maintain fund solvency required by RCW 51.16.035. Revision to the retrospective rating plan table is intended to reflect the general rate increase. Employers will notice little or no change to their current plan size or group. The overall effect of these changes will produce a net premium increase of 9 percent.

Proposal Changes the Following Existing Rules: WAC 296-17-310(8) Construction or erection operations, subject rule is being amended to accommodate changes to WAC 296-17-45003. Subsection (7) is also modified to reference WAC 296-17-45003; WAC 296-17-350(4) Commission personnel, subject rule is being amended to allow actual hours to be reported in lieu of estimates. Originally the commission personnel rule was designed to address those situations where an employee was hired as a salesperson working primarily away from the employer's premise, and was paid on the basis of commission. Since it was impractical for the employer to keep records of actual hours worked for such employees, a conversion was developed assuming eight hours per day. With the development of more sophisticated telecommunication and data systems, "commission sales work" is now conducted from office environments. Employers utilizing office employees to sell on a commission are able to keep actual records of hours worked and have requested this change; WAC 296-17-410 Division of single employee's worker hours, subject rule is being amended to accommodate changes to WAC 296-17-45003; WAC 296-17-441 Special exceptions, subject rule is being amended to accommodate changes to WAC 296-17-45003; WAC 296-17-45002 Special trucking industry rules, subject rule is being amended to add a new subsection (4). This subsection contains terms and definitions to assist underwriting staff and stakeholders in administering and interpreting RCW 51.12.095(1) changes; WAC 296-17-45003 Special construction industry rules, subject rule combines rules found in various sections of chapter 296-17 WAC into one area. In addition to housekeeping changes, several new concepts are added as follows. The private sector uses a concept of composite rating on large construction projects. What this does is allows a single classification to be assigned to a large project as opposed to a number of occupational

classes. The result is same premium, but less record-keeping. The other change is as it applies to subcontract work; we will be requiring the employer to keep record of subcontractors and their license numbers or be responsible for their premiums. Employers should already be keeping the necessary records for audit purposes (RCW 51.12.070); WAC 296-17-50601 Classification 0107, amends classification definition to modern terminology; WAC 296-17-50602 Classification 0108, adds septic tank installation to rule—previously included in classification by analogy; WAC 296-17-509 Classification 0202, adds the term "N.O.C." to rule; WAC 296-17-50904 Classification 0206, amend rule to delete term "building foundation." This work is reported in Classification 0102; WAC 296-17-514 Classification 0401, Building, sandblasting, and cleaning, repeal classification and reassign employers to Classification 0504; WAC 296-17-515 Classification 0402, Window Cleaning, repeal classification and reassign employers to Classification 6602, "Janitors"; WAC 296-17-518 Classification 0503, Chimney cleaning, repeal classification and reassign employers to Classification 4910, "Property"; WAC 296-17-519 Classification 0504, Painting, add new industries from various classifications; WAC 296-17-520 Classification 0505, General construction, repeal classification and reassign employers to Classifications 0517, 0518 and 0519; WAC 296-17-52002 Classification 00507 [0507], Roof work, amend rule to clarify the term "roof work"; WAC 296-17-521 Classification 0508, Iron and steel erection other than building, amend rule to remove iron and steel erection on buildings and reassign to new Classification 0518, "Building construction, N.O.C."; WAC 296-17-52106 Classification 0514, add new industries to definition; WAC 296-17-52109 Classification 0517, new classification, "Mobile home setup by contractor"; WAC 296-17-52110 Classification 0518, new classification, "Building construction, N.O.C." (Setup for high-rise building construction.); WAC 296-17-52111 Classification 0519, new classification, "Building construction," sheet metal work including siding and gutters; WAC 296-17-523 Classification 0602, add elevator door buck installation; WAC 296-17-525 Classification 0604, amends definition to modern terminology; WAC 296-17-52701 Classification 0608, Low-voltage electrical wiring, amend rule to remove business machinery and computer system installation and reassign employers to Classification 4107, "Office machinery installation"; WAC 296-17-532 Classification 0901, Commercial ship building, amend rule to remove term "commercial", term not valid in assessing risk; WAC 296-17-536 Classification 1101, correct spelling of term "armoured" to armored; WAC 296-17-555 Classification 2002, amend definition to clarify classification scope; WAC 296-17-567 Classification 2401, correct spelling of term "fibre" to fiber; WAC 296-17-576 Classification 3301, Seafood processing, repeal classification and reassign employers to new Classification 3304; WAC 296-17-57601 Classification 3302, Seafood dealers, repeal classification and reassign employers to new Classification 3304; WAC 296-17-57603 Classification 3304, Seafood dealers and processors, new classification combining employers from Classifications 3301

and 3302; WAC 296-17-580 Classification 3402, Machine shops, add new industry listing from Classifications 5102 and 5103. Revise definition of battery manufacturing; WAC 296-17-587 Classification 3503, Ceramics and pottery manufacturing, amend classification definition and reassign certain industries to new Classification 3509; WAC 296-17-59201 Classification 3509, new classification for glass etching and frosting and statue manufacturing; WAC 296-17-626 Classification 4107, amend definition to include installation of all computer systems; WAC 296-17-646 Classification 4805, Nurseries, amend definition to include Christmas tree U-cut and tree sales lots; WAC 296-17-64903 Classification 4811, Hop farms, amend definition to include mint farms; WAC 296-17-64904 Classification 4812, amend definition to reference new Classification 3301 to 3304; WAC 296-17-654 Classification 4905, amend definition to delete apartment and property management industries and reassign to new Classification 4910; WAC 296-17-65801 Classification 4910, new classification for "property management companies", definition will include chimney cleaning; WAC 296-17-662 Classification 5102, Iron foundries, repeal classification and reassign employers to Classifications 3402, 0504, or 5103; WAC 296-17-663 Classification 5103, Foundries—Steel, amend definition to cover all foundries, reassign die casting manufacturing to Classification 3402; WAC 296-17-677 Classification 5301, Professional services, amend definition to delete reference to computer software consulting and reassign employers to Classifications 4904 and 6303; WAC 296-17-682 Classification 6105, Hospitals, amend definition to delete "Nursing and home health care" and reassign employers to new Classification 6110; WAC 296-17-68601 Classification 6110, Home health services, new classification for home nursing and care industry; WAC 296-17-695 Classification 6209, amend definition to delete trailer and mobile home parks and reassign employers to Classification 4910; WAC 296-17-707 Classification 6403, Convenience grocery stores, amend definition to include restaurant operations; WAC 296-17-708 Classification 6404, Florists, amend definition to remove Christmas tree sales lots and reassign employers to Classification 4805; WAC 296-17-715 Classification 6502, Banks, amend definition to include "check cashing companies"; WAC 296-17-724 Classification 6602, Janitors, amend definition to include window-washing services; and WAC 296-17-777 Classification 7307, Christmas tree farms, amend definition to clarify U-cut and retail tree sales lots.

Note: Classification changes are keyed to the nature of an employer's business. In some cases changes will result in premium reductions while others will produce no change or will increase premium requirement. Changes being proposed require no new records or forms. Changes in rates reflect more current loss and reporting experience.

WAC 296-17-855 through 296-17-920, rating plan and rate tables, amends tables to reflect rate adjustments of +11 percent, +11 percent, and -10 percent in the accident, medical aid, and supplemental pension funds respectively.

Small Business Economic Impact Statement: This statement pertains to revisions in chapter 296-17 WAC, proposed by the Department of Labor and Industries to become effective January 1, 1990, and is prepared to conform with sections 3(2) and 4 of the Regulatory Fairness Act (chapter 6, Laws of 1982).

Existing Rules: Chapter 296-17 WAC presently defines 297 risk classifications for purposes of reporting exposures and computing premiums for workers' compensation insurance. Base rates are established separately for accident fund and medical aid fund coverage in each risk classification within these rules, and an assessment rate for all risk classifications is prescribed for the supplemental pension. An "experience rating plan" is also established, which provides adjustment of the base industrial insurance rate by class up or down to a "merit rate" based upon past reporting experience of each individual employer. Chapter 296-17 WAC also provides optional rating plans referred to as retrospective rating. These optional rating plans are available on an elective basis to employers and industry groups and provide them with additional opportunities to reduce their workers' compensation insurance costs through accident prevention and active claims management.

Treatment of Small Business Under Existing Rules: Classification definitions are keyed to the nature of an employer's business and/or employment, and are independent of business size. Once applicable classifications are determined, base rates are identical for all employers within each classification. Experience rating increases or decreases individual employer's accident fund rates, providing rate reductions for favorable past experience and rate increases for unfavorable past experience. Within the experience-rating plan, small employers with loss-free records in the rating experience period are allowed rate credits in excess of those initially computed by the rating plan based on risk size, by a maximum modification for loss-free firms of various sizes in WAC 296-17-890. During 1989 medical aid premiums became subject to experience rating under a three-year phase-in plan. Experience rating of medical aid premiums is achieved in much the same fashion as the accident fund. Employers and industry groups (associations) wishing to further reduce their workers' compensation insurance costs can participate in optional retrospective rating plans. Dependent on the plan selected and the employers' actual losses, adjustments are made to premiums paid in; if actual losses are below expected losses for the plan selected, dividends are paid to the employer. Employers with losses which are greater than expected losses pay additional premiums within the limits as determined by their selected plans.

Effect of Proposed Revisions: Overall premium will increase an average of 9 percent from the 1989 level. This increase is based on +11 percent, +11 percent, and -10 percent changes in the accident, medical aid, and supplemental pension funds respectively and is spread equally among the 297 risk classifications. In addition to the general rate increase, adjustments are being made to each risk classification to reflect more current loss experience associated with each industry and a projection of estimated exposure (work hours) over which those costs

can be spread. A 35 percent cap has been applied to 11 individual classifications. The rates for those classifications would have been substantially more if the accident fund and medical aid fund premiums had not been capped. For example, sawmills will see a 4 percent reduction in overall premium rates, even after the 9 percent general rate increase because of improved loss experience. Reforestation rates, on the other hand, should have been increased 107.3 percent, but is being limited to 35 percent because of the cap. The overall effect of the rate increase and adjustments will be the same for small and large employers and their employees. Seven new risk classifications are being proposed to be added to chapter 296-17 WAC. At the same time, seven existing classifications will be repealed and modifications to thirty other existing classifications are proposed. Five general reporting rules are being modified and a new general rule proposed for the construction industry. There is no increase in administrative costs for employers to comply with these changes, since no new records or forms are required for compliance and all other requirements are unchanged. In addition to the rate changes and changes to the classification plan which are at the industry level, employers individually will be affected by their losses through the department's experience-rating plan. Employers with favorable past experience will pay reduced rates, while those employers with above-average loss experience will generally pay higher rates. For employers in the same risk classification having experience records producing the same experience factor, the premium cost per hour of labor will be independent of the size of the employer. Included in the experience-rating plan calculation for employers is the second-year adjustment of the medical aid phase-in and for those in the building construction industry the third adjustment to the accident fund experience phase-in. Expansion of the experience-rating plan is likewise independent of employer size. Adjustments are also being made to the retrospective rating plan size group table. This change is the result of the 11 percent increase in rates in the accident and medical aid funds. The revision will result in employers and associations generally staying in the same size group ranges in 1990 as in 1989.

Hearing Location: First Floor Conference Room, General Administration Building, 11th and Columbia Streets, Olympia, on November 8, at 2 p.m.; and at 9 a.m., November 9 in the Student Union Building, Spokane Falls Community College, Spokane, on November 9, at 9 a.m.; and at the Holiday Inn, 9 North 9th, Yakima, on November 9, at 2 p.m.

Submit Written Comments to: Douglas Connell, Assistant Director, Employee Services, HC-211, 905 Plum Street S.E., Olympia, WA 98504, by November 8, 1989.

Date of Intended Adoption: December 1, 1989.

October 4, 1989

Joseph A. Dear
Director

AMENDATORY SECTION (Amending Order 88-12, filed 7/22/88, effective 1/1/89)

WAC 296-17-310 GENERAL RULES AND INSTRUCTIONS. This section constitutes general rules and instructions for chapter 296-17 WAC.

(1) Purposes. This chapter of the Washington Administrative Code, including classifications of risk, premium rates, the experience rating plan, and all other rules contained herein governing the use thereof, is herein referred to as the manual. This manual is promulgated by the department of labor and industries pursuant to RCW 51.16.035. This manual contains a formulation of the rules and regulations providing for basic classifications, rates of premium, method of premium calculation and collection, and a rating system, consistent with recognized principles of workers' compensation insurance. This manual governs the department's underwriting of workers' compensation insurance and assessment of other monetary obligations, under the industrial insurance law of the state of Washington, Title 51 RCW.

(2) Overview. Washington law (RCW 51.16.035) requires that the department of labor and industries classify all occupations or industries by degree of hazard. To accomplish this, the department has established approximately ~~((two))~~ three hundred ~~((seventy))~~ basic classifications of risk embracing the various industries within the state (the actual number may vary from year to year). These basic classifications are set forth in WAC 296-17-501 through 296-17-779. The general principles and objectives of the basic classification system are set forth in WAC 296-17-310.

The first step in determining the appropriate classification for an employer is to determine the nature of the employer's business being insured in this state. If the department determines that an employer's business consists of a single operation or a number of separate operations which normally prevail in that business then the single enterprise rule (WAC 296-17-380) is applicable. This rule provides that the department is to assign the single basic classification which most accurately describes the employer's entire enterprise. This process begins with the search for a basic classification which specifically describes the employer's business. If such a basic classification is found the process of assigning a basic classification is complete.

If the employers' business operation is not specifically described by any basic classification then the employer's business is to be classified as provided for in WAC 296-17-360 (assignment of classification by analogy). In classifying by analogy the department examines the process and hazard of the employer's business and compares it to that of other basic classifications with processes and hazards that are similar to those of the employer's business and assigns the most analogous classification on that basis.

In the event that a review of the employer's business operations indicates the possibility that the employer conducts more than one business within this state, a determination will be made as to whether any additional basic classifications should be assigned on the basis of the criteria set out in the multiple enterprise rule (WAC 296-17-390).

Once the employer's basic classification has been established, the department must determine whether additional classifications should be assigned to apply to specific employments within an employer's business such as the standard exception rule (WAC 296-17-440), the general exclusion rule (WAC 296-17-430), the special exception rule (WAC 296-17-441), or those indicated by the language of any applicable basic classifications that permit or require separate reporting of any operations within that business or industry or as otherwise provided by this chapter.

(3) Premium payments - quarterly reports. Each employer shall, upon such forms as prescribed by the department, prior to the last day of January, April, July and October of each year, pay to the department for the preceding calendar quarter, for the accident fund, and for the medical aid fund, a certain number of cents for each worker hour or fraction thereof worked by the worker in their employ except when the rules of this manual provide for a different method of premium computation. Provided, that in the event an employer has no employment subject to coverage under Title 51 RCW during a calendar quarter the employer shall submit to the department, according to the schedule described above, a quarterly report indicating "no payroll" or be subject to the penalties provided for in RCW ~~((51.48.030))~~ 51.48.210. The director may promulgate, change and revise such rates at such times as necessary, according to the condition of the accident and medical aid funds, and assign rates as appropriate to employers who voluntarily seek coverage under the elective adoption provisions of the law.

(4) Determining accident fund premium. The amounts to be paid into the accident fund shall be determined as follows: The department shall determine a manual premium rate for each classification which shall not be inadequate, excessive or unfairly discriminatory, taking into consideration past and prospective costs in each classification and the financial condition of the accident fund as a whole.

Every employer shall pay into the accident fund at the manual premium rate unless such employer meets the requirements for the experience rating plan provided elsewhere in this manual, in which event such employer's premium rate for the accident fund shall be paid according to their experience modification as determined under the experience rating plan.

(5) Basis for determining medical aid premium. The amounts to be paid into the medical aid fund shall be determined as follows: The department shall determine a manual medical aid rate for each classification which shall not be inadequate, excessive or unfairly discriminatory, taking into consideration past and prospective costs in each classification and the financial condition of the medical aid fund as a whole.

Every employer shall pay into the medical aid fund at the manual premium rate unless such employer meets the requirements for the experience rating plan provided elsewhere in this manual, in which event such employer's premium rate for the medical aid fund shall be paid according to their experience modification as determined under the experience rating plan.

(6) All section captions or titles or catch lines used in this manual, chapter 296-17 WAC, do not constitute any part of these rules.

(7) Assignment of classifications. The classifications in this manual are all basic classifications other than the standard exception classifications which are defined in WAC 296-17-440. Basic classifications are used to implement the object of the classification system, which is to assign the one basic classification which best describes the business of the employer within this state. Each basic classification includes all the various types of labor found in a business unless it is specifically excluded by language contained within the classification or covered by a separate rule found elsewhere in this chapter, such as "standard exceptions" or "general exclusions." The classification procedure used within this state is intended to classify the business undertaking of the employer and not the separate employments, occupations, or operations of individuals within a business.

In the event an employer operates a secondary business within this state, multiple basic classifications can be assigned provided that the conditions set forth in WAC 296-17-390 "multiple enterprises" have been met. However, construction or erection operations are to be assigned classifications as provided in ~~((subsection (8) of this section))~~ WAC 296-17-45003 "Special construction industry rules".

~~((8)) ((Construction or erection operations. Each distinct type of construction or erection operation at a job site or location shall be assigned to the basic classification describing that operation provided separate payroll records are maintained for each operation.~~

~~In the event separate payroll records are not maintained the entire number of worker hours for such operations shall be assigned to the highest rated classification which applies to the job site or location where the operation is performed.~~

~~Separate construction or erection classifications shall not be assigned to any operation which is within the scope of another basic classification assigned to such a job site or location.~~

~~((9))~~ Classification assignment of separate legal entities. Each separate legal entity shall be assigned to the basic classification or classifications which best describe its operations within the state using the classification procedures outlined in subsections ~~2)((:))~~ and 7)((and 8)) of this section and WAC 296-17-45003.

~~((+0))~~ (9) All operations. Each basic classification in this manual, other than classifications 4806, 4904, 5206, 6301, 6302, 6303, 7101, or the temporary help classifications 7104 through 7121, include all the operations normally associated with the business undertaking without regard to the location(s) of such operation(s) unless an operation is specifically excluded from the manual language of the basic classification.

AMENDATORY SECTION (Amending Order 89-07, filed 7/20/89, effective 8/20/89)

WAC 296-17-350 MINIMUM PREMIUMS—ASSUMED WORKER HOURS. A minimum premium is the lowest amount of premium to be paid by an employer and is also the basis for determining premium computation for workers for whom an assumed number of worker hours must be, and hereby, is established:

(1) Minimum premium. Except as otherwise provided in this chapter, every employer shall be liable for a premium not less than ten dollars for any calendar quarter regardless of number of worker hours reported.

(2) Excluded employments. Any employer having any person in their employ excluded from industrial insurance whose application for coverage under the elective adoption provisions of RCW 51.12.110 or

authority of RCW 51.12.095 or 51.32.030 has been accepted by the director shall report and pay premium on the actual hours worked for each such person who is paid on an hourly, salaried-part time, percentage of profit or piece basis; or one hundred sixty hours per month for any such person paid on a salary basis employed full time. In the event records disclosing actual hours worked are not maintained by the employer for any person paid on an hourly, salaried-part time, percentage of profits or piece basis the worker hours of such person shall be determined by dividing the gross wages of such person by the state minimum wage for the purpose of premium calculation. However, when applying the state minimum wage the maximum number of hours assessed for a month will be one hundred sixty.

(3) Resident managers, caretakers, or similar employments that are employed for irregular periods and whose compensation is for a stipulated sum in money or a substitute for money shall be reported for the purpose of premium calculation as provided in subsection (6) of this section.

(4) Commission personnel. Commission personnel are persons whose compensation is based upon a percentage of the amount charged for the commodity or service rendered. Commission personnel are to be reported for premium purposes at a minimum of assumed worker hours of not less than eight worker hours a day for part-time employment, or not less than 40 worker hours per week for full-time employment. ~~(- PROVIDED, That the assumed eight worker hours daily for part-time employment will apply only if the employer's books and records are maintained so as to show separately such person's actual record of employment)) unless the employer maintains and presents to the department's representative at the time of audit payroll records that show in detail the name of each such commissioned worker, the actual number of hours worked for each such worker and the date or dates the services were rendered. If actual time records are maintained then such actual hours shall be reported to the department and premiums paid on such actual hours.~~

(5) Salaried personnel. Salaried personnel for the purposes of this chapter means persons whose compensation is not governed by the number of hours devoted to employment for their employer. Employers having salaried personnel in their employ shall for the purpose of premium calculation report assumed worker hours based upon one hundred sixty worker hours for each month in which the employee is on salary: PROVIDED, That if the employer maintains complete and accurate records, supported by original time cards or timebook entries, the employer may report and pay premium on the actual hours worked by salaried personnel: PROVIDED FURTHER, That the department may, at its discretion, authorize some other method in assuming worker hours for premium calculating purposes in the case of contract personnel employed by schools and/or school districts.

(6) Piece workers. For employees whose compensation is based upon the accomplishment of a number of individual tasks whether computed on the number of pounds, items, pieces, or otherwise who are not subject to any federal or state law or rule which requires the reporting of actual hours worked, the employer shall for the purpose of premium calculation assume each two dollars of earnings of each employee as representing one worker hour: PROVIDED, That if the average rate of compensation for the applicable classification is at least \$3.00 but less than \$3.50 per worker hour the assumed amount shall be \$3.00 of earnings as representing one worker hour, and on a progressive basis, if the average compensation is at least \$3.50 but less than \$4.00 the assumed amount shall be \$3.50 of earnings as representing one worker hour, and so forth. The records of the department as compiled for the preceding fiscal year ending June 30, shall be the basis for determining the average rate of compensation for each classification: PROVIDED FURTHER, That an employer who maintains records but is not required to do so shall report the actual hours worked for the purpose of premium calculation. In the event an employer who is otherwise required by federal or state laws or rules to maintain records of actual hours worked by each employee fails to do so, the worker hours of such employees will be determined by dividing the gross wages of each employee by the state minimum hourly wage to determine the hours reported for the purpose of premium calculation. Notwithstanding any other provisions of this section, workers employed in a work activity center pursuant to WAC 296-17-779 shall be reported on the basis of the piece worker rule.

(7) Noncontact sports teams. All employers having personnel in their employ as defined under WAC 296-17-745 shall for the purpose of premium calculations, report assumed worker hours based upon 40 worker hours for each week in which any duties are performed.

(8) All employers having personnel in their employ as defined under WAC 296-17-739 shall, for the purpose of premium calculations, report assumed worker hours based upon ten hours for each mount in each horse race; professional drivers shall report worker hours based upon ten hours for each heat or race of any racing event: PROVIDED, That any day such personnel do not ride or drive in a race, the premium calculation shall be made by assuming ten worker hours for any day in which duties are performed.

(9) Pilots and flight crew members having flight duties during a work shift including preflight time shall have premium calculated by utilizing daily readings logged per federal requirements of the aircraft tachometer time: PROVIDED, That if the total tachometer time for any day includes a fraction of an hour, the reportable time will be increased to the next full hour: PROVIDED FURTHER, That pilots and flight crew members who assume nonflying duties during a work shift will have premium calculated in accordance with the appropriate rules and classifications applicable to nonflight duties.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-370 GOVERNING CLASSIFICATION. The governing classification of a risk is defined as that classification, other than classifications 4806, 4904, 5206, 6301, 6302, 6303, 7101 or temporary help classifications 7104 through ~~(7109)~~ 7121, which carries the largest number of worker hours. Provided, that this rule is only applicable when multiple basic classifications are to be assigned to an employer's business undertakings.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-410 DIVISION OF SINGLE EMPLOYEE'S WORKER HOURS. The worker hours of any one employee may be divided between two or more classifications, provided the employer has maintained complete and accurate records supported by original time cards or time book entries which show separately both by individual employee and in summary by operations performed the worker hours of such employees, except such division SHALL NOT BE ALLOWED:

- (1) Between a basic classification and standard exception classification unless specifically provided for in other rules(-:);
- (2) Between two standard exception classifications(-:);
- (3) If the division is contrary to the classification phraseology; or
- (4) If the division is prohibited by some other general or special rule found elsewhere in this chapter.

If the employer fails to keep complete and accurate records as provided in this rule, the entire number of worker hours of the employee shall be assigned to the highest rated classification representing any part of their work. Division of worker hours by means of percentages, averages, estimates, or any basis other than specific time records, shall not be accepted by the department.

AMENDATORY SECTION (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

WAC 296-17-440 STANDARD EXCEPTIONS. The following employments referred to as standard exceptions are to be separately rated unless these employments are specifically included within the scope of a basic classification by use of words such as "including clerical office and outside sales." (Use of the words "clerical office" will also include draftsmen and use of the words "sales personnel" will also include collectors, messengers and corporate officers.) Provided that a division of a single employee's worker hours shall not be permitted between two standard exception classifications or between a standard exception classification and a basic business classification except as provided in the general exclusion rules of this manual.

The standard exceptions are defined below:

- (1) Clerical office employees are defined as those employees whose duties are confined to keeping the books or records of the employer, or conducting correspondence or who are engaged wholly in office work where such books or records are kept or where such correspondence is conducted, having no other duty of any nature in or about the employer's premises. If any clerical office employee is exposed to any operative hazard of the business, their entire worker hours shall be assigned to the highest rated classification of work to which they are exposed. The clerical office classification shall be applied only to persons as herein described who are employed exclusively in separate buildings or on separate floors of buildings or in departments on such floors which

are physically separated from all other work areas of the employer by structural partitions and within which no work is performed other than clerical office duties as defined in this paragraph.

(2) Draftsmen will be considered to be clerical office employees when their duties are limited to office work only and who are engaged strictly as draftsmen in such a manner that they are not exposed to the operative hazard of the business. If any draftsman is exposed to any operative hazard of this business, their entire worker hours shall be assigned to the highest rated classification of work to which they are exposed.

(3) "Sales personnel - outside" are defined as those employees engaged in such duties away from the premises of the employer who sell or solicit new accounts or customers for the employer or who service existing accounts or customers for the employer. Provided that no employee shall be assigned to a sales classification code if their duties include delivery, even though they may also solicit or collect. Employees having delivery duties, even if they walk or use public transportation, shall be assigned to the governing classification of the employer.

(4) Messengers will be considered sales employees, provided the following conditions are met:

(a) The messenger is used solely by the employer in connection with the administration of the employer's business operation.

(b) The operation is not provided to the public as a general delivery service.

(c) The employer's basic classification does not include the standard exception classification designations.

If all the above conditions do not exist, any employee assigned such duties shall be assigned to the governing classification of the employer when multiple basic classifications are assigned or to the basic classification in the event an employer has only a single basic classification assigned.

(5) Corporate officers are defined as those employees of a corporation elected and empowered in accordance with the articles of incorporation or bylaws as officers of the corporation who are also shareholders and serve on the board of directors of the corporation and whose duties are limited to administrative, clerical office and outside sales activities for the corporations. Any corporate officer who performs any duty that relates directly to the operational activities of the business shall be assigned to the basic classification(s) of the employer applicable to the work being performed. A corporate officer engaged exclusively in outside sales shall be assigned classification 6303. In no event however will a corporate officer be assigned the clerical office classification 4904.

With the exceptions of occupations falling within any classification that specifically includes clerical office, inside draftsmen or sales personnel, the following designated occupational classifications shall apply.

Classification 4904 clerical office employees including inside draftsmen.

Classification 6303 sales personnel, outside or away from the employer's premises including collectors and messengers.

Classification 6301 automobile, truck, camper, trailer, mobile home, motorcycle and pleasure craft sales personnel.

Classification 6302 all door to door sales personnel.

Classification 7101 corporate officers.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-441 SPECIAL EXCEPTIONS. The following operations referred to as special exceptions are subject to division of worker hours in connection with all other classifications regardless of directional phrases beginning with "all employees" or "all operations," but only under the specific circumstances as shall be described by the following special exceptions:

(1) Security guards shall be subject to classification 6601 (WAC 296-17-723): PROVIDED, The security guard is an employee of an employer engaged in logging or construction: PROVIDED FURTHER, The security guard is for the purpose of guarding the employer's logging or construction sites: AND PROVIDED FURTHER, The security guard is employed at the site only during those hours that the employer is not conducting any other operations at the site and provided any person employed as a security guard will have no other duties.

(2) Janitors shall be subject to classification 6602 (WAC 296-17-724): PROVIDED, The janitorial services are performed solely within the employer's office: PROVIDED FURTHER, The employer's other office employment is subject to classification 4904 (WAC 296-17-653)

and provided the person employed to perform janitorial services is not otherwise regularly employed by the employer with clerical office duties that are subject to reporting under classification 4904.

(3) Logging truck drivers employed by logging companies shall be subject to classification 5003 (WAC 296-17-66001), provided this classification shall not apply to any logging truck driver for any work shift during which the driver has duties that would otherwise be subject to classification 5001 (WAC 296-17-659).

~~((4) Construction or erection contractors permanent yard or shop employees shall be subject to classification 5206 (WAC 296-17-675); provided that this classification shall not apply to any yard or shop employee during any work shift in which the yard or shop employee has duties subject to another classification, or if the classification assigned to the employer requires a separate treatment for shop operations.))~~

AMENDATORY SECTION (Amending Order 89-11, filed 8/31/89, effective 10/1/89)

WAC 296-17-45002 SPECIAL TRUCKING INDUSTRY ((~~INTERPRETATIONS~~)) RULES. The following subsection shall apply to all trucking industry employers as applicable.

(1) Insurance liability. Every trucking industry employer operating as an intrastate carrier or a combined intrastate and interstate carrier must insure their workers' compensation insurance liability through the Washington state fund or be self-insured with the state of Washington.

Washington employers operating exclusively in interstate or foreign commerce or any combination of interstate and foreign commerce must insure their workers' compensation insurance liability for their Washington employees with the Washington state fund, be self-insured with the state of Washington, or provide workers' compensation insurance for their Washington employees under the laws of another state when such other state law provides for such coverage.

Interstate or foreign commerce trucking employers who insure their workers' compensation insurance liability under the laws of another state must provide the department with copies of their current policy and applicable endorsements upon request.

Employers who elect to insure their workers' compensation insurance liability under the laws of another state and who fail to provide updated policy information when requested to do so will be declared an unregistered employer and subject to all the penalties contained in Title 51 RCW.

(2) Reporting. Trucking industry employers insuring their workers' compensation insurance liability with the Washington state fund shall keep and preserve all original time records/books including supporting information from drivers' logs for a period of three calendar years plus three months.

Employers are to report actual hours worked, including time spent loading and unloading trucks, for each driver in their employ. For purposes of this section, actual hours worked does not include time spent during lunch or rest periods or overnight lodging.

Failure of employers to keep accurate records of actual hours worked by their employees will result in the department estimating work hours by dividing gross payroll wages by the state minimum wage for each worker for whom records were not kept. However, in no case will the estimated hours exceed five hundred twenty hours per calendar quarter for each worker.

(3) Exclusions. Trucking industry employers meeting all of the following conditions are exempted from mandatory coverage.

(a) Must be engaged exclusively in interstate or foreign commerce.

(b) Must have elected to cover their Washington workers on a voluntary basis under the Washington state fund and must have elected such coverage in writing on forms provided by the department.

(c) After having elected coverage, withdrew such coverage in writing to the department on or before January 2, 1987.

If all the conditions set forth in (a), (b), and (c) of this subsection have not been met, employers must insure their workers' compensation insurance liability with the Washington state fund or under the laws of another state.

(4) Definitions. For purposes of interpretation of RCW 51.12.095(1) and administration of this section, the following terms shall have the meanings given below:

(a) "Agents" means individuals hired to perform services for the interstate or foreign commerce carrier that are intended to be carried out by the individual and not contracted out to others.

(b) "Contacts" means locations at which freight, merchandise, or goods are picked up or dropped off within the boundaries of this state.

(c) "Doing business" means having any terminals, agents or contacts within the boundaries of this state.

(d) "Employees" means the same as the term "worker" as contained in RCW 51.08.180.

(e) "Terminals" means a physical location wherein the business activities (operations) of the trucking company are conducted on a routine basis. Terminals will generally include loading or shipping docks, warehouse space, dispatch offices and may also include administrative offices.

(f) "Washington" shall be used to limit the scope of the term "employees." When used with the term "employees" it will require the following test for benefit purposes (all conditions must be met).

(i) The individual must be hired in Washington or must have been transferred to Washington;

(ii) The individual must perform some work in Washington (i.e., driving, loading, or unloading trucks); and

(iii) The individual must reside within the geographic boundaries of Washington state.

NEW SECTION

WAC 296-17-45003 SPECIAL CONSTRUCTION INDUSTRY RULE. (1) Construction or erection operations. Each distinct type of construction or erection operation at a job site or location shall be assigned to the basic classification describing that operation provided separate payroll/time records are maintained for each such operation and which show in detail the name, rate of pay, and actual hours worked for each employee.

In the event payroll/time records are not maintained to support separate classification assignments the entire number of work hours in question shall be assigned to the highest rated classification which applies to the job site or location where the operation is being performed. The department may upon request by an employer (contractor) prior to the commencement of a contract authorize the use of a single basic classification to cover an entire project.

Selection of the basic classification will be determined by estimating the work hours for each construction operation at the site or location and calculating the premiums by each applicable classification—total estimated premiums will then be divided by the total estimated hours to produce an average rate. The basic classification assigned to the employer that carries the rate nearest to the estimated average rate will be selected provided that if the estimated average rate is equally between two classifications assigned to the employer the lower of the two rates will be selected.

Separate construction or erection classifications shall not be assigned to any operation which is within the scope of another basic classification assigned to such a job site or location. For example a carpenter employed by a concrete contractor to build foundation forms is to be assigned to a concrete construction classification and not a carpentry classification.

(2) Subcontracted work. The general contractor or specialist contractor as defined in RCW 18.27.010, as the case may be who subcontracts work out to others must ensure that such subcontractors are properly registered and licensed under chapter 18.27 or 19.28 RCW as applicable to avoid being held liable for industrial insurance premiums for such subcontractors (RCW 51.12.070). At the time of audit or within thirty days thereafter the general contractor or specialist contractor as the case may be who has subcontracted work out to others must provide the department's traveling auditors, agents or assistants a list containing the names of such subcontractors, their contractors registration of license number, the expiration date of such registration or license, and their uniform business identifier or industrial insurance account number. Failure by the general contractor or specialist contractor to provide this record at the time of audit may result in a premium assessment being made for each subcontractor used by the general contractor or specialist contractor.

(3) Debris removal. Work hours related to the removal of construction materials equipment or debris from a job site or location by employees of a general contractor or specialist contractor are to be assigned to the construction classification applicable to the phase of construction work being supported by such clean up personnel. However, if clean up personnel are involved in general job site or location clean up then risk classification 0510 or 0518 will apply as applicable to the job site or location. Employees of a specialist contractor engaged exclusively in debris removal services shall be assigned to risk classification 0510 or 0518 as applicable to the job site or location serviced.

(4) Scaffolding, hoists, and towers. Work hours related to the installation, maintenance or removal of scaffolding, hod hoists, distributing towers, sidewalk bridges, and elevators by employees of a general contractor or specialist contractor are to be assigned to the construction classification applicable to the phase of construction being supported. However, if the scaffolding, hod hoists, distributing towers, sidewalk bridges and elevators being installed supports several phases of construction then risk classification 0510 or 0518 will apply as applicable to the jobsite or location. Employees of a specialist contractor engaged exclusively in work described in this subsection shall be assigned to risk classification 0510 or 0518 as applicable to the job site or location.

(5) Preoccupancy clean up. Work hours related to preoccupancy clean up by employees of a general contractor or specialist contractor are to be assigned to classification 6602 "Janitors, N.O.C." provided that the term "preoccupancy clean up" for purposes of this rule is limited in scope to dusting, washing windows, vacuuming carpets, mopping floors, and cleaning fixtures. A division of individual work hours between classification 6602 and any construction, erection, or shop classification is not allowed. Employees having duties that fall within a construction classification and who are also engaged in preoccupancy clean up are to be reported in the applicable construction classification.

(6) Shop or yard operations. Construction or erection contractors who maintain a permanent shop or yard operation may report the work hours of such employees in classification 5206, provided that this classification shall not apply to any yard or shop employee during any work shift in which the yard or shop employee has duties subject to another classification or if the classification assigned to the employer requires a separate treatment for shop operations.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-50601 CLASSIFICATION 0107.

~~((Coaxial cable and conduit underground construction, maintenance and repair— including use of automatic cable laying equipment and including television cable, N.O.C.))~~

Pipelaying, N.O.C.

Utility line construction: Underground type, N.O.C. – including television cable, power, and telephone lines.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-50602 CLASSIFICATION 0108.

Ditches and canals, N.O.C.

Sewer construction

Septic tank installation, including drainfield construction.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-509 CLASSIFICATION 0202.

Diving operations and subaqueous work, N.O.C.

Pile driving or concrete piling construction

Wharf, pier, dock and marine railway: Construction, maintenance, and repair.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-50904 CLASSIFICATION 0206.

Commercial concrete construction such as but not limited to (~~building foundations;~~) sewage disposal plants, swimming pools, fish hatcheries, water purification plants construction, and similar concrete projects

This classification will be used to report concrete construction projects other than concrete building construction reported in risk classification 0505; concrete construction done in connection with wood frame building construction reported in risk classification 0102; highway, street, and road construction projects reported in risk classification 0101; and bridge construction projects reported in risk classification 0201.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-519 CLASSIFICATION 0504.

~~((Wallboard taping and texturing, excluding wallboard installation rated under risk classification 0515 (WAC 296-17-52107))~~

~~Painting bridges, including incidental preparation work~~

~~Painting, decorating or paperhanging, N.O.C., including incidental preparation, including shop~~

~~Waterproofing, N.O.C. excludes roofing or subaqueous work~~

~~Painting, coating or cleaning oil or gas storage tanks and beer vats~~

~~Painting towers, smokestacks and steel or iron structures:))~~

~~Cleaning, washing, and/or sandblasting buildings, N.O.C. - including shop operations~~

~~Painting bridges, including incidental preparation work~~

~~Painting, coating or cleaning oil or gas storage tanks and beer vats~~

~~Painting, decorating or paperhanging, N.O.C., including incidental preparation, including shop~~

~~Painting towers, smokestacks and steel or iron structures~~

~~Plastering, stuccoing, and lathing buildings - interior work~~

~~Sandblasting, N.O.C., including shop operations~~

~~Wallboard taping and texturing, excluding wallboard installation rated under risk classification 0515 (WAC 296-17-52107).~~

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-52002 CLASSIFICATION 0507.

Roofwork, all types, construction and repair

This classification excludes roof cleaning and moss removal ~~((rated))~~ which is to be reported separately under risk classification 6602 (WAC 296-17-724) not incidental to or part of a roofing contract.

For purposes of this rule the term "roofwork" will include repairs to the subroof such as replacement of trusses, rafters, supports, sheathing, etc., but will not include the placement of trusses, rafters, or sheathing on new building construction.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-521 CLASSIFICATION 0508.

Blast furnace and metal burners construction

Crane or derrick installation

Elevated railway, tram, lift, etc., construction, maintenance and repair ~~((Erection, maintenance and repair radio, television, water towers, poles and towers, N.O.C.))~~

Exterior tanks - all types - erection, maintenance or repair, N.O.C.

Oil still or refinery construction. Excludes plant maintenance by contractor ~~((rated))~~ which is to be reported separately under risk classification 0603 ~~((WAC 296-17-524))~~

Radio, television, water towers, poles and towers, N.O.C. - erection, maintenance and repair

Smokestacks ~~((structural iron or steel framework:))~~ - erection, maintenance and repair

Windmills ~~((:))~~ - all types, erection, maintenance and repair, silo erection

This classification includes erection of skeletons for pillars, posts and like columns, all excavations, foundation work, and dismantling and repairing of above types of structures.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-52106 CLASSIFICATION 0514.

Awnings and fire escapes: Installation, alteration, repair or removal

Garage or overhead door installation including automatic door openers when installed with a garage or overhead door

Shutter installation: Metal, plastic or wood - including repair or removal.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-52108 CLASSIFICATION 0516.

Building repair and carpentry, N.O.C.

NEW SECTION

WAC 296-17-52109 CLASSIFICATION 0517.

Mobile home set up by contractor - including installation of skirting, awnings and decks.

NEW SECTION

WAC 296-17-52110 CLASSIFICATION 0518.

Building construction, N.O.C., including alterations or repairs.

NEW SECTION

WAC 296-17-52111 CLASSIFICATION 0519.

Building construction: Sheet metal work, N.O.C., including installation of metal/aluminum siding and gutter/downspout work. This classification covers all types of interior and exterior sheet metal other than heating and ventilating systems which are to be reported separately in risk classification 0307 and roof work which is to be reported separately in risk classification 0507.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-523 CLASSIFICATION 0602.

Elevators ~~((freight or passenger:))~~; Installation, service and repair - freight or passenger type
Elevator door bucks - installation.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-525 CLASSIFICATION 0604.

~~((Battery salvaging iron or steel scrap dealers Junk dealers~~

Metal) Scrap metal dealers or processors - collect, sort and reduction of scrap metal.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-52701 CLASSIFICATION 0608.

~~((Business machine and computer mini and mainframe systems. Report the installation of personal desk top computer systems separately in risk classification 4107:))~~

Electrical alarm systems including smoke alarms

Intercom or audio call box

Telecommunication and PBX or similar equipment

Telephone service prewire by contractor

This classification includes installation, service or repair of the above types of equipment and includes all shop or yard operations.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-532 CLASSIFICATION 0901.

~~((Commercial boat or))~~ Ship building or repair, N.O.C., all types ~~((:))~~ - including dismantling of ~~((boat or))~~ ship hulls

This classification includes all ~~((ship))~~ shop and yard operations See risk classification 3606 ~~((WAC 296-17-598))~~ for pleasure craft/recreational boat building.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-536 CLASSIFICATION 1101.

~~((Armoured))~~ Armored car service

Automobile delivery drive away, automobile repossessing

Computer tape/accounting records delivery service

Delivery by retail, wholesale, combined wholesale and retail stores and distributors, N.O.C.

Delivery companies, deliver parcels and packages, no bulk merchandise

Distribution of sample merchandise by vehicle

Driver delivery sales, N.O.C.

Drivers of sound trucks
 News agents or distributors of magazines, periodicals and telephone books, no retail dealer
 Route food services, excludes food preparation to be reported under risk classification 3905 (WAC 296-17-618)
 Septic tank and cesspool cleaning, excludes installation or repair
 Street sweeping, parking lot sweeping, portable chemical toilets servicing
 Street vending vehicles.

AMENDATORY SECTION (Amending Order 86-18, filed 5/30/86, effective 7/1/86)

WAC 296-17-555 CLASSIFICATION 2002.

Freight handlers - packing, handling or shipping merchandise N.O.C.
 Refrigeration car, loading, unloading or icing
 This classification also includes employees engaged in repackaging of goods from damaged containers.
 This classification excludes drivers or other employees with driving duties which are to be reported separately ((reported)) under risk classification 1102 ((WAC 296-17-537)) without a division of work hours.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-567 CLASSIFICATION 2401.

Paper or pulp manufacturing, wood ((fibre)) fiber manufacturing
 Corrugated and ((fibre)) fiber board container manufacturing, including corrugating and laminating of paper
 Paper coating, corrugating, laminating or oiling
 Paper goods, N.O.C., manufacturing
 Building and roofing paper including felt, manufacturing.

NEW SECTION

WAC 296-17-57603 CLASSIFICATION 3304.

Fish processors, packers and repackers: Wholesale or combined wholesale/retail - excluding cold storage or locker operations when conducted as a separate and distinct business operation
 Meat and/or poultry dealers: Wholesale or combined wholesale/retail - excluding slaughter or packing house operations which are to be reported separately in risk classification 4301 and cold storage or locker operations which are to be reported separately when conducted as a separate and distinct business operation.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-580 CLASSIFICATION 3402.

Abrasive wheel manufacturing
 Air compressor manufacturing or assembly, elevator manufacturing, gear grinding or manufacturing
 Automobile or truck, radiator and heater core manufacturing and repair shops
 Auto body manufacturing - truck, trailer, bus body manufacturing, travel trailer body repair
 Auto or motorcycle manufacturing or assembly
 Auto or truck engine manufacturing, aircraft engine manufacturing or rebuild, N.O.C.
 Auto or truck parts, machining or rebuild not in vehicle
 Battery manufacturing ((or)), assembly ((including)) and repair: Storage type
 Bed spring or wire mattress manufacturing
 Confectioners machinery manufacturing or assembly, food processing machinery manufacturing or assembly, precision machined parts, N.O.C., manufacturing
 Coppersmithing, shop
 Die castings manufacturing
 Furnace, heater or radiator manufacturing
 Heat treating metal
 Lead burning, metal spraying - copper
 Machinery manufacturing or assembly, N.O.C.
 Machine shops, N.O.C., including mobile shops, tool sharpening and marine engine repair

Nut, bolt, screw, nail, tack, rivet, eyelet, spike and needle manufacturing, N.O.C.

Office machinery manufacturing or assembly, N.O.C., cash register and sewing machine manufacturing or assembly

Photo processing machinery manufacturing or assembly

Power saw, lawn and garden equipment and small motor repair, N.O.C.

Printing or bookbinding machinery manufacturing or assembly

Pump manufacturing or assembly, safe manufacturing or assembly, scale manufacturing or assembly including repair, auto jack manufacturing or assembly, water meter manufacturing or assembly including repair

Saw manufacturing or assembly

Sewing machine, commercial - repair and rebuild

Shoe machinery manufacturing or assembly, sprinkler head manufacturing or assembly, textile machinery manufacturing or assembly

Small arms, speedometer and carburetor manufacturing or assembly including rebuild

Tool manufacturing, machine finishing

Tool manufacturing, not hot forming or stamping, die manufacturing - ferrous

Valve manufacturing

Welding or cutting, N.O.C. including mobile operations

This is a shop or plant only classification but does contemplate work being performed in an adjacent yard when operated by an employer having operations subject to this classification. Unless outside activities are specifically provided for they are to be separately rated

This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations rated within this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-587 CLASSIFICATION 3503.

Potteries, glazed or porcelain, earthenware manufacturing

Chinaware, tableware, decorative or architectural terra cotta manufacturing

Decorative tile, clay tobacco pipes, manufacturing

Glassware manufacturing, N.O.C. including stained or leaded glassware manufacturing

Glass manufacturing, N.O.C.

~~((Plastic feather or flower manufacturing))~~

Agate or enamel ware manufacturing

~~((Plaster statuary or ornament manufacturing - relief map manufacturing~~

~~phonograph record manufacturing~~

~~Mirror, glass sign manufacturing, etching or frosting glass))~~

This classification does not apply to the production of raw materials for use in the manufacturing of the above articles.

NEW SECTION

WAC 296-17-59201 CLASSIFICATION 3509.

Glass frosting, etching, beveling including cutting

Plaster statuary or ornament manufacturing.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-626 CLASSIFICATION 4107.

Business machine service, adjustment, or repair, N.O.C. This classification includes the installation of typewriters, adding machines and reproduction machines(;) (either electric or manual), main frame and micro/mini computer systems and x-ray equipment ((but excludes the installation service or repair of computer main frame systems which will be rated under risk classification 0608 (WAC 296-17-5270)))
 Piano tuning.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-646 CLASSIFICATION 4805.

Christmas tree sales from u-cut farms or retail sales lots

Nurseries, including greenhouse operations incidental thereto
This classification applies to all acreage devoted to nursery operations and including tree nurseries and sod growing.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-64903 CLASSIFICATION 4811.

~~((Hop growing))~~ Farms: Hops - including cultivating, picking, drying and baling hops and all other operations incidental to the enterprise described above

Farms: Mint - including distillery operations when conducted in connection with a mint farm operation and when performed by employees of an employer subject to this classification.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-64904 CLASSIFICATION 4812.

Fish and shellfish hatcheries including raising, egg production, grading, harvesting and shipping
This classification excludes fish and shellfish processing which ~~((is))~~ are to be reported separately ~~((rated subject to))~~ under risk classification ~~((3301 (WAC 296-17-576)))~~ 3304.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-654 CLASSIFICATION 4905.

~~((Apartment houses Building and property management))~~

Hotels
Motels

This classification excludes restaurant and lounge employees ~~((rated under))~~ which are to be reported separately in risk classification 3905 ~~((WAC 296-17-618))~~ "restaurants, N.O.C.". Hotel and motel desk clerks with no other duties will be ~~((rated under))~~ reported separately in risk classification 4904 ~~((WAC 296-17-653))~~ "clerical office N.O.C."

NEW SECTION

WAC 296-17-65801 CLASSIFICATION 4910.

Building or property management operations by owner or lessee— including malls, apartment/condominium complexes and mobile home parks
Chimney cleaning - residential buildings.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-663 CLASSIFICATION 5103.

Foundries, ~~((steel castings Type foundries, die casting manufacturing, nonferrous Foundries, magnesium))~~ N.O.C.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-677 CLASSIFICATION 5301.

Accounting or bookkeeping firms
~~((Computer software or word processing services))~~
Court reporting firms
Credit bureaus
Employment agencies
Law firms
Management analyst or consulting firms, N.O.C.
Secretarial or telephone answering services
Travel agencies
Word processing services

This classification includes clerical office and sales personnel
Use of this classification is limited to employers engaged in such services being provided to the general public. This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operation to manage other commonly owned or operated

business undertakings unless coincidentally the other operations are also subject to this classification.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-682 CLASSIFICATION 6105.

~~((Home health services))~~

Hospitals - N.O.C. including hospital districts

Hospitals - private proprietary

Hospitals - religious, charitable or nonprofit

~~((Nursing care, N.O.C.))~~

This classification includes clerical office and sales personnel.

NEW SECTION

WAC 296-17-68601 CLASSIFICATION 6110.

Home health services and nursing care, N.O.C.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-695 CLASSIFICATION 6209.

Camp grounds such as but not limited to church, recreational, or educational including incidental cottage or cabin rentals, boat concessions, grocery stores, and penny or video arcades

Dude ranches - excluding cattle ranches

Swimming pools - public

~~((Trailer or mobile home parks))~~

This classification includes food and beverage operations, clerical office and sales personnel physically located at the above facilities.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-707 CLASSIFICATION 6403.

Coffee, tea or spice stores - retail

Dairy products stores - retail

Delicatessens - retail, no fresh meat

Fruit or vegetable stores - retail

Grocery stores - retail, N.O.C.

This classification includes clerical office and sales personnel

~~((Lunch counters and restaurant operations to be separately rated))~~.

AMENDATORY SECTION (Amending Order 86-18, filed 5/30/86, effective 7/1/86)

WAC 296-17-708 CLASSIFICATION 6404.

Florists stores wholesale/retail

Balloon arrangement stores wholesale/retail

~~((Christmas tree sales - from lot/retail only))~~

This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-715 CLASSIFICATION 6502.

Banks

Check cashing services, provided that in the event such an operation is conducted as a part of or in connection with an operation rated in classification 6406, classification 6406 will be assigned to cover both operations

Credit unions

Financial institutions, N.O.C.

Investment companies

Loan companies

Mortgage companies

Savings and loan associations

Stock brokers and escrow companies

This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-724 CLASSIFICATION 6602.

Janitorial service - ~~((excluding))~~ including contract window cleaning

Janitors, N.O.C.

Pest control. This category applies to operations involved in the control and extermination of pests by the use of pesticides, rodenticides and fumigants

Portable cleaning and washing, N.O.C. - includes auto and truck washing, recreational vehicles and mobile homes. This category will include roof cleaning and washing of single story buildings, but only if the washing is not incidental to painting or roof repair

Swimming pool cleaning

Termite control. This category applies to operations involved in the control and extermination of termites and other wood-destroying pests or organisms by fumigation or spraying of poisonous insecticides. Does not include structural repair

Window washing services.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-777 CLASSIFICATION 7307.

Christmas tree farms - all operations including planting, pruning (~~and~~), harvesting, baling, packing and delivery

Report retail operations (i.e., cashiers, parking attendants, customer assistants, etc.) of Christmas tree u-cut farms or retail sales lots in risk classification 4805 "Christmas tree sales."

AMENDATORY SECTION (Amending Order 88-30, filed 12/1/88, effective 1/1/89)

WAC 296-17-855 EXPERIENCE MODIFICATION. The basis of the experience modification shall be a comparison of the actual losses charged to an employer during the experience period with the losses which would be expected for an average employer reporting the same exposures in each classification. The comparison shall contain actuarial refinements designed to mitigate the effects of losses which may be considered catastrophic or of doubtful statistical significance, due consideration being given to the volume of the employer's experience. Except for those employers who qualify for an adjusted experience modification as specified in WAC 296-17-860 or 296-17-865, the experience modification shall be calculated from the formula:

$$\text{MODIFICATION} = \frac{\text{Ap} + \text{WAe} + (1-\text{W}) \text{Ee} + \text{B}}{\text{E} + \text{B}}$$

The components Ap, WAe, and (1-W) Ee are values which shall be charged against an employer's experience record. The component, E, shall be the expected value of these charges for an average employer reporting the same exposures in each classification. The meaning and function of each symbol in the formula is specified below.

"Ap" signifies "primary actual losses." For each claim the primary actual loss is defined as that portion of the claim which is considered completely rateable for all employers and which is to enter the experience modification calculation at its full value. For each claim in excess of ~~\$(8,360)~~ 7,808 the primary actual loss shall be determined from the formula:

$$\text{Primary loss} = \frac{((\del{20,900}) \text{ 19,520})}{\text{Total loss} + ((\del{+2,540}) \text{ 11,712})} \times \text{total loss}$$

Primary actual losses for selected claim values are shown in Table I. For each claim less than ~~\$(8,360)~~ 7,808 the full value of the claim shall be considered a primary loss.

"Ae" signifies "excess actual losses." For each claim the excess actual loss is defined as that portion of the claim which is not considered completely rateable for all employers. The excess actual loss for each claim shall be determined by subtracting the primary loss from the total loss.

"W" signifies "W value." For each employer, the W value determines the portion of the actual excess losses which shall be included in the calculation of his experience modification, due consideration being given to the volume of his experience. This amount is represented by the symbol "WAe" in the experience modification formula. W values are set forth in Table II.

"E" signifies "expected losses." An employer's expected losses shall be determined by multiplying his reported exposure in each classification during the experience period by the classification expected loss rate. Expected loss rates are set forth in Table III.

"Ee" signifies "expected excess losses." Expected losses in each classification shall be multiplied by the classification "D-Ratio" to obtain "expected primary losses." Expected excess losses shall then be calculated by subtracting expected primary losses from expected total losses. Each employer shall have a statistical charge included in the calculation of his experience modification, said charge to be actuarially equivalent to the amount forgiven an average employer because of the exclusion of a portion of his excess actual losses. This charge is represented by "(1-W) Ee" in the experience modification formula. D-Ratios are set forth in Table III.

"B" signifies "B value" or "ballast." In order to limit the effect of a single severe accident on the modification of a small employer, a stabilizing element (B value) shall be added to both actual and expected losses. B values are set forth in Table II.

AMENDATORY SECTION (Amending Order 88-30, filed 12/1/88, effective 1/1/89)

WAC 296-17-86501 BUILDING INDUSTRY EXPERIENCE MODIFICATION LIMITATIONS. The premiums of building construction employers subject to the risk classifications 0505, 0506, 0507, 0510, 0511, 0512, 0513, 0514, 0515, (~~and~~) 0516, 0517, 0518, and 0519 shall be experience rated beginning January 1, 1988, using the reported past experience of such employers as provided for in the department's experience rating plan. However, the initial experience rating adjustment of these classifications for each such employer shall be made from a base modification of 1.0000, with adjustments limited to twenty-five percent annually until the actual experience rating developed by the department for each such employer has been reached or four years from the effective date of this section whichever comes first. Thereafter, adjustments will be made in accordance with the parameters established by the department's experience rating plan. Premiums of building construction employers reported in all other risk classifications not specifically listed above which are currently experience rated are not subject to the limitations imposed by this section and shall be computed utilizing the actual earned experience rating of each building construction employer, in accordance with the department's experience rating plan.

AMENDATORY SECTION (Amending Order 88-30, filed 12/1/88, effective 1/1/89)

WAC 296-17-870 EVALUATION OF ACTUAL LOSSES. Except as provided in the following subsections of this paragraph, actual losses shall include all payments as of the "valuation date" for each claim arising from an accident occurring during the experience period. Losses for claims open as of the valuation date may also include a reserve for future payments. Actual losses on claims for accidents occurring outside of the experience period shall not be included.

(1) Valuation date. The valuation date shall be on and include December 31, one year and one day immediately preceding the effective date of premium rates as set forth in WAC 296-17-895. For experience modifications effective January 1, 1990, the valuation date shall be June 1, seven months immediately preceding the effective date of premium rates.

(2) Retroactive adjustments - revision of losses between valuation dates. No claim value shall be revised between valuation dates and no retroactive adjustment of an experience modification shall be made because of disputation concerning the judgment of the claims examiner or because of subsequent developments except as specifically provided in the following cases:

(a) In cases where loss values are included or excluded through mistake other than error of judgment.

(b) In cases where a third party recovery is made.

(c) In cases where the claim qualifies as a second injury claim under the provisions of RCW 51.16.120.

(d) In cases where a claim, which was previously evaluated as a compensable claim, is closed and is determined to be noncompensable (ineligible for benefits other than medical treatment).

(e) In cases where a claim is closed and is determined to be ineligible for any benefits.

In the above specified cases retroactive adjustment of the experience modification shall be made for each rating in which the claim was included. Retroactive adjustments will not be made for rating periods more than ten years prior to the date on which the claim status was changed.

(3) Average death value. Each fatality occurring to a worker included within the mandatory or elective coverage of Title 51 RCW

shall be assigned the "average death value," said value to be the average incurred cost for all such fatalities occurring during the experience period. The average death value is set forth in Table II.

(4) Third party recovery. In the event of a third party recovery on a claim, the employer shall be charged for a portion of the actual loss amount, gross of such recovery, established on the claim for each year in which the claim's injury date falls within the experience period (see WAC 296-17-850). This portion shall be calculated at the time the recovery is made, and shall be determined by taking the ratio of the total cost of the claim, including attorneys' fees, after recovery, to the total cost of the claim before recovery. If the claim is open at the time the recovery is made, then costs before and after recovery may include an allowance for future claim payments. Both the primary and excess components of the actual loss amount shall be reduced in the same proportion.

(5) Second injury claims. The primary and excess values of any claim which becomes eligible for second injury relief under the provisions of RCW 51.16.120, as now or hereafter amended, shall be reduced by the percentage of relief granted.

(6) Occupational disease claims. When a claim results from an employee's exposure to an occupational disease hazard, the "date of injury," for the purposes of experience rating, shall be the date on which the disability was diagnosed, giving rise to the filing of a claim for benefits. The cost of any occupational disease claim, paid from the accident fund and medical aid fund and arising from exposure to the disease hazard under two or more employers, shall be prorated to each period of employment involving exposure to the hazard. Each insured employer who had employed the claimant during the experience period, and for at least ten percent of the claimant's exposure to the hazard, shall be charged for his share of the claim based upon the prorated costs.

(7) Maximum claim value. No claim shall enter an employer's experience record at a value greater than the "maximum claim value." The maximum claim value is set forth in Table II.

AMENDATORY SECTION (Amending Order 79-18, filed 11/30/79, effective 1/1/80)

WAC 296-17-873 STRUCTURE OF EMPLOYER CHANGES—EXPERIENCE RATING. WAC 296-17-873 through ((296-17-87309)) 296-17-87308 governs combination of entities and status changes of ownership for purposes of experience rating.

AMENDATORY SECTION (Amending Order 79-18, filed 11/30/79, effective 1/1/80)

WAC 296-17-87301 DEFINITIONS. The definitions in this section shall apply throughout WAC 296-17-873 through ((296-17-87309)) 296-17-87308.

(1) "Entity" means an individual, partnership, corporation, unincorporated association, or fiduciary operation (e.g. trust, receivership, or estate of deceased individual).

(2) "Immediate family member" as used in this rule means father, mother, husband, wife, son, daughter, stepson, stepdaughter, grandson, or granddaughter.

(3) "Majority interest" means more than fifty percent interest. If an entity other than a partnership:

(a) Has issued voting stock, majority interest means a majority of the issued voting stock. If all stock issues do not have the same number of votes per share, majority interest means a majority of the voting rights;

(b) Has not issued voting stock, majority interest means a majority of the members;

(c) Has not issued voting stock and has no members, a majority interest means a majority of the board of directors or comparable governing body.

If an entity is a partnership, majority interest means more than one-half of the general partners.

(4) "Joint venture" means a combination of two or more entities, entered into for the purpose of carrying to completion a specific job of limited duration.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-87305 CHANGE IN OWNERSHIP. (1) For the purpose of WAC 296-17-873 through ((296-17-87309)) 296-17-

87308 management is considered to be vested in ownership. Except as specifically provided otherwise herein, ownership whether active or inactive, governs the administration of WAC 296-17-873 through ((296-17-87309)) 296-17-87308, and the words "nominal" and "material" denote respectively the effect of a particular change in ownership. If a change has occurred which the provisions of subsections (2) through (5) of this section denominate "nominal," the experience of the past shall be utilized for future modification. If, on the other hand, the change is denominated "material," the past experience shall be disregarded and the risk written at manual or otherwise applicable rates.

In application of WAC 296-17-873 through ((296-17-87309)) 296-17-87308, ownership changes of any entity which is neither a partnership, a joint venture, nor a corporation that has issued voting stock shall be decided in accordance with the provisions of subsections (2) through (5) of this section applicable to corporations. The provisions of sections (2) through (5) of this section shall be applied as though the entity has issued voting stock and the stock was:

(a) Held in equal amounts by each of its members; or

(b) If the entity does not have members, held in equal amounts by each member of the board of directors or comparable governing body.

Two or more changes during a twelve-month period shall be considered as a single change.

The department shall in each case determine from the applicable provisions of subsections (2) through (5) of this section whether a change is "nominal" or "material," and if no provision of subsections (2) through (5) of this section is expressly applicable it shall be governed by a consideration of WAC 296-17-873 through ((296-17-87309)) 296-17-87308 as a whole and of its several parts interpreted in the light of such relevant evidence as is offered.

(2) Individual.

(a) Death of an individual is a material change. Exception: Where a member or members of the immediate family take over the business, either as the executor, executrix, administrator, or sole owner the change is nominal.

(b) Sale of business to another is a material change. Exception: Where the sale is made to a member or members of the immediate family the change is nominal.

(c) Bankruptcy or insolvency with:

(i) Continued operation with appointment of a trustee is a nominal change;

(ii) Withdrawal of the trustee and reversion to the original owner is a nominal change;

(iii) Withdrawal of a trustee but with new owners is a material change.

(d) Formation of a living estate is a nominal change.

(e) Formation of a partnership is a material change. Exceptions:

(i) A partnership composed of only two general partners is a nominal change;

(ii) A partnership composed of members of an immediate family is a nominal change;

(iii) A limited partnership in which the individual is one of not more than two general partners is a nominal change.

(f) Formation of a corporation is a material change. Exception: If the individual or members of his immediate family own one-half or more of the issued voting stock the change is nominal.

(3) Partnership.

(a) Sale, conveyance, transfer, or assignment of partnership interest by one or more partners and the partnership not dissolved is a material change. Exceptions:

(i) If prior to the change all partners were members of an immediate family and after the change one-half or more of the general partners are members of such immediate family the change is nominal;

(ii) If one-half or more of the general partners prior to the change constitute one-half or more of the general partners after the change the change is nominal.

(b) If the partnership is dissolved the change is material. Exceptions:

(i) In a partnership wherein all partners were members of an immediate family and one or more of the members of such family constitute one-half or more of the general partners in the new partnership, or own one-half or greater interest in the new entity or entities if they are not partnerships the change is nominal;

(ii) If one-half or more of the general partners of the dissolved partnership constitute one-half or more of the general partners in the new partnership or own a one-half or greater interest in the new entity or entities if they are not a partnership the change is nominal.

(c) Bankruptcy or insolvency.

(i) Continued operation with appointment of a trustee is a nominal change.

(ii) Withdrawal of a trustee and reversion to one-half or more of the original general partners is a nominal change.

(iii) Withdrawal of a trustee with the original general partners not constituting one-half or more of the owners is a material change.

(4) Corporations.

(a) Old corporation dissolved or nonoperative, not a merger or consolidation.

(i) Formation of a new corporation is a material change. Exceptions:

(A) If the stockholders common to both the dissolved or nonoperative corporation and the newly formed corporation own or owned one-half or more of the issued voting stock in the old corporation and own one-half or more of the issued voting stock in the newly formed corporation the change is nominal;

(B) If the nonoperative corporation owns one-half or more of the issued voting stock of the newly formed corporation the change is nominal;

(C) In a family corporation (meaning a corporation whose entire issued voting stock is held by the members of an immediate family) only those changes may be considered which involve the acquisition of ownership by a person not a member of such immediate family.

(ii) Reversion to an individual is a material change. Exceptions:

(A) If the individual owns or owned one-half or more of the issued voting stock of the dissolved or nonoperative corporation the change is nominal;

(B) If the individual was a member of an immediate family which wholly owned the corporation the change is nominal.

(iii) Reversion to a partnership is a material change. Exceptions:

(A) If the stockholders who own or owned one-half or more of the issued voting stock of the dissolved or nonoperative corporation constitute one-half or more of the general partners the change is nominal;

(B) If the corporation was wholly owned by members of an immediate family and a member or members of that immediate family constitute one-half or more of the general partners the change is nominal.

(b) Transfer of voting stock, not otherwise provided for in subsections (2) through (5) of this section.

(i) If one-half or less of issued voting stock is transferred the change is nominal.

(ii) If more than one-half of issued voting stock is transferred the change is material. Exception: If the stockholders who own or owned one-half or more of the issued voting stock prior to such sale own one-half or more of the issued voting stock after such sale the change is nominal.

(iii) In a family corporation (meaning a corporation whose entire issued voting stock is held by the members of an immediate family) only those changes shall be considered which involve the acquisition of ownership by a person not a member of such immediate family.

(c) Trustees, receiverships, and similar temporary changes of management are nominal changes.

(d) In the case of consolidations or mergers of corporations the experience of all consolidated or merged corporations shall be combined for computing the modification for the consolidated or surviving corporation.

(5) Joint ventures.

(a) A change in the membership of the joint venture is a material change.

(b) A nominal change in the ownership of one of the joint venturers is a nominal change.

(c) A material change in the ownership of one of the joint venturers is a material change.

(d) The experience of a joint venture shall be continued for other operations which may be undertaken, as a joint venture, by the same group of joint venturers, either during the same time as the original venture or at a later date.

(e) Members of a joint venture may subcontract part or all of their operations to one or more of the joint venturers. Work thus subcontracted becomes a regular part of the subcontractor's operations and is subject to his experience modification.

(6) Notwithstanding any of the provisions contained in this section the past experience of any single employing entity either corporate, partnership, or otherwise shall not be utilized for future modification by more than one newly formed employing entity either corporate, partnership, or otherwise. The following guidelines will be used in cases where two previous co-owners of a firm would both otherwise be individually entitled to the past experience of the firm based on their previous fifty percent ownership.

(a) If the change in the ownership of the firm was nominal, the experience will remain with the firm and belong to the new owners. Neither previous co-owner shall be entitled to the experience, except, coincidentally, by his or her continuing ownership interest in the ongoing firm.

(b) If the change in ownership was material or the firm was discontinued, and only one of the previous co-owners has an ongoing state fund account, the experience shall be assigned to the previous co-owner with the ongoing account.

(c) If the change in ownership was material, or the business was discontinued, and both previous co-owners have ongoing state fund accounts, the experience shall not be assigned to either of the previous co-owners.

Assignment of past experience to an entity in accordance with the above priorities will be final, unless it shall be determined that there was an error or misrepresentation which caused the experience to be assigned incorrectly. The assignment of experience shall not be altered by a subsequent change in status of any of the interested parties which would have changed the priority of their claim to the experience.

AMENDATORY SECTION (Amending Order 88-30, filed 12/1/88, effective 1/1/89)

WAC 296-17-875 TABLE I.

Primary Losses for Selected Claim Values

CLAIM VALUE	PRIMARY LOSS
((8,360	8,360
9,484	9,000
11,505	10,000
13,933	11,000
16,908	12,000
25,443	14,000
40,947	16,000
77,834	18,000
110,259*	18,766
209,000**	19,717))
7,808	7,808
8,133	8,000
10,020	9,000
12,303	10,000
15,121	11,000
18,689	12,000
29,704	14,000
53,236	16,000
116,981*	17,744
195,200**	18,415

* Average death value
 ** Maximum claim value

AMENDATORY SECTION (Amending Order 88-30, filed 12/1/88, effective 1/1/89)

WAC 296-17-880 TABLE II.

((^B and ^W Values

Maximum Claim Value = \$209,000
 Average Death Value = \$110,259

Expected Losses	B	W
4,527 & Under	39,434	0.00
4,528 - 9,124	39,040	0.01
9,125 - 13,788	38,645	0.02
13,789 - 18,523	38,251	0.03
18,524 - 23,331	37,857	0.04
23,332 - 28,212	37,462	0.05
28,213 - 33,170	37,068	0.06
33,171 - 38,206	36,674	0.07
38,207 - 43,322	36,279	0.08
43,323 - 48,520	35,885	0.09
48,521 - 53,802	35,491	0.10
53,803 - 59,171	35,096	0.11
59,172 - 64,628	34,702	0.12
64,629 - 70,177	34,308	0.13
70,178 - 75,820	33,913	0.14

Expected Losses	B	W
75,821 - 81,558	33,519	0.15
81,559 - 87,397	33,125	0.16
87,398 - 93,336	32,730	0.17
93,337 - 99,380	32,336	0.18
99,381 - 105,532	31,942	0.19
105,533 - 111,794	31,547	0.20
111,795 - 118,170	31,153	0.21
118,171 - 124,665	30,759	0.22
124,666 - 131,279	30,364	0.23
131,280 - 138,017	29,970	0.24
138,018 - 144,885	29,576	0.25
144,886 - 151,884	29,181	0.26
151,885 - 159,020	28,787	0.27
159,021 - 166,295	28,392	0.28
166,296 - 173,716	27,998	0.29
173,717 - 181,287	27,604	0.30
181,288 - 189,011	27,209	0.31
189,012 - 196,894	26,815	0.32
196,895 - 204,943	26,421	0.33
204,944 - 213,162	26,026	0.34
213,163 - 221,556	25,632	0.35
221,557 - 230,132	25,238	0.36
230,133 - 238,896	24,843	0.37
238,897 - 247,855	24,449	0.38
247,856 - 257,016	24,055	0.39
257,017 - 266,385	23,660	0.40
266,386 - 275,970	23,266	0.41
275,971 - 285,780	22,872	0.42
285,781 - 295,822	22,477	0.43
295,823 - 306,105	22,083	0.44
306,106 - 316,639	21,689	0.45
316,640 - 327,432	21,294	0.46
327,433 - 338,496	20,900	0.47
338,497 - 349,841	20,506	0.48
349,842 - 361,477	20,111	0.49
361,478 - 373,417	19,717	0.50
373,418 - 385,674	19,323	0.51
385,675 - 398,260	18,928	0.52
398,261 - 411,189	18,534	0.53
411,190 - 424,478	18,140	0.54
424,479 - 438,139	17,745	0.55
438,140 - 452,190	17,351	0.56
452,191 - 466,650	16,957	0.57
466,651 - 481,535	16,562	0.58
481,536 - 496,867	16,168	0.59
496,868 - 512,665	15,774	0.60
512,666 - 528,952	15,379	0.61
528,953 - 545,752	14,985	0.62
545,753 - 563,090	14,591	0.63
563,091 - 580,993	14,196	0.64
580,994 - 599,488	13,802	0.65
599,489 - 618,609	13,408	0.66
618,610 - 638,386	13,013	0.67
638,387 - 658,856	12,619	0.68
658,857 - 680,056	12,225	0.69
680,057 - 702,026	11,830	0.70
702,027 - 724,810	11,436	0.71
724,811 - 748,456	11,042	0.72
748,457 - 773,013	10,647	0.73
773,014 - 798,537	10,253	0.74
798,538 - 825,086	9,858	0.75
825,087 - 852,725	9,464	0.76
852,726 - 881,525	9,070	0.77
881,526 - 911,558	8,675	0.78
911,559 - 942,909	8,281	0.79
942,910 - 975,667	7,887	0.80
975,668 - 1,009,930	7,492	0.81
1,009,931 - 1,045,806	7,098	0.82
1,045,807 - 1,083,414	6,704	0.83
1,083,415 - 1,122,881	6,309	0.84
1,122,882 - 1,164,352	5,915	0.85
1,164,353 - 1,207,986	5,521	0.86
1,207,987 - 1,253,956	5,126	0.87
1,253,957 - 1,302,459	4,732	0.88
1,302,460 - 1,353,711	4,338	0.89

Expected Losses	B	W
1,353,712 - 1,407,954	3,943	0.90
1,407,955 - 1,465,460	3,549	0.91
1,465,461 - 1,526,537	3,155	0.92
1,526,538 - 1,591,528	2,760	0.93
1,591,529 - 1,660,826	2,366	0.94
1,660,827 - 1,734,876	1,972	0.95
1,734,877 - 1,814,187	1,577	0.96
1,814,188 - 1,899,343	1,183	0.97
1,899,344 - 1,991,020	789	0.98
1,991,021 - 2,089,999	394	0.99
2,090,000 OR MORE	0	1.00))

"B" and "W" Values

Maximum Claim Value = \$195,200
 Average Death Value = \$116,981

Expected Losses	B	W
4,228 & Under	36,830	0.00
4,229 - 8,521	36,462	0.01
8,522 - 12,878	36,093	0.02
12,879 - 17,300	35,725	0.03
17,301 - 21,790	35,357	0.04
21,791 - 26,350	34,989	0.05
26,351 - 30,980	34,620	0.06
30,981 - 35,683	34,252	0.07
35,684 - 40,462	33,884	0.08
40,463 - 45,316	33,515	0.09
45,317 - 50,249	33,147	0.10
50,250 - 55,264	32,779	0.11
55,265 - 60,361	32,410	0.12
60,362 - 65,543	32,042	0.13
65,544 - 70,813	31,674	0.14
70,814 - 76,173	31,306	0.15
76,174 - 81,625	30,937	0.16
81,626 - 87,173	30,569	0.17
87,174 - 92,818	30,201	0.18
92,819 - 98,564	29,832	0.19
98,565 - 104,412	29,464	0.20
104,413 - 110,368	29,096	0.21
110,369 - 116,433	28,727	0.22
116,434 - 122,610	28,359	0.23
122,611 - 128,904	27,991	0.24
128,905 - 135,318	27,623	0.25
135,319 - 141,855	27,254	0.26
141,856 - 148,519	26,886	0.27
148,520 - 155,315	26,518	0.28
155,316 - 162,246	26,149	0.29
162,247 - 169,316	25,781	0.30
169,317 - 176,531	25,413	0.31
176,532 - 183,894	25,044	0.32
183,895 - 191,411	24,676	0.33
191,412 - 199,086	24,308	0.34
199,087 - 206,927	23,940	0.35
206,928 - 214,936	23,571	0.36
214,937 - 223,122	23,203	0.37
223,123 - 231,490	22,835	0.38
231,491 - 240,045	22,466	0.39
240,046 - 248,795	22,098	0.40
248,796 - 257,749	21,730	0.41
257,750 - 266,910	21,361	0.42
266,911 - 276,289	20,993	0.43
276,290 - 285,894	20,625	0.44
285,895 - 295,732	20,256	0.45
295,733 - 305,812	19,888	0.46
305,813 - 316,145	19,520	0.47
316,146 - 326,741	19,152	0.48
326,742 - 337,609	18,783	0.49
337,610 - 348,761	18,415	0.50
348,762 - 360,209	18,047	0.51
360,210 - 371,963	17,678	0.52
371,964 - 384,039	17,310	0.53
384,040 - 396,450	16,942	0.54
396,451 - 409,209	16,573	0.55
409,210 - 422,333	16,205	0.56

Expected Losses	B	W
422,334 - 435,837	15,837	0.57
435,838 - 449,740	15,469	0.58
449,741 - 464,059	15,100	0.59
464,060 - 478,814	14,732	0.60
478,815 - 494,027	14,364	0.61
494,028 - 509,717	13,995	0.62
509,718 - 525,910	13,627	0.63
525,911 - 542,631	13,259	0.64
542,632 - 559,905	12,890	0.65
559,906 - 577,763	12,522	0.66
577,764 - 596,234	12,154	0.67
596,235 - 615,353	11,786	0.68
615,354 - 635,152	11,417	0.69
635,153 - 655,671	11,049	0.70
655,672 - 676,952	10,681	0.71
676,953 - 699,036	10,312	0.72
699,037 - 721,972	9,944	0.73
721,973 - 745,811	9,576	0.74
745,812 - 770,607	9,207	0.75
770,608 - 796,421	8,839	0.76
796,422 - 823,318	8,471	0.77
823,319 - 851,369	8,103	0.78
851,370 - 880,650	7,734	0.79
880,651 - 911,244	7,366	0.80
911,245 - 943,246	6,998	0.81
943,247 - 976,753	6,629	0.82
976,754 - 1,011,877	6,261	0.83
1,011,878 - 1,048,739	5,893	0.84
1,048,740 - 1,087,472	5,524	0.85
1,087,473 - 1,128,224	5,156	0.86
1,128,225 - 1,171,159	4,788	0.87
1,171,160 - 1,216,459	4,420	0.88
1,216,460 - 1,264,327	4,051	0.89
1,264,328 - 1,314,988	3,683	0.90
1,314,989 - 1,368,698	3,315	0.91
1,368,699 - 1,425,742	2,946	0.92
1,425,743 - 1,486,441	2,578	0.93
1,486,442 - 1,551,164	2,210	0.94
1,551,165 - 1,620,324	1,841	0.95
1,620,325 - 1,694,398	1,473	0.96
1,694,399 - 1,773,931	1,105	0.97
1,773,932 - 1,859,556	737	0.98
1,859,557 - 1,951,999	368	0.99
1,952,000 & OVER	0	1.00

AMENDATORY SECTION (Amending Order 89-07, filed 7/20/89, effective 8/20/89)

WAC 296-17-885 TABLE III.

((Expected Loss Rates and D-Ratios
Expected Loss Rates in Dollars Per Worker Hour
for Indicated Fiscal Year

CLASS	1985	1986	1987	D-RATIO
0101	1.0201	.9484	.8175	.411
0102	1.0280	.9583	.8280	.449
0103	1.3328	1.2376	1.0652	.381
0104	1.0174	.9385	.8035	.314
0105	1.1115	1.0351	.8929	.416
0106	1.8162	1.6879	1.4540	.399
0107	.8341	.7771	.6712	.440
0108	.8902	.8272	.7127	.406
0109	2.1966	2.0325	1.7444	.342
0201	1.6840	1.5595	1.3398	.361
0202	2.6587	2.4653	2.1182	.338
0206	1.5649	1.4480	1.2427	.339
0301	.5478	.5131	.4450	.511
0302	1.6473	1.5286	1.3160	.396
0306	.7815	.7282	.6288	.436
0307	.6873	.6406	.5533	.440
0401	2.8637	2.6679	2.3040	.439
0402	1.4820	1.3806	1.1916	.426
0403	1.1425	1.0583	.9092	.355
0502	1.0510	.9776	.8429	.412
0503	1.4127	1.3161	1.1359	.426

CLASS	1985	1986	1987	D-RATIO
0504	1.0523	.9828	.8506	.473
0505	1.3240	1.2327	1.0638	.431
0506	2.6557	2.4777	2.1415	.451
0507	2.8637	2.6679	2.3040	.439
0508	2.6750	2.4774	2.1272	.342
0509	2.0372	1.8832	1.6146	.320
0510	1.1615	1.0835	.9367	.456
0511	1.0696	.9933	.8554	.394
0512	1.3484	1.2570	1.0859	.446
0513	.6796	.6337	.5478	.454
0514	1.1615	1.0835	.9367	.456
0515	1.7602	1.6363	1.4106	.413
0516	1.3240	1.2327	1.0638	.431
0601	.4882	.4552	.3933	.445
0602	.3655	.3405	.2941	.441
0603	.6843	.6352	.5470	.396
0604	1.7363	1.6147	1.3907	.376
0606	.2255	.2105	.1820	.458
0607	.2602	.2431	.2103	.468
0608	.2609	.2438	.2111	.479
0701	1.2606	1.1674	1.0031	.367
0803	.3608	.3360	.2898	.417
0804	.5685	.5282	.4551	.400
0901	1.8533	1.7128	1.4693	.346
1002	1.0182	.9514	.8238	.480
1003	.5495	.5118	.4420	.435
1004	.5495	.5118	.4420	.435
1005	3.4288	3.2005	2.7695	.469
1007	.1801	.1685	.1459	.488
1101	.5366	.5012	.4334	.463
1102	1.1561	1.0749	.9267	.413
1103	.4109	.3847	.3336	.505
1104	.5049	.4726	.4097	.503
1106	.1905	.1787	.1551	.541
1108	.4240	.3961	.3428	.472
1109	.8021	.7479	.6462	.449
1301	.2238	.2087	.1804	.448
1303	.1797	.1676	.1448	.452
1304	.0162	.0152	.0131	.501
1305	.3221	.3017	.2616	.511
1401	1.3165	1.2297	1.0625	.443
1404	.5772	.5375	.4638	.422
1405	.4955	.4625	.4000	.464
1501	.3235	.3019	.2611	.462
1507	.2350	.2193	.1896	.458
1701	1.5921	1.4727	1.2643	.357
1702	1.5921	1.4727	1.2643	.357
1703	.4277	.3982	.3439	.436
1704	.7917	.7362	.6347	.410
1801	.9102	.8467	.7299	.408
1802	.3920	.3654	.3154	.437
2002	.5345	.4989	.4313	.458
2003	.3658	.3423	.2965	.493
2004	.6522	.6083	.5259	.456
2005	.3011	.2817	.2439	.489
2007	.3286	.3063	.2645	.434
2008	.2502	.2330	.2013	.435
2101	.5840	.5450	.4709	.446
2102	.3658	.3423	.2965	.493
2104	.3026	.2835	.2461	.524
2105	.4697	.4371	.3770	.422
2106	.3693	.3447	.2979	.452
2201	.2466	.2303	.1994	.476
2202	.4462	.4167	.3604	.462
2203	.2780	.2603	.2258	.509
2401	.4715	.4402	.3809	.468
2903	.5904	.5534	.4804	.524
2904	.6626	.6201	.5370	.493
2905	.4448	.4163	.3608	.501
2906	.5002	.4676	.4052	.490
2907	.4396	.4115	.3570	.508
2908	.8817	.8232	.7122	.468
2909	.5694	.5321	.4606	.479
3101	.5530	.5138	.4427	.399
3102	.3754	.3502	.3028	.456

CLASS	1985	1986	1987	D-RATIO	CLASS	1985	1986	1987	D-RATIO
3103	.3754	.3502	.3028	.456	4909	.1146	.1071	.0926	.460
3104	.4944	.4611	.3982	.435	5001	3.6616	3.3998	2.9266	.386
3105	.7084	.6611	.5715	.455	5002	.4536	.4249	.3685	.512
3301	.7336	.6867	.5958	.507	5003	1.3866	1.2862	1.1061	.366
3302	.6764	.6314	.5463	.468	5004	1.7928	1.6757	1.4512	.484
3303	.2520	.2348	.2027	.426	5101	.6228	.5807	.5017	.447
3309	.4233	.3942	.3398	.403	5102	1.1768	1.0935	.9422	.403
3401	.3536	.3306	.2863	.482	5103	.7893	.7370	.6374	.464
3402	.3254	.3048	.2643	.509	5106	.6091	.5676	.4900	.429
3403	.1294	.1210	.1047	.476	5108	.6317	.5899	.5103	.467
3404	.3454	.3236	.2807	.516	5109	.5085	.4718	.4058	.372
3405	.2391	.2230	.1927	.445	5201	.2982	.2779	.2401	.438
3406	.1842	.1723	.1491	.487	5204	1.3266	1.2415	1.0771	.505
3407	.2677	.2495	.2156	.442	5206	.3391	.3150	.2714	.401
3408	.1014	.0946	.0817	.441	5207	.1626	.1524	.1322	.533
3409	.1568	.1464	.1265	.450	5208	.8947	.8356	.7231	.473
3501	.6539	.6094	.5261	.432	5209	.5480	.5113	.4418	.450
3503	.2670	.2503	.2172	.524	5301	.0222	.0207	.0179	.451
3506	.6009	.5591	.4823	.421	5305	.0261	.0243	.0210	.438
3508	.4341	.4067	.3529	.517	5306	.0285	.0266	.0230	.453
3602	.0747	.0699	.0607	.513	5307	.2928	.2736	.2368	.476
3603	.5649	.5286	.4582	.499	6103	.0406	.0381	.0329	.503
3604	1.0841	1.0072	.8674	.390	6104	.2734	.2553	.2207	.460
3605	.3747	.3501	.3029	.472	6105	.2429	.2280	.1980	.542
3606	.7142	.6679	.5782	.482	6107	.1056	.0987	.0852	.455
3701	.2602	.2425	.2095	.441	6108	.4884	.4587	.3988	.554
3702	.3853	.3586	.3095	.424	6109	.0337	.0316	.0274	.508
3707	.3359	.3145	.2728	.506	6201	.1359	.1269	.1098	.463
3708	.2532	.2368	.2050	.483	6202	.5600	.5217	.4504	.428
3801	.2029	.1894	.1638	.461	6203	.0886	.0827	.0715	.451
3802	.1323	.1243	.1081	.556	6204	.1500	.1404	.1217	.505
3808	.2217	.2078	.1803	.519	6205	.1500	.1404	.1217	.505
3901	.1549	.1447	.1252	.473	6206	.1500	.1404	.1217	.505
3902	.5165	.4819	.4167	.460	6207	.8973	.8405	.7287	.512
3903	1.0118	.9442	.8159	.448	6208	.2051	.1915	.1655	.457
3905	.1305	.1226	.1066	.560	6209	.2371	.2217	.1919	.478
3906	.3725	.3474	.3004	.456	6301	.1072	.1000	.0863	.436
3909	.2443	.2289	.1984	.514	6302	.1462	.1362	.1175	.423
4002	.5876	.5481	.4738	.451	6303	.0478	.0448	.0387	.474
4101	.1645	.1540	.1333	.488	6304	.1164	.1088	.0940	.468
4103	.2712	.2539	.2202	.504	6305	.0485	.0454	.0394	.487
4107	.0880	.0823	.0712	.483	6306	.2315	.2163	.1872	.471
4108	.1645	.1540	.1333	.488	6308	.0349	.0324	.0279	.407
4109	.1645	.1540	.1333	.488	6309	.0990	.0928	.0805	.516
4201	.3008	.2804	.2423	.446	6402	.2196	.2052	.1776	.475
4301	.7740	.7238	.6270	.490	6403	.1414	.1327	.1154	.551
4302	.6395	.5969	.5161	.460	6404	.1109	.1040	.0903	.540
4303	.5919	.5601	.4899	.701	6405	.5529	.5153	.4450	.440
4304	.5371	.5021	.4345	.478	6406	.0690	.0646	.0560	.498
4305	1.1811	1.0996	.9487	.422	6407	.1543	.1447	.1256	.529
4401	.3915	.3666	.3180	.508	6408	.3134	.2913	.2509	.382
4402	.6269	.5855	.5067	.472	6409	.3695	.3453	.2989	.477
4404	.5034	.4713	.4086	.504	6501	.0529	.0497	.0431	.537
4501	.1303	.1211	.1043	.396	6502	.0181	.0169	.0147	.493
4502	.0328	.0305	.0263	.412	6503	.0938	.0868	.0743	.311
4504	.0741	.0695	.0602	.512	6504	.2989	.2809	.2440	.568
4601	.5742	.5340	.4597	.371	6505	.1728	.1618	.1402	.505
4802	.2901	.2715	.2355	.502	6506	.0575	.0538	.0465	.478
4803	.3280	.3068	.2660	.499	6508	.3696	.3462	.3001	.510
4804	.5422	.5076	.4399	.502	6509	.2410	.2255	.1952	.485
4805	.3315	.3097	.2679	.469	6601	.1728	.1617	.1400	.489
4806	.0820	.0768	.0665	.495	6602	.4206	.3945	.3427	.538
4808	.4261	.3970	.3427	.430	6603	.2398	.2241	.1941	.481
4809	.2191	.2052	.1779	.513	6604	.0627	.0585	.0506	.457
4810	.1418	.1325	.1147	.479	6605	.1858	.1740	.1508	.506
4811	.2840	.2651	.2291	.459	6607	.1626	.1524	.1322	.533
4812	.3347	.3129	.2710	.487	6608	.2229	.2079	.1796	.448
4901	.0456	.0426	.0368	.470	6609	3.1883	2.9856	2.5873	.505
4902	.0329	.0307	.0265	.474	6610	3.1883	2.9856	2.5873	.505
4903	.0456	.0426	.0368	.470	6611	3.1883	2.9856	2.5873	.505
4904	.0162	.0152	.0131	.501	6612	3.1883	2.9856	2.5873	.505
4905	.2826	.2652	.2302	.534	6613	3.1883	2.9856	2.5873	.505
4906	.0474	.0444	.0385	.502	6614	3.1883	2.9856	2.5873	.505
4907	.0869	.0811	.0702	.458	6615	3.1883	2.9856	2.5873	.505
4908	.1146	.1071	.0926	.460	6616	3.1883	2.9856	2.5873	.505

CLASS	1985	1986	1987	D-RATIO
6617	3.1883	2.9856	2.5873	.505
6704	.1754	.1639	.1418	.469
6705	.6633	.6218	.5396	.527
6706	.3241	.3028	.2619	.467
6707	12.6231*	11.8673*	10.3188*	.578
6708	3.6961	3.4590	2.9950	.491
6709	.1419	.1332	.1156	.547
6801	.4628	.4304	.3711	.415
6802	.3266	.3048	.2634	.450
6803	1.6612	1.5225	1.2963	.256
6804	.2136	.1982	.1706	.372
6809	2.3196	2.1749	1.8859	.529
6901	.0392	.0366	.0317	.701
6902	.4879	.4531	.3903	.401
6903	4.9785	4.5990	3.9400	.302
6904	.1582	.1475	.1274	.443
6905	.2438	.2266	.1951	.386
6906	.1024	.0960	.0830	.701
6907	1.1711	1.0924	.9446	.459
6908	.2658	.2483	.2148	.469
6909	.0581	.0542	.0469	.462
7101	.0268	.0250	.0216	.434
7102	24.2906*	22.7579*	19.7084*	.509
7103	.1809	.1684	.1453	.418
7104	.0406	.0378	.0327	.440
7105	.2862	.2682	.2328	.524
7106	.5751	.5366	.4641	.462
7107	1.3032	1.2182	1.0543	.476
7108	2.2113	2.0656	1.7883	.477
7109	5.5532	5.1815	4.4795	.456
7110	.2862	.2682	.2328	.524
7111	.2862	.2682	.2328	.524
7112	.5751	.5366	.4641	.462
7113	.5751	.5366	.4641	.462
7114	.5751	.5366	.4641	.462
7715	.5751	.5366	.4641	.462
7716	.5751	.5366	.4641	.462
7717	1.3032	1.2182	1.0543	.476
7718	2.2113	2.0656	1.7883	.477
7719	2.2113	2.0656	1.7883	.477
7720	5.5532	5.1815	4.4795	.456
7721	5.5532	5.1815	4.4795	.456
7201	.5216	.4877	.4223	.485
7202	.0341	.0317	.0273	.401
7203	.1031	.0962	.0831	.449
7301	.5622	.5255	.4551	.483
7302	.6392	.5979	.5173	.480
7307	.8776	.8242	.7160	.557
7308	.2218	.2072	.1793	.466
7309	.1419	.1332	.1156	.547))

Expected Loss Rates and D-Ratios
 Expected Loss Rates in Dollars Per Worker Hour
 for Indicated Fiscal Year

CLASS	1986	1987	1988	D-RATIO
0101	1.0704	.9817	.8683	.409
0102	1.0477	.9644	.8513	.468
0103	1.3726	1.2600	1.1188	.406
0104	1.1143	1.0164	.9001	.330
0105	0.9767	0.8972	.7955	.422
0106	2.0719	1.9065	1.6985	.432
0107	.9024	.8287	.7329	.429
0108	.8723	.7999	.7056	.418
0109	2.3494	2.1497	1.9037	.372
0201	1.6872	1.5406	1.3643	.345
0202	2.5949	2.3783	2.1253	.339
0206	1.3955	1.2760	1.1291	.367
0301	.5383	.4966	.4391	.500
0302	1.5129	1.3900	1.2240	.449
0306	.7058	.6491	.5741	.452
0307	.6944	.6390	.5658	.456
0401	1.2094	1.1102	0.9822	.445
0402	0.4824	0.4457	0.3955	.406
0403	0.9808	0.9001	.7985	.406

CLASS	1986	1987	1988	D-RATIO
0502	0.9117	.8373	.7387	.437
0503	0.2960	0.2732	0.2422	.450
0504	1.2094	1.1102	.9822	.423
0505	1.2292	1.1288	0.9971	.436
0506	3.0066	2.7636	2.4494	.436
0507	2.7268	2.5097	2.2163	.468
0508	2.9591	2.7054	2.4016	.348
0509	1.8578	1.7004	1.5088	.366
0510	1.1320	1.0416	.9207	.460
0511	1.0032	.9227	.8164	.454
0512	1.3228	1.2172	1.0754	.463
0513	.7048	.6482	.5733	.453
0514	1.1633	1.0683	.9468	.428
0515	1.8952	1.7394	1.5359	.426
0516	1.4878	1.3680	1.2082	.451
0517	1.3810	1.2671	1.1217	.413
0518	1.1378	1.0455	0.9227	.444
0519	1.4509	1.3342	1.1788	.452
0601	.4375	.4028	.3570	.461
0602	.3640	.3351	.2969	.459
0603	.6461	.5939	.5246	.446
0604	1.6417	1.5046	1.3440	.341
0606	.2167	.1999	.1771	.490
0607	.2403	.2214	.1960	.485
0608	.2438	.2249	.1990	.499
0701	1.3727	1.2559	1.1090	.385
0803	.3159	.2905	.2575	.443
0804	.5846	.5367	.4754	.421
0901	1.8248	1.6645	1.4738	.333
1002	0.8656	.7992	.7058	.516
1003	.5366	.4940	.4370	.466
1004	.5366	.4940	.4370	.466
1005	3.2974	3.0351	2.6728	.475
1007	.2012	.1855	.1643	.478
1101	.5224	.4825	.4281	.518
1102	1.0482	0.9621	.8505	.425
1103	.3985	.3675	.3250	.493
1104	.4725	.4353	.3859	.472
1106	.1890	.1747	.1553	.538
1108	.4150	.3828	.3392	.491
1109	.7282	.6712	.5938	.485
1301	.2022	.1859	.1649	.440
1303	.1702	.1563	.1384	.441
1304	.0164	.0152	.0135	.512
1305	.2814	.2598	.2300	.510
1401	1.1698	1.0792	0.9670	.461
1404	.5294	.4879	.4315	.484
1405	.4731	.4359	.3855	.479
1501	.3326	.3063	.2712	.470
1507	.2184	.2013	.1785	.478
1701	1.5226	1.3903	1.2292	.353
1702	1.5226	1.3903	1.2292	.353
1703	.4016	.3686	.3258	.420
1704	.8110	.7437	.6589	.401
1801	.9320	.8561	.7588	.424
1802	.4605	.4237	.3758	.452
2002	.5330	.4904	.4353	.450
2003	.3475	.3207	.2843	.504
2004	.6197	.5707	.5043	.475
2005	.3139	.2894	.2570	.481
2007	.3098	.2853	.2535	.464
2008	.2351	.2161	.1915	.436
2101	.5361	.4940	.4384	.472
2102	.3475	.3207	.2843	.504
2104	.2930	.2709	.2395	.542
2105	.3922	.3610	.3197	.457
2106	.3792	.3491	.3100	.452
2201	.2066	.1907	.1689	.511
2202	.4204	.3876	.3443	.481
2203	.2737	.2526	.2231	.506
2401	.4624	.4258	.3767	.473
2903	.5862	.5420	.4789	.540
2904	.7069	.6519	.5813	.475
2905	.4531	.4182	.3703	.513
2906	.4823	.4441	.3926	.475

CLASS	1986	1987	1988	D-RATIO	CLASS	1986	1987	1988	D-RATIO
2907	.4262	.3931	.3475	.500	4902	.0324	.0298	.0264	.482
2908	.7897	.7269	.6431	.462	4903	.0414	.0382	.0338	.494
2909	.5450	.5017	.4442	.464	4904	.0164	.0152	.0135	.512
3101	.5293	.4851	.4297	.393	4905	.2852	.2639	.2340	.550
3102	.3745	.3441	.3049	.433	4906	.0459	.0423	.0376	.479
3103	.3745	.3441	.3049	.433	4907	.0771	.0711	.0630	.462
3104	.4947	.4558	.4064	.457	4908	.1095	.1010	.0904	.464
3105	.8299	.7629	.6736	.451	4909	.1095	.1010	.0904	.464
3301	.6583	.6087	.5365	.543	4910	.2960	.2732	.2422	.499
3302	.6583	.6087	.5365	.543	5001	3.5218	3.2287	2.8550	.406
3303	.2224	.2047	.1818	.446	5002	.4629	.4275	.3774	.521
3304	.6583	.6087	.5365	.543	5003	1.1451	1.0501	0.9292	.406
3309	.3122	.2873	.2552	.445	5004	2.2503	2.0665	1.8243	.436
3401	.3344	.3081	.2733	.476	5101	.5740	.5282	.4672	.459
3402	.3215	.2971	.2628	.527	5102	0.6781	0.6246	.5526	.472
3403	.1206	.1111	.0986	.485	5103	.6781	.6246	.5526	.472
3404	.3612	.3337	.2954	.518	5106	.5535	.5091	.4527	.432
3405	.2059	.1898	.1681	.489	5108	.6276	.5780	.5118	.471
3406	.1654	.1528	.1360	.504	5109	.4273	.3915	.3470	.385
3407	.2596	.2386	.2116	.437	5201	.2741	.2523	.2238	.462
3408	.0907	.0836	.0741	.456	5204	1.1802	1.0877	0.9553	.498
3409	.1469	.1354	.1204	.464	5206	.2850	.2615	.2312	.419
3501	.6602	.6067	.5383	.428	5207	.1515	.1402	.1243	.539
3503	.2111	.1948	.1724	.514	5208	.8187	.7533	.6661	.460
3506	.6333	.5813	.5145	.416	5209	.5020	.4623	.4093	.468
3508	.4937	.4563	.4037	.537	5301	.0209	.0193	.0171	.490
3509	.3154	.2925	.2582	.600	5305	.0262	.0241	.0214	.426
3602	.0764	.0707	.0627	.538	5306	.0299	.0276	.0244	.448
3603	.5101	.4706	.4168	.498	5307	.2928	.2702	.2389	.507
3604	1.0656	0.9779	.8672	.408	6103	.0362	.0334	.0297	.534
3605	.3799	.3502	.3100	.485	6104	.2820	.2599	.2305	.482
3606	.6866	.6319	.5614	.447	6105	.1388	.1280	.1133	.485
3701	.2372	.2187	.1939	.483	6107	.0928	.0856	.0760	.482
3702	.3849	.3532	.3132	.410	6108	.4737	.4385	.3880	.565
3707	.3418	.3155	.2784	.511	6109	.0322	.0298	.0264	.540
3708	.2435	.2246	.1986	.501	6110	.2619	.2425	.2146	.569
3801	.1905	.1756	.1554	.486	6201	.1258	.1159	.1030	.476
3802	.1564	.1446	.1290	.536	6202	.5459	.5010	.4449	.404
3808	.2332	.2155	.1906	.524	6203	.0780	.0719	.0638	.457
3901	.1380	.1272	.1129	.483	6204	.1349	.1246	.1106	.521
3902	.4583	.4227	.3742	.495	6205	.1349	.1246	.1106	.521
3903	0.9887	.9101	.8093	.450	6206	.1349	.1246	.1106	.521
3905	.1265	.1172	.1042	.562	6207	.8171	.7539	.6702	.495
3906	.3408	.3139	.2781	.472	6208	.2100	.1936	.1717	.482
3909	.2599	.2397	.2129	.487	6209	.2029	.1872	.1666	.492
4002	.6021	.5543	.4907	.463	6301	.1011	.0930	.0825	.435
4101	.1901	.1754	.1562	.484	6302	.1418	.1302	.1156	.412
4103	.2355	.2173	.1925	.509	6303	.0532	.0491	.0436	.460
4107	.0953	.0878	.0780	.485	6304	.1126	.1038	.0923	.478
4108	.1901	.1754	.1562	.484	6305	.0512	.0473	.0421	.509
4109	.1901	.1754	.1562	.484	6306	.2294	.2112	.1879	.454
4201	.2452	.2257	.1997	.463	6308	.0335	.0308	.0273	.446
4301	.7605	.7009	.6189	.488	6309	.1043	.0964	.0857	.531
4302	.6187	.5693	.5035	.464	6402	.2092	.1928	.1706	.489
4303	.2372	.2187	.1939	.483	6403	.1496	.1384	.1227	.543
4304	.5227	.4824	.4277	.507	6404	.1222	.1129	.1001	.539
4305	0.9921	0.9120	.8085	.438	6405	.4910	.4524	.4004	.476
4401	.4059	.3751	.3312	.533	6406	.0676	.0625	.0555	.514
4402	.6336	.5840	.5169	.481	6407	.1491	.1377	.1223	.512
4404	.5392	.4978	.4396	.514	6408	.3069	.2820	.2511	.407
4501	.1268	.1164	.1032	.420	6409	.3871	.3564	.3176	.444
4502	.0322	.0297	.0263	.411	6501	.0601	.0557	.0493	.550
4504	.0725	.0671	.0596	.526	6502	.0163	.0151	.0134	.480
4601	.5632	.5176	.4619	.396	6503	.0828	.0755	.0673	.317
4802	.2812	.2593	.2294	.496	6504	.3064	.2837	.2526	.563
4803	.3236	.2989	.2639	.525	6505	.1597	.1475	.1310	.516
4804	.5123	.4728	.4194	.504	6506	.0633	.0584	.0519	.499
4805	.3321	.3061	.2711	.485	6508	.3623	.3342	.2962	.498
4806	.0837	.0771	.0682	.495	6509	.1846	.1703	.1511	.491
4808	.3892	.3582	.3173	.460	6601	.1626	.1500	.1334	.493
4809	.2125	.1963	.1742	.525	6602	.4824	.4457	.3955	.518
4810	.1448	.1337	.1184	.500	6603	.2236	.2062	.1829	.487
4811	.2658	.2446	.2166	.455	6604	.0575	.0528	.0468	.455
4812	.3799	.3504	.3098	.502	6605	.1931	.1782	.1577	.510
4901	.0414	.0382	.0338	.494	6607	.1515	.1402	.1243	.539

CLASS	1986	1987	1988	D-RATIO	Expected Loss Range	Maximum Experience Modification
6608	.2019	.1857	.1640	.453		
6704	.1682	.1551	.1379	.482		
6705	.6760	.6250	.5547	.535		
6706	.3265	.3011	.2677	.480	3,741-4,032	0.80
6707	1.5956*	1.4781*	1.3124*	.576	4,033-4,351	0.79
6708	4.3646	4.0262	3.6128	.451	4,352-4,699	0.78
6709	.1379	.1277	.1136	.554	4,700-5,080	0.77
6801	.3725	.3412	.3024	.386	5,081-5,499	0.76
6802	.3128	.2881	.2557	.464	5,500-5,957	0.75
6803	1.3764	1.2480	1.1036	.272	5,958-6,461	0.74
6804	.1978	.1816	.1611	.401	6,462-7,016	0.73
6809	2.2170	2.0490	1.8297	.520	7,017-7,626	0.72
6901	.0337	.0311	.0285	.682	7,627-8,300	0.71
6902	.4291	.3939	.3484	.428	8,301-9,044	0.70
6903	5.2349	4.7702	4.2438	.287	9,045-9,867	0.69
6904	.1602	.1474	.1308	.446	9,868-10,779	0.68
6905	.2031	.1862	.1655	.386	10,780-11,791	0.67
6906	.0835	.0772	.0705	.682	11,792-12,915	0.66
6907	1.2509	1.1500	1.0158	.450	12,916 & Over	0.65
6908	.3141	.2898	.2562	.504	1,848 & Under	0.90
6909	.0541	.0499	.0443	.470	1,849-1,977	0.89
7101	.0235	.0216	.0192	.431	1,978-2,116	0.88
7102	2.9918*	2.7652*	2.4818*	.508	2,117-2,268	0.87
7103	.1717	.1581	.1399	.457	2,269-2,432	0.86
7104	.0395	.0364	.0321	.466	2,433-2,610	0.85
7105	.2809	.2594	.2293	.519	2,611-2,804	0.84
7106	.5610	.5161	.4556	.500	2,805-3,014	0.83
7107	1.2771	1.1776	1.0481	.498	3,015-3,243	0.82
7108	2.1598	1.9890	1.7559	.481	3,244-3,493	0.81
7109	5.4194	4.9873	4.4167	.457	3,494-3,766	0.80
7110	.2809	.2594	.2293	.521	3,767-4,063	0.79
7111	.2809	.2594	.2293	.521	4,064-4,389	0.78
7112	.5609	.5161	.4556	.463	4,390-4,745	0.77
7113	.5609	.5161	.4556	.463	4,746-5,135	0.76
7114	.5609	.5161	.4556	.463	5,136-5,564	0.75
7115	.5609	.5161	.4556	.463	5,565-6,035	0.74
7116	.5609	.5161	.4556	.463	6,036-6,552	0.73
7117	1.2771	1.1776	1.0481	.476	6,553-7,123	0.72
7118	2.1598	1.9890	1.7559	.477	7,124-7,752	0.71
7119	2.1598	1.9890	1.7559	.477	7,753-8,447	0.70
7120	5.4194	4.9873	4.4167	.457	8,448-9,216	0.69
7121	5.4194	4.9873	4.4167	.457	9,217-10,067	0.68
7201	.5870	.5415	.4766	.513	10,068-11,012	0.67
7202	.0296	.0272	.0241	.446	11,013-12,062	0.66
7203	.1084	.0999	.0888	.457	12,063-13,230	0.65
7204	.0000	.0000	.0000	.682	13,231-14,533	0.64
7301	.5554	.5123	.4536	.496	14,534-15,988	0.63
7302	.6295	.5812	.5172	.500	15,989-17,615	0.62
7307	1.1401	1.0555	.9371	.563	17,616-19,439	0.61
7308	.2154	.1985	.1762	.477	19,440 & Over	0.60
7309	.1379	.1277	.1136	.554		

*Daily expected loss rate

AMENDATORY SECTION (Amending Order 89-07, filed 7/20/89, effective 8/20/89)

AMENDATORY SECTION (Amending Order 88-30, filed 12/1/88, effective 1/1/89)

WAC 296-17-890 TABLE IV.

Maximum experience modifications for firms with no compensable accidents:

Expected Loss Range	Maximum Experience Modification
(1-1,978)	0.90
1,979-2,116	0.89
2,117-2,266	0.88
2,267-2,428	0.87
2,429-2,604	0.86
2,605-2,795	0.85
2,796-3,002	0.84
3,003-3,227	0.83
3,228-3,473	0.82
3,474-3,740	0.81

WAC 296-17-895 INDUSTRIAL INSURANCE ACCIDENT FUND BASE RATES AND MEDICAL AID BASE RATES BY CLASS OF INDUSTRY. Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

((Base Rates Effective January 1, 1989

Class	Accident Fund	Medical Aid Fund
0101	0.9125	0.5277
0102	0.9270	0.5371
0103	1.0931	0.7846
0104	0.9706	0.4254
0105	0.8293	0.7555
0106	1.5560	1.0073
0107	0.7448	0.4414
0108	0.8162	0.4374
0109	1.9588	1.0924

((Base Rates Effective
January 1, 1989

((Base Rates Effective
January 1, 1989

Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
0201	1.5564	0.7874	2102	0.2831	0.2462
0202	1.9333	1.8051	2104	0.2480	0.1919
0206	1.3705	0.8044	2105	0.4212	0.2437
0301	0.4588	0.3352	2106	0.2827	0.2473
0302	1.5943	0.7119	2201	0.2080	0.1464
0306	0.6617	0.4513	2202	0.3174	0.3258
0307	0.5636	0.4173	2203	0.2281	0.1748
0401	2.5428	1.5295	2401	0.4024	0.2737
0402	1.1525	0.9614	2903	0.4811	0.3776
0403	0.9859	0.6092	2904	0.4593	0.5023
0502	0.8922	0.5962	2905	0.3515	0.2927
0503	1.0919	0.9237	2906	0.4266	0.2943
0504	0.9216	0.5878	2907	0.3744	0.2619
0505	1.1976	0.6797	2908	0.7655	0.4982
0506	2.0977	1.7081	2909	0.4629	0.3570
0507	2.5428	1.5295	3101	0.4731	0.3073
0508	2.2195	1.5145	3102	0.3257	0.2108
0509	1.7384	1.0857	3103	0.3257	0.2108
0510	1.0175	0.6419	3104	0.3306	0.3800
0511	0.9321	0.5740	3105	0.5698	0.4456
0512	1.1642	0.7587	3301	0.6669	0.3928
0513	0.6071	0.3625	3302	0.6012	0.3672
0514	1.0175	0.6419	3303	0.1854	0.1749
0515	1.6333	0.8484	3309	0.2933	0.3108
0516	1.1976	0.6797	3401	0.2848	0.2250
0601	0.3932	0.3048	3402	0.2564	0.2159
0602	0.3301	0.1894	3403	0.0986	0.0880
0603	0.6349	0.3256	3404	0.2687	0.2334
0604	1.1492	1.3215	3405	0.1815	0.1612
0606	0.1721	0.1518	3406	0.1201	0.1473
0607	0.2040	0.1703	3407	0.2231	0.1589
0608	0.2157	0.1597	3408	0.0791	0.0660
0701	1.2004	0.5530	3409	0.1119	0.1136
0803	0.2796	0.2342	3501	0.5187	0.4145
0804	0.4958	0.3058	3503	0.2171	0.1713
0901	1.8286	0.7286	3506	0.5355	0.3152
1002	0.8661	0.5983	3508	0.3525	0.2781
1003	0.4663	0.3159	3602	0.0556	0.0531
1004	0.4663	0.3159	3603	0.4550	0.3623
1005	3.2320	1.6677	3604	0.8901	0.6403
1007	0.1380	0.1224	3605	0.2981	0.2411
1101	0.3831	0.3905	3701	0.2144	0.1569
1102	1.0390	0.5935	3702	0.3294	0.2176
1103	0.3392	0.2558	3707	0.2853	0.2008
1104	0.4054	0.3259	3708	0.1907	0.1751
1106	0.1181	0.1612	3801	0.1634	0.1278
1108	0.3310	0.2796	3802	0.1028	0.0912
1109	0.6901	0.4548	3808	0.1796	0.1426
1301	0.1793	0.1411	3901	0.1198	0.1033
1303	0.1538	0.1029	3902	0.4303	0.3096
1304	0.0112	0.0123	3903	0.7406	0.7127
1305	0.2470	0.2209	3905	0.0987	0.1058
1401	0.7148	1.1924	3906	0.3223	0.2101
1404	0.4578	0.3641	3909	0.1816	0.1737
1405	0.4228	0.2871	4002	0.4831	0.3576
1501	0.2667	0.1971	4101	0.1186	0.1198
1507	0.1832	0.1542	4103	0.2195	0.1733
1701	1.5644	0.6396	4107	0.0628	0.0645
1702	1.5644	0.6396	4108	0.1186	0.1198
1703	0.3941	0.2126	4109	0.1186	0.1198
1704	0.6857	0.4339	4201	0.2566	0.1726
1801	0.7316	0.5595	4301	0.6692	0.4460
1802	0.3182	0.2411	4302	0.5392	0.3767
2002	0.4216	0.3455	4304	0.4046	0.3707
2003	0.2831	0.2462	4305	0.9809	0.6973
2004	0.5703	0.3615	4401	0.3220	0.2454
2005	0.2256	0.2101	4402	0.5148	0.3862
2007	0.2534	0.2161	4404	0.4141	0.3147
2008	0.2096	0.1468	4501	0.1074	0.0767
2101	0.4157	0.4235	4502	0.0263	0.0202

((Base Rates Effective
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Class	Accident Fund	Medical Aid Fund
4504	0.0467	0.0615
4601	0.3763	0.4404
4802	0.2360	0.1840
4803	0.2719	0.2022
4804	0.4120	0.3743
4805	0.2564	0.2208
4806	0.0674	0.0512
4808	0.3304	0.2778
4809	0.1583	0.1604
4810	0.1118	0.0925
4811	0.2369	0.1698
4812	0.2834	0.1988
4901	0.0355	0.0301
4902	0.0264	0.0209
4903	0.0355	0.0301
4904	0.0112	0.0123
4905	0.2094	0.2035
4906	0.0358	0.0331
4907	0.0675	0.0572
4908	0.0648	0.1015
4909	0.0648	0.1015
5001	3.1244	2.0286
5002	0.3796	0.2779
5003	1.1477	0.7985
5004	1.5543	1.0248
5101	0.5391	0.3493
5102	1.0408	0.6186
5103	0.6461	0.4868
5106	0.4609	0.4094
5108	0.5043	0.4035
5109	0.4325	0.2811
5201	0.2280	0.1986
5204	1.3424	0.5661
5206	0.3007	0.1772
5207	0.1080	0.1298
5208	0.7660	0.5182
5209	0.4395	0.3452
5301	0.0151	0.0168
5305	0.0194	0.0179
5306	0.0232	0.0177
5307	0.2430	0.1782
6103	0.0235	0.0357
6104	0.2041	0.1892
6105	0.1827	0.1726
6107	0.0788	0.0730
6108	0.3862	0.3294
6109	0.0267	0.0222
6201	0.0990	0.0968
6202	0.4495	0.3487
6203	0.0683	0.0589
6204	0.1076	0.1103
6205	0.1076	0.1103
6206	0.1076	0.1103
6207	0.6421	0.6636
6208	0.1554	0.1394
6209	0.1590	0.1844
6301	0.0856	0.0676
6302	0.1178	0.0903
6303	0.0334	0.0357
6304	0.0873	0.0804
6305	0.0350	0.0353
6306	0.1649	0.1693
6308	0.0300	0.0193
6309	0.0700	0.0743
6402	0.1844	0.1313
6403	0.1030	0.1044
6404	0.0783	0.0840
6405	0.4661	0.3221
6406	0.0461	0.0542
6407	0.1077	0.1178

Class	Accident Fund	Medical Aid Fund
6408	0.2359	0.2078
6409	0.2759	0.2574
6501	0.0395	0.0379
6502	0.0128	0.0135
6503	0.0791	0.0508
6504	0.1871	0.2534
6505	0.1207	0.1305
6506	0.0413	0.0418
6508	0.2864	0.2502
6509	0.1476	0.2027
6601	0.1264	0.1238
6602	0.3366	0.2772
6603	0.1830	0.1632
6604	0.0528	0.0370
6605	0.1509	0.1183
6607	0.1080	0.1298
6608	0.1988	0.1189
6609	2.7739	3.2429
6610	1.1999	1.4027
6611	0.7428	0.8685
6612	0.3874	0.4529
6613	2.4884	2.4746
6614	91.7390**	107.2610**
6615	68.6890**	80.3110**
6616	8.7590**	10.2410**
6617	6.4540**	7.5460**
6704	0.1232	0.1301
6705	0.4570	0.5119
6706	0.2261	0.2417
6707	8.22*	10.40*
6708	2.2429	3.1360
6709	0.0891	0.1193
6801	0.4124	0.2417
6802	0.2517	0.2166
6803	1.7596	0.4612
6804	0.1767	0.1235
6809	1.3296	2.0704
6901	—	0.0582
6902	0.4535	0.2321
6903	4.1064	2.7848
6904	0.1288	0.0972
6905	0.1922	0.1524
6906	—	0.1524
6907	1.0590	0.6129
6908	0.2185	0.1633
6909	0.0429	0.0407
7101	0.0226	0.0156
7102	10.86*	24.77*
7103	0.1527	0.1039
7104	0.0151	0.0168
7105	0.0338	0.0241
7106	0.1844	0.1313
7107	0.1844	0.1313
7108	0.1844	0.1313
7109	0.2359	0.1802
7110	0.2359	0.1802
7111	0.2359	0.1802
7112	0.5186	0.3033
7113	0.5186	0.3033
7114	0.5186	0.3033
7115	0.5186	0.3033
7116	0.5186	0.3033
7117	0.8915	0.9943
7118	1.9733	1.1996
7119	1.9733	1.1996
7120	4.6053	3.3871
7121	4.6053	3.3871
7201	0.4559	0.2946
7202	0.0286	0.0195
7203	0.0773	0.0706

((Base Rates Effective
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Base Rates Effective
January 1, 1990

Class	Accident Fund	Medical Aid Fund
7204		
7301	0.4838	0.3252
7302	0.3936	0.5346
7307	0.5793	0.7106
7308	0.1697	0.1496
7309	0.0891	0.1193))

Base Rates Effective
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Class	Accident Fund	Medical Aid Fund
0101	1.2222	0.6207
0102	1.1529	0.6391
0103	1.3079	0.9728
0104	1.3381	0.5465
0105	0.8936	0.6653
0106	1.8695	1.5910
0107	1.0469	0.5469
0108	1.0913	0.4396
0109	2.7192	1.3186
0201	1.9953	0.8657
0202	2.2044	2.1940
0206	1.6933	0.7296
0301	0.5045	0.3799
0302	1.8706	0.7567
0306	0.7548	0.4520
0307	0.6983	0.4755
0403	0.9842	0.6665
0502	1.1202	0.4946
0504	1.2989	0.7388
0506	3.0344	2.0654
0507	2.7529	1.6845
0508	3.1977	1.8432
0509	2.0130	1.1533
0510	1.1487	0.7237
0511	1.0313	0.6550
0512	1.4676	0.8291
0513	0.6854	0.4539
0514	1.2017	0.7746
0515	2.2189	1.0423
0516	1.6437	0.8907
0517	1.5523	0.8465
0518	1.3461	0.6423
0519	1.6420	0.8924
0601	0.4442	0.3137
0602	0.3726	0.2609
0603	0.6717	0.3846
0604	1.2664	1.3686
0606	0.2002	0.1655
0607	0.2147	0.1698
0608	0.2342	0.1749
0701	1.7049	0.6622
0803	0.2848	0.2240
0804	0.5882	0.3742
0901	2.0753	0.8865
1002	0.8094	0.5984
1003	0.5306	0.3604
1004	0.5306	0.3604
1005	3.3817	1.7917
1007	0.1959	0.1474
1101	0.4344	0.4307
1102	1.1343	0.6137
1103	0.3711	0.2769
1104	0.4029	0.3524
1106	0.1346	0.1708
1108	0.3739	0.3141
1109	0.6326	0.5085
1301	0.2114	0.1467

Class	Accident Fund	Medical Aid Fund
1303	0.1782	0.1092
1304	0.0145	0.0140
1305	0.2501	0.2113
1401	0.6842	1.2560
1404	0.4608	0.3679
1405	0.4459	0.3241
1501	0.3059	0.2331
1507	0.1970	0.1672
1701	1.8744	0.7117
1702	1.8744	0.7117
1703	0.4290	0.2340
1704	0.8234	0.5071
1801	0.9655	0.6276
1802	0.4027	0.3356
2002	0.4557	0.4026
2003	0.3053	0.2736
2004	0.5936	0.4019
2005	0.2485	0.2555
2007	0.2506	0.2495
2008	0.2187	0.1577
2101	0.4421	0.4184
2102	0.3053	0.2736
2104	0.2206	0.2184
2105	0.3938	0.2723
2106	0.3166	0.2949
2201	0.1805	0.1578
2202	0.3371	0.3425
2203	0.2528	0.1839
2401	0.4367	0.3146
2903	0.5209	0.4355
2904	0.4963	0.6544
2905	0.3683	0.3413
2906	0.4900	0.3164
2907	0.3939	0.2957
2908	0.7648	0.5287
2909	0.4905	0.3789
3101	0.5539	0.3201
3102	0.3669	0.2495
3103	0.3669	0.2495
3104	0.3991	0.4489
3105	0.8326	0.4832
3303	0.1834	0.1699
3304	0.5999	0.4410
3309	0.2575	0.2408
3401	0.3063	0.2532
3402	0.2883	0.2417
3403	0.1080	0.0962
3404	0.3137	0.2770
3405	0.1876	0.1481
3406	0.1164	0.1532
3407	0.2554	0.1832
3408	0.0888	0.0676
3409	0.1154	0.1224
3501	0.5964	0.4696
3503	0.1683	0.1547
3506	0.6986	0.3926
3508	0.4346	0.3791
3509	0.2862	0.2381
3602	0.0594	0.0639
3603	0.4602	0.3822
3604	0.9838	0.7083
3605	0.3380	0.2729
3701	0.2121	0.1807
3702	0.3769	0.2550
3707	0.3250	0.2282
3708	0.2160	0.1737
3801	0.1783	0.1368
3802	0.1125	0.1494
3808	0.2045	0.1751
3901	0.1106	0.1083

Base Rates Effective
January 1, 1990Base Rates Effective
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Class	Accident Fund	Medical Aid Fund
3902	0.4003	0.3342
3903	0.7843	0.7985
3905	0.0882	0.1223
3906	0.3249	0.2451
3909	0.2004	0.2132
4002	0.5786	0.4115
4101	0.1382	0.1690
4103	0.2298	0.1807
4107	0.0862	0.0761
4108	0.1382	0.1690
4109	0.1382	0.1690
4201	0.2556	0.1667
4301	0.7354	0.4891
4302	0.5859	0.4048
4304	0.4350	0.4134
4305	1.0451	0.6882
4401	0.3784	0.2870
4402	0.5770	0.4500
4404	0.5039	0.3671
4501	0.1210	0.0877
4502	0.0312	0.0221
4504	0.0506	0.0664
4601	0.4303	0.4894
4802	0.2294	0.1985
4803	0.1907	0.2251
4804	0.4266	0.4071
4805	0.2771	0.2427
4806	0.0582	0.0581
4808	0.3406	0.2731
4809	0.1701	0.1777
4810	0.1044	0.1089
4811	0.2027	0.1841
4812	0.3549	0.2651
4901	0.0409	0.0312
4902	0.0290	0.0249
4903	0.0409	0.0312
4904	0.0134	0.0140
4905	0.2132	0.2437
4906	0.0387	0.0373
4907	0.0664	0.0575
4908	0.0648	0.1138
4909	0.0648	0.1138
4910	0.2404	0.2291
5001	4.1269	1.9893
5002	0.4747	0.3181
5003	1.2407	0.6748
5004	2.1618	1.3200
5101	0.5408	0.3774
5103	0.6031	0.4655
5106	0.4607	0.4385
5108	0.6117	0.4403
5109	0.4191	0.2661
5201	0.2518	0.2040
5204	1.3680	0.5900
5206	0.3167	0.1679
5207	0.1128	0.1300
5208	0.8342	0.5292
5209	0.4570	0.3511
5301	0.0170	0.0181
5305	0.0226	0.0208
5306	0.0270	0.0224
5307	0.2887	0.2099
6103	0.0270	0.0336
6104	0.2352	0.2178
6105	0.1220	0.1014
6107	0.0794	0.0753
6108	0.4048	0.3793
6109	0.0265	0.0262
6110	0.2190	0.2094
6201	0.1071	0.1034

Class	Accident Fund	Medical Aid Fund
6202	0.4829	0.3862
6203	0.0646	0.0613
6204	0.1052	0.1133
6205	0.1052	0.1133
6206	0.1052	0.1133
6207	0.6270	0.7017
6208	0.1726	0.1629
6209	0.1496	0.1792
6301	0.1102	0.0717
6302	0.1234	0.1020
6303	0.0438	0.0443
6304	0.0814	0.0941
6305	0.0340	0.0447
6306	0.1733	0.1911
6308	0.0314	0.0223
6309	0.0750	0.0909
6402	0.1763	0.1491
6403	0.1151	0.1269
6404	0.0894	0.1014
6405	0.4745	0.3454
6406	0.0523	0.0579
6407	0.1051	0.1255
6408	0.2551	0.2477
6409	0.3150	0.3364
6501	0.0492	0.0490
6502	0.0134	0.0137
6503	0.0863	0.0543
6504	0.1988	0.2993
6505	0.1237	0.1376
6506	0.0471	0.0551
6508	0.3163	0.2780
6509	0.1504	0.1477
6601	0.1238	0.1369
6602	0.3818	0.4025
6603	0.1959	0.1738
6604	0.0564	0.0394
6605	0.1945	0.1410
6607	0.1128	0.1300
6608	0.2158	0.1242
6614	127.2820	148.8180
6615	95.0120	111.0880
6616	12.4930	14.6070
6617	9.2660	10.8340
6618	68.7350	80.3650
6704	0.1288	0.1451
6705	0.4702	0.5796
6706	0.2826	0.2770
6707	9.6900	11.6600
6708	26.5400	36.8600
6709	0.0916	0.1311
6801	0.4098	0.2252
6802	0.2748	0.2381
6803	1.8750	0.4345
6804	0.1968	0.1352
6809	1.4431	2.2613
6901	—	0.0566
6902	0.4463	0.2594
6903	5.7307	3.0914
6904	0.1658	0.1170
6905	0.1962	0.1404
6906	—	0.1404
6907	1.2887	0.7471
6908	0.2810	0.2223
6909	0.0461	0.0441
7101	0.0248	0.0159
7102	13.34*	27.76*
7103	0.1688	0.1181
7104	0.0162	0.0188
7105	0.0379	0.0269
7106	0.1942	0.1470

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Class	Accident Fund	Medical Aid Fund
7107	0.1942	0.1470
7108	0.1926	0.1470
7109	0.2520	0.2019
7110	0.2520	0.2019
7111	0.2611	0.2019
7112	0.5796	0.3398
7113	0.5544	0.3398
7114	0.5544	0.3398
7115	0.5544	0.3398
7116	0.5544	0.3398
7117	0.9528	1.1142
7118	2.1091	1.3442
7119	2.1091	1.3442
7120	4.9234	3.7491
7121	4.9234	3.7491
7201	0.6148	0.3426
7202	0.0267	0.0220
7203	0.0823	0.0909
7204		
7301	0.4707	0.4096
7302	0.4842	0.5661
7307	0.7184	1.0230
7308	0.1702	0.1699
7309	0.0916	0.1311

*Daily rate. The daily rate shall be paid in full on any person for any calendar day in which any duties are performed that are incidental to the profession of the worker.

**These rates are calculated on a per license basis for parimutuel race tracks and are base rated.

AMENDATORY SECTION (Amending Order 88-26, filed 12/1/88, effective 1/1/89)

WAC 296-17-919 TABLE I.

((RETROSPECTIVE RATING PLANS A, A1, A2, A3, AND B
STANDARD PREMIUM SIZE RANGES
Effective January 1, 1989

Size Group Number Standard Premium Range

84	\$ 3,090	\$ 3,564
83	3,565	4,092
82	4,093	4,677
81	4,678	5,326
80	5,327	6,042
79	6,043	6,833
78	6,834	7,702
77	7,703	8,657
76	8,658	9,705
75	9,706	10,853
74	10,854	12,108
73	12,109	13,479
72	13,480	14,973
71	14,974	16,601
70	16,602	18,372
69	18,373	20,296
68	20,297	20,855
67	20,856	22,027
66	22,028	23,284
65	23,285	24,634
64	24,635	26,085
63	26,086	27,647
62	27,648	29,330
61	29,331	31,145
60	31,146	33,106
59	33,107	35,227
58	35,228	37,524

Size Group Number Standard Premium Range

57	37,525	40,015
56	40,016	42,720
55	42,721	45,662
54	45,663	48,867
53	48,868	52,364
52	52,365	56,187
51	56,188	60,371
50	60,372	64,960
49	64,961	70,003
48	70,004	75,555
47	75,556	81,679
46	81,680	88,450
45	88,451	95,952
44	95,953	101,375
43	101,376	108,043
42	108,044	115,324
41	115,325	123,292
40	123,293	132,030
39	132,031	141,636
38	141,637	152,223
37	152,224	163,920
36	163,921	176,879
35	176,880	191,278
34	191,279	207,326
33	207,327	225,269
32	225,270	245,402
31	245,403	268,072
30	268,073	293,702
29	293,703	322,796
28	322,797	355,972
27	355,973	393,983
26	393,984	437,757
25	437,758	488,450
24	488,451	547,509
23	547,510	616,761
22	616,762	698,547
21	698,548	795,884
20	795,885	912,721
19	912,722	1,054,287
18	1,054,288	1,227,609
17	1,227,610	1,442,287
16	1,442,288	1,605,217
15	1,605,218	1,791,116
14	1,791,117	1,998,872
13	1,998,873	2,331,328
12	2,331,329	2,741,317
11	2,741,318	3,596,498
10	3,596,499	4,908,374
9	4,908,375	6,392,344
8	6,392,345	8,635,786
7	8,635,787	12,168,325
6	12,168,326	18,231,896
5	18,231,897 & over	

RETROSPECTIVE RATING PLANS A, A1, A2, A3, AND B
STANDARD PREMIUM SIZE RANGES
Effective January 1, 1989

Size Group Number Standard Premium Range

84	\$ 3,430	\$ 3,956
83	3,957	4,542
82	4,543	5,192
81	5,193	5,912
80	5,913	6,707
79	6,708	7,584
78	7,585	8,549
77	8,550	9,610
76	9,611	10,773

Size Group Number	Standard Premium Range
75	10,774 - 12,047
74	12,048 - 13,440
73	13,441 - 14,961
72	14,962 - 16,620
71	16,621 - 18,427
70	18,428 - 20,393
69	20,394 - 22,529
68	22,530 - 23,149
67	23,150 - 24,450
66	24,451 - 25,845
65	25,846 - 27,344
64	27,345 - 28,955
63	28,956 - 30,688
62	30,689 - 32,556
61	32,557 - 34,571
60	34,572 - 36,748
59	36,749 - 39,102
58	39,103 - 41,651
57	41,652 - 44,416
56	44,417 - 47,419
55	47,420 - 50,685
54	50,686 - 54,243
53	54,244 - 58,125
52	58,126 - 62,367
51	62,368 - 67,012
50	67,013 - 72,106
49	72,107 - 77,703
48	77,704 - 83,866
47	83,867 - 90,664
46	90,665 - 98,180
45	98,181 - 106,507
44	106,508 - 112,526
43	112,527 - 119,928
42	119,929 - 128,010
41	128,011 - 136,854
40	136,855 - 146,554
39	146,555 - 157,217
38	157,218 - 168,968
37	168,969 - 181,951
36	181,952 - 196,336
35	196,337 - 212,318
34	212,319 - 230,132
33	230,133 - 250,049
32	250,050 - 272,396
31	272,397 - 297,561
30	297,562 - 326,009
29	326,010 - 358,304
28	358,305 - 395,129
27	395,130 - 437,321
26	437,322 - 485,911
25	485,912 - 542,180
24	542,181 - 607,735
23	607,736 - 684,605
22	684,606 - 775,387
21	775,388 - 883,432
20	883,433 - 1,013,121
19	1,013,122 - 1,170,258
18	1,170,259 - 1,362,646
17	1,362,647 - 1,600,938
16	1,600,939 - 1,781,791
15	1,781,792 - 1,988,139
14	1,988,140 - 2,218,748
13	2,218,749 - 2,587,774
12	2,587,775 - 3,042,862
11	3,042,863 - 3,992,113
10	3,992,114 - 5,448,295
9	5,448,296 - 7,095,502
8	7,095,503 - 9,585,723
7	9,585,724 - 13,506,841
6	13,506,842 - 20,237,405
5	20,237,406 & over

AMENDATORY SECTION (Amending Order 86-49, filed 1/23/87)

WAC 296-17-920 ASSESSMENT FOR SUPPLEMENTAL PENSION FUND. The amount of ~~((+8.5))~~ 16.7 mills ~~(((\$-0+85)))~~ ~~(\$0.167)~~ shall be retained by each employer from the earnings of each worker for each hour or fraction thereof the worker is employed. Provided that in classifications 6707 and 7102, the employer shall retain ~~((fifteen))~~ thirteen cents per day from each worker and in classification 6708 the employer shall retain ~~((+8))~~ 1.67 mills ~~(((\$-00+8)))~~ ~~(\$0.167)~~ per hour to be reported for premium calculation under WAC 296-17-350(8) from each worker. The amount of money so retained from the employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such moneys shall be remitted to the department on or before the last day of January, April, July and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the department as provided under WAC 296-15-060. All such moneys shall be deposited in the supplemental pension fund.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-17-514 CLASSIFICATION 0401.
WAC 296-17-515 CLASSIFICATION 0402.
WAC 296-17-518 CLASSIFICATION 0503.
WAC 296-17-520 CLASSIFICATION 0505.
WAC 296-17-576 CLASSIFICATION 3301.
WAC 296-17-57601 CLASSIFICATION 3302.
WAC 296-17-662 CLASSIFICATION 5102.

WSR 89-20-064**PERMANENT RULES****EMPLOYMENT SECURITY DEPARTMENT**

[Order 4-89—Filed October 4, 1989, 2:09 p.m.]

Date of Adoption: October 4, 1989.

Purpose: To implement the changes in policy and procedure arising from the court decision in *Othello Comm'ty Hosp. vs. Department of Empl. Sec.*, 59 Wa. App. 592, 762 P.2d 1149 (1988), *petn. for rev. denied*, 112 Wn.2d 1018 (1989).

Citation of Existing Rules Affected by this Order: Repealing WAC 192-09-035 and 192-09-040.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Pursuant to notice filed as WSR 89-17-086 on August 21, 1989.

Changes Other than Editing from Proposed to Adopted Version: Edits for clarity of interpretation in WAC 192-12-305(1), 192-12-330(1) and 192-04-040; WAC 192-12-340(3) rewritten for clarity.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This accelerated adoption of this rule is necessary for timely implementation of the court decision cited above.

Effective Date of Rule: October 9, 1989.

October 4, 1989
Ernest F. LaPalm
Deputy Commissioner

NEW SECTION

WAC 192-12-300 MAILING ADDRESSES FOR NOTICE TO EMPLOYER. Notices to employers mailed as required in RCW 50.20.150 and WAC 192-12-310 will be mailed as follows:

(1) The notice to the last employer of the claimant will be mailed to the address provided by the claimant.

(2) The notice to any base year employer who has reported wages to the department will be mailed to the mailing address of record of the employer provided by the employer for tax purposes.

(3) The notice to any other base year employer will be mailed to the address provided by the claimant.

NEW SECTION

WAC 192-12-305 CLAIMANT RESPONSIBILITY FOR PROVIDING ACCURATE EMPLOYER ADDRESS. (1) If the notice to last employer or base year employer (WAC 192-12-310) is mailed to an address provided by the claimant (WAC 192-12-300 (1) & (3)) and is returned by the Post Office as undeliverable, the claimant will be determined to have failed to provide details of separation of employment, unless:

(a) the mail returned by the Post Office indicates the employer has moved and left no forwarding address, or

(b) the claimant can establish that the address provided was an accurate address at the time the claimant last worked for the employer.

(2) No payment will be made to a claimant found to have failed to provide details of separation from employment pursuant to subsection (1) unless the claimant is a continued claim recipient as defined in WAC 192-12-011, in which case payments will be made conditionally pursuant to WAC 192-12-012.

(3) A claimant who has failed to provide details of separation from employment pursuant to subsection (1) may be subject to disqualification pursuant to WAC 192-23-051 if the claimant does not respond to a request to provide an accurate employer address.

NEW SECTION

WAC 192-12-310 NOTICE TO EMPLOYER. (1) At the time of filing any new claim (the filing for an application for initial determination) a notice will be mailed to:

(a) The claimant's last employer, and

(b) All base year employers.

(2) At the time of filing an additional claim for benefits (reopening a claim after subsequent employment) a notice will be mailed to the last employer reported by the claimant.

NEW SECTION

WAC 192-12-320 MAILING OF DETERMINATION NOTICES. RCW 50.20.180 allows the commissioner to determine the parties to be mailed notices of allowance or denial of benefits.

(1) The claimant will be mailed a notice of determination

(a) that denies the claimant benefits, or

(b) that allows benefits and is also mailed to an employer.

(2) The last employer will be mailed a determination notice if the claimant was separated from employment for reasons other than lack of work.

(3) A determination of eligibility will be made and a notice mailed to any base year employer

(a) from whom the claimant was separated from employment for reasons other than lack of work, and

(b) the claimant has not been employed and had earnings of at least his or her weekly benefit amount in each of five weeks subsequent to the separation, or

(c) the employer provides information that the claimant was discharged as a result of a felony or gross misdemeanor connected with the work.

(4) A determination of eligibility of benefits based on an issue other than a separation from employment will be mailed to an employer if the employer provides relevant information relating to eligibility for a specific week.

NEW SECTION

WAC 192-12-330 PREDETERMINATION PROCEDURE—SEPARATION ISSUE. (1) No determination on a separation issue (RCW 50.20.050, RCW 50.20.060) will be issued until both parties to the separation have had an opportunity to present information and rebuttal, if necessary and appropriate, on the matters at issue.

(2) If an employer does not respond within ten days to the notice required by WAC 192-12-310, the department may at that time make a determination based on available information.

(3) If the department receives information from the employer after the end of the ten day response period, but before the determination has been made, the information provided by the employer will be considered prior to making the determination if the information was mailed to the Job Service Center where the claim was filed.

(4) If the department receives information from the employer after the end of the ten day period and within thirty days following the mailing of a determination, the department may consider that information for the purposes of a redetermination under RCW 50.20.160 or as an appeal of the determination.

(5) Any information received within thirty days of the mailing of the notice required by WAC 192-12-310 will be considered a request for relief of benefit charges under RCW 50.29.020.

NEW SECTION

WAC 192-12-340 DISCHARGES FOR MISCONDUCT FOR FELONY OR GROSS MISDEMEANOR—RESPONSIBILITY FOR PROVIDING INFORMATION. In any separation where there is a potential disqualification under RCW 50.20.060(2) it is the responsibility of the employer to notify the department in a timely manner of any resolution of issues.

(1) In any case where the employer has raised the potential of a disqualification under RCW 50.20.060(2) within ten days of receiving the notice required by WAC 192-12-310 and the department establishes that there is a possibility of such disqualification, the department will place the case on a periodic notification list.

(2) At least once each calendar quarter, the department will send a notice to the employer with respect to each case on the periodic notification list, requesting further information on the case.

(3) If there has been a change of status in any case involving a potential denial under RCW 50.20.060(2), the employer must advise the department of the change within ten days of the mailing of the notice required in subsection (2) above.

(4) Once each year, a notice will be mailed to all employers on the periodic notification list requesting a response as to whether the case is still active. If an employer fails to respond to this notice, the employer will be removed from the periodic notification list.

(5) Regardless whether the case is listed on the periodic notification list, the department will consider information provided by the employer relating to a discharge for felony or gross misdemeanor misconduct if the employer notifies the department within thirty days of the conviction or admission of the claimant.

NEW SECTION

WAC 192-04-040 INTERESTED PARTIES. In all cases adjudicated under Title 50 RCW the employment security department is an interested party. Other interested parties are

(1) Benefit Appeals. The claimant and any employer entitled to notice under WAC 192-12-320 or defined as an interested employer in WAC 192-28-125, in cases involving the payment or recovery of benefits, including but not limited to the entitlement to, eligibility for or qualification for waiting period credit or benefits.

(2) Tax Appeals. Employers whose contributions, experience rating, benefit charges, or rate of contribution are affected by:

- (a) an assessment for contributions;
- (b) a denial of a claim for refund of contributions, interest, penalties;
- (c) a denial of a request for relief of benefit charges made to their account; or
- (d) their determined or redetermined rate of contribution.

REPEALER

The following sections are repealed:

- (a) WAC 192-09-035 Predetermination Procedures - Separation Issues.
- (b) WAC 192-09-040 Interested Parties Defined.

WSR 89-20-065
PERMANENT RULES
EMPLOYMENT SECURITY DEPARTMENT

[Order 5-89—Filed October 4, 1989, 2:11 p.m.]

I, Ernest F. LaPalm, deputy commissioner of the Employment Security Department, do promulgate and adopt at Olympia, Washington, the annexed rules relating to overpayment collection and maximum benefits payable, WAC 192-28-135.

This action is taken pursuant to Notice No. WSR 89-12-084 filed with the code reviser on June 7, 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 under the general rule-making authority of the Employment Security Department as authorized in RCW 50.12.010 and 50.12.040.

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 October 4, 1989.

By Ernest F. LaPalm
Deputy Commissioner

NEW SECTION

WAC 192-28-135 RECOVERY OF BENEFIT OVERPAYMENT — OVERPAYMENT COLLECTION AND MAXIMUM BENEFIT PAYABLE. (1) No otherwise eligible individual shall receive as benefit payment an amount in excess of the maximum benefit payable from an entitlement as established pursuant to the provisions of RCW 50.20.120 and/or RCW 50.22-.040 and RCW 50.22.050.

(2) An individual may certify for offset of an overpayment on a valid benefit year as provided in WAC 192-28-120.

(a) Provided, when the new balance available on a valid benefit year is equal to or less than the balance of an overpayment on that benefit year, the offset shall be at the rate of one hundred percent, regardless of the provisions of WAC 192-28-120 and/or WAC 192-28-130.

(b) Overpayments established on other than the current benefit year shall be offset from a valid benefit year as provided in WAC 192-28-120 and/or WAC 192-28-130.

(3) Within a valid benefit year the total benefits properly paid plus the offset credits properly granted shall not exceed the maximum benefits payable.

(4) Any offset of an overpayment granted on the basis of information later determined to be fraudulent or misrepresented shall be cancelled and the amount restored to the overpayment balance.

(5) If any provision of this section is in conflict with federal regulation, the federal regulation shall apply.

WSR 89-20-066
PROPOSED RULES
FOREST PRACTICES BOARD

[Filed October 4, 1989, 2:17 p.m.]

Original Notice.

Title of Rule: Forest practices rules and regulations, Title 222 WAC.

Purpose: Define new terms, change forest practices classes, clarify rule language, provide for urban/forest transition areas (UFTA), increase county participation

in forest practices decisions and enforcement of conversions, provide landowner delayed conversion option.

Other Identifying Information: Forest practices in cemeteries, golf courses and single ownership of less than two acres outside streams, shorelines and riparian management zones and not skidding on slopes over 40% are Class I forest practices.

Statutory Authority for Adoption: RCW 76.09.040, 76.09.050 and chapter 34.05 RCW.

Statute Being Implemented: Chapter 76.09 RCW.

Summary: Provides for greater county participation in forest practices decisions of conversions and developing areas. Provides for designation of UFTA and changes forest practices classes and increases review time for urban area practices.

Reasons Supporting Proposal: Existing rules do not specifically address forest practices impacts to highly developed or urbanizing areas human environment and public service needs. Forest practices need modification to allow more local involvement in conversions.

Name of Agency Personnel Responsible for Drafting: Thomas E. Robinson, 1007 South Washington, Mailstop EL-03, Olympia, WA 98504, (206) 753-5315; Implementation: Arden Olson, Manager, Division of Forest Regulation and Assistance, Mailstop EL-03, Olympia, WA; and Enforcement: Forest Practices Foresters in seven regions of Department of Natural Resources.

Name of Proponent: Forest Practices Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Local government entity is defined as governments of county, city and town. Conversion option harvest plan is defined as a landowner plan approved by the local government entity which if followed will remove the potential of a six year moratorium on future conversion of the property. Forest practices in cemeteries, golf courses and single ownerships of less than two acres are Class I if outside streams, shorelines and riparian management zones and not skidding on slopes over 40%. A new section provides for UFTAs, urban/forest transition areas, where forest practices are subject to additional review and conditions to protect the public capital improvements of developing areas. Counties may add some conditions to conversions of land use and participate in enforcement actions. The proposed rules will enable the landowner and counties to work toward a more orderly transition from forest to developed land.

Proposal Changes the Following Existing Rules: Proposed rules provide for increased protection of developing areas. Local government entities have more participation in forest practices decisions and enforcement in developing areas.

Additions to Class I forest practices (those requiring no notification or application) to include activities within the boundaries of golf courses and cemeteries or on parcels two acres in size or less, if the activities do not affect waters of the state or involve the use of ground equipment on slopes over 40 percent. Certain current Class II harvest and road construction activities (requiring five day notification to the DNR) would be upgraded to

Class III (requiring up to thirty days for an approved application) if they occurred within the boundaries of an urban/forest transition area. This will allow the counties the opportunity to provide comments on the proposed activities prior to the DNR conditioning the application. This will enable the DNR to better protect the public capital improvements of the county and operate in concert with local government development requirements. The counties would have specific conditioning authority on Class IV general applications when a proposal is made to convert forest land to another use. The DNR will enforce these conditions through the notice to comply/stop work order procedures and require the operator to comply with county requirements prior to proceeding. The proposed conversion option harvest plan (COHP) will increase the options of landowners when they are unsure of future plans for a parcel of forest land. This COHP must be approved by the county and, if followed, will remove the potential of a six-year moratorium on conversion of the property.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

This rule change will not have an economic impact on over 20% of all industries or on more than 10% of any one industry. The rule changes can benefit the small landowner. Any landowner may use the conversion harvest option plan and preserve the option for future conversion from forest land use. The county has an opportunity to advise the landowner about conversion requirements and reduce future conflicts or denials. Costs should be reduced overall.

Hearing Location: Douglas County Public Utility District, 1151 Valley Mall Parkway, East Wenatchee, WA 98802, on November 15, 1989, at 7:00 p.m.; and at Snohomish County Cooperative Extension, 600 128th S.E., Snohomish [Everett], WA 98208, on November 29, 1989, at 7:00 p.m.; and at John L. O'Brien Building, formerly House Office Building, Hearing Room A, First Floor, Olympia, Washington 98504, on December 6, 1989, at 7:00 p.m.

Submit Written Comments to: Thomas E. Robinson, Department of Natural Resources, Forest Regulation and Assistance, Mailstop EL-03, Olympia, WA 98504, phone (206) 753-5315; and Dick Wallace, Department of Ecology, Water Quality, Mailstop PV-11, Olympia, WA 98504, phone (206) 438-7069, by December 15, 1989.

Date of Intended Adoption: February 14, 1990.

October 4, 1989

Brian Boyle

Chair, Forest Practices Board
Commissioner of Public Lands

AMENDATORY SECTION (Amending Order 551, Resolution No. 88-1, filed 9/21/88, effective 11/1/88)

WAC 222-16-010 GENERAL DEFINITIONS.* Unless otherwise required by context, as used in these regulations:

- (1) "Act" means the Forest Practices Act, chapter 76.09 RCW.
- (2) "Affected Indian tribe" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.
- (3) "Appeals board" means the forest practices appeals board established in the act.
- (4) "Board" means the forest practices board established by the act.

(5) "Borrow pit" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

(6) "Chemicals" means substances applied to forest lands or timber to accomplish specific purposes and includes pesticides, insecticides, rodenticides, plant-growth regulators, fungicides, fertilizers, desiccants, fire retardants when used in controlled burning, repellents, oil, dust-control agents (other than water), salt and other materials that may present hazards to the environment.

(7) "Commercial tree species" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

(8) "Completion of harvest" means the latest of:

(a) Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

(b) Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

(c) Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: PROVIDED, That delay of reforestation under this subsection (c) is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

(9) "Contamination" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

(10) "Conversion option harvest plan" means a plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations and open space.

(11) "Conversion to a use other than commercial timber operation" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

(12) "Critical wildlife habitat" means the habitat of any threatened or endangered species, as such habitat is established by the board in the forest practices board manual, or other situations as identified by the board, after consultation with the department of wildlife, where specific management practices are needed to prevent critical wildlife habitat destruction.

(13) "Cultural resources" means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

(14) "Debris" means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

(15) "Department" means the department of natural resources.

(16) "End hauling" means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

(17) "Erodible soils" means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

(18) "Fertilizers" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

(19) "Flood level - 50 year." For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

(20) "Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

(21) "Forest land owner" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: PROVIDED, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

(22) "Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- (a) Road and trail construction;
- (b) Harvesting, final and intermediate;
- (c) Precommercial thinning;
- (d) Reforestation;
- (e) Fertilization;
- (f) Prevention and suppression of diseases and insects;
- (g) Salvage of trees; and
- (h) Brush control.

"Forest practice" shall not include: Preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

(23) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

(24) "Historic site" includes:

- (a) Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or
- (b) Places associated with a personality important in history; or
- (c) Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

(25) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

(26) "Interdisciplinary team" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

(27) "Limits of construction" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

(28) "Load bearing portion" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

(29) "Local government entity" means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

(30) "Merchantable stand of timber" means a stand of trees that will yield logs and/or fiber:

- (a) Suitable in size and quality for the production of lumber, plywood, pulp or other forest products.
- (b) Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

(31) "Notice to comply" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

(32) "Operator" shall mean any person engaging in forest practices except an employee with wages as his sole compensation.

(33) "Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: PROVIDED, That in any area where the ordinary high-water mark cannot be found, the ordinary high-

water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

~~((32))~~ (34) "Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

~~((33))~~ (35) "Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

~~((34))~~ (36) "Pesticide" means any insecticide, herbicide or rodenticide but does not include nontoxic repellents or other chemicals.

~~((35))~~ (37) "Plantable area" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

~~((36))~~ (38) "Power equipment" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

~~((37))~~ (39) "Public resources" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

~~((38))~~ (40) "Rehabilitation" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

~~((39))~~ (41) "Relief culvert" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

~~((40))~~ (42) "Riparian management zone" means a specified area alongside Type 1, 2 and 3 Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

~~((41))~~ (43) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

~~((42))~~ (44) "Salvage" means the removal of snags, down logs, windthrow, or dead and dying material.

~~((43))~~ (45) "Scarification" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

~~((44))~~ (46) "Side casting" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

~~((45))~~ (47) "Shorelines of the state" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

~~((46))~~ (48) "Skid trail" means a route used by tracked or wheeled skidders to move logs to a landing or road.

~~((47))~~ (49) "Slash" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

~~((48))~~ (50) "Spoil" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

~~((49))~~ (51) "Stop work order" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

~~((50))~~ (52) "Threatened or endangered species" applies to all species of wildlife listed as "threatened" or "endangered" by the United States Fish and Wildlife Service, except any species which the Washington department of wildlife determines does not require special protection under the Forest Practices Act because conservation of the species is reasonably assured through a recovery and enhancement program or existence of an adequate population on lands where commercial forestry and land development are prohibited, or through other means. For this purpose, "wildlife" means all members of the animal kingdom except insects and benthic organisms.

~~((51))~~ (53) "Timber" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

~~((52))~~ (54) "Water bar" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

~~((53))~~ (55) "Weed" is any plant which tends to overgrow or choke out more desirable vegetation.

~~((54))~~ (56) "Windthrow" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

AMENDATORY SECTION (Amending Order 551, Resolution No. 88-1, filed 9/21/88, effective 11/1/88)

WAC 222-16-050 CLASSES OF FOREST PRACTICES. There are 4 classes of forest practices created by the act. These classes are listed below in the order most convenient for the applicant's use in determining into which class his operations fall. All forest practices (including those in Classes I and II) must be conducted in accordance with the forest practices regulations.

(1) "Class IV - special." Application to conduct forest practices involving the following circumstances requires an environmental checklist in compliance with the State Environmental Policy Act (SEPA), and SEPA guidelines, as they have been determined to have potential for a substantial impact on the environment. It may be determined that additional information or a detailed environmental statement is required before these forest practices may be conducted.

* (a) Aerial application of pesticides to an "area of water supply interest" as determined according to WAC 222-38-020 (5)(i).

(b) Harvesting, road construction, site preparation or aerial application of pesticides:

(i) On lands known to contain a breeding pair or the nest or breeding grounds of any threatened or endangered species; or

(ii) Within the critical habitat designated for such species by the United States Fish and Wildlife Service.

(c) Widespread use of DDT or a similar persistent insecticide.

(d) Harvesting, road construction, aerial application of pesticides and site preparation on all lands within the boundaries of any national park, state park, or any park of a local governmental entity, except harvest of less than 5 MBF within any developed park recreation area and park managed salvage of merchantable forest products.

* (e) Construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on slide prone areas as defined in WAC 222-24-020(6) when such slide prone areas occur on an uninterrupted slope above a Type 1, 2, 3 or 4 Water where there is potential for a substantial debris flow or mass failure to cause significant impact to public resources.

(2) "Class IV - general." Applications involving the following circumstances are "Class IV - general" forest practices unless they are listed in "Class IV - special." Upon receipt of an application, the department will determine the lead agency for purposes of compliance with the State Environmental Policy Act pursuant to WAC 197-11-924 and 197-11-938(4) and RCW 43.21C.037(2). Such applications are subject to a 30-day period for approval unless the lead agency determines a detailed statement under RCW 43.21C.030 (2)(c) is required. Upon receipt, if the department determines the application is for a proposal that will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the department shall notify the applicable county/city under WAC 197-11-924 that the department has determined according to WAC 197-11-938(4) that the county/city is the lead agency for purposes of compliance with State Environmental Policy Act.

(a) Forest practices (other than those in Class I) on lands platted after January 1, 1960, or on lands being converted to another use.

(b) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of likelihood of future conversion to urban development. (See WAC 222-34-050.)

(3) "Class I." Those operations that have been determined to have no direct potential for damaging a public resource are Class I forest practices. When the conditions listed in "Class IV - Special" are not present, these operations may be commenced without notification or application.

(a) Culture and harvest of Christmas trees and seedlings.

(b) Road maintenance except: (i) Replacement of bridges and culverts across Type 1, 2, 3 or flowing Type 4 Waters; or (ii) movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters.

(c) Construction of landings less than 1 acre in size, if not within a shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water.

(d) Construction of less than 600 feet of road on a sideslope of 40 percent or less if the limits of construction are not within the shoreline

area of a Type 1 Water, the riparian management zone of a Type 2 or Type 3 Water, or the ordinary high-water mark of a Type 4 Water.

(e) Installation or removal of a portable water crossing structure where such installation does not take place within the shoreline area of a Type 1 Water and does not involve disturbance of the beds or banks of any waters.

(f) Initial installation and replacement of relief culverts and other drainage control facilities not requiring a hydraulic permit.

(g) Rocking an existing road.

(h) Loading and hauling timber from landings or decks.

(i) Precommercial thinning and pruning.

(j) Tree planting and seeding.

(k) Cutting or removal of less than 5,000 board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any 12-month period.

(l) Emergency fire control and suppression.

(m) Slash burning pursuant to a burning permit (RCW 76.04.205).

(n) Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding 40 percent or off-road use of tractors within the shorelines of a Type 1 Water, the riparian management zone of any Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water.

(o) Ground application of chemicals. (See WAC 222-38-020.)

(p) Aerial application of chemicals (except insecticides) when applied to not more than 40 contiguous acres if the application is part of a combined or cooperative project with another landowner and where the application does not take place within 100 feet of lands used for farming, or within 200 feet of a residence, unless such farmland or residence is owned by the forest landowner. Provisions of chapter 222-38 WAC shall apply.

(q) Forestry research studies and evaluation tests by an established research organization.

(r) Any of the following if none of the operation or limits of construction takes place within the shoreline area of a Type 1 Water or the riparian management zone of a Type 2 or 3 Water, or within the ordinary high water mark of a Type 4 Water or flowing Type 5 Water, and the operation does not involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

(i) Any forest practices within the boundaries of existing golf courses.

(ii) Any forest practices within the boundaries of existing cemeteries which are approved by the cemetery board.

(iii) Any forest practices involving a single landowner where contiguous ownership is less than two acres in size.

(4) "Class II." Certain forest practices have been determined to have a less than ordinary potential to damage a public resource and may be conducted as Class II forest practices: PROVIDED, That no forest practice enumerated below may be conducted as a Class II forest practice if the operation requires a hydraulic project approval (RCW 75.20.100) or is within a "shorelines of the state," or involves a bond in lieu of landowners signature (other than renewals). Such forest practices require an application. No forest practice enumerated below may be conducted as a "Class II" forest practice if it takes place on lands platted after January 1, 1960, or on lands being converted to another use. Such forest practices require a Class IV application. Class II forest practices are the following:

(a) Renewal of a prior Class II notification.

(b) Renewal of a previously approved Class III or IV forest practice application where:

(i) No modification of the uncompleted operation is proposed;

(ii) No notices to comply, stop work orders or other enforcement actions are outstanding with respect to the prior application; and

(iii) No change in the nature and extent of the forest practice is required under rules effective at the time of renewal.

(c) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, or within the ordinary highwater mark of a Type 4 Water:

(i) Construction of advance fire trails.

(ii) Opening a new pit of, or extending an existing pit by, less than 1 acre.

((iii) The following operations except those involving)) (d) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, or within the ordinary high water mark of a Type 4 Water; and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

((A)) (i) Salvage of logging residue.

((B)) (ii) Salvage of dead, down or dying timber if less than 40 percent of the total timber volume is removed in any 12-month period.

((C)) (e) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, or within the ordinary high water mark of a Type 4 Water and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent, and if none of the operations are located within a designated URBAN/FORREST TRANSITION AREA:

(i) West of the Cascade summit, partial cutting of 40 percent or less of the live timber volume.

((D)) (ii) East of the Cascade summit, partial cutting of 5,000 board feet per acre or less.

((E)) (iii) Any harvest on less than 40 acres.

((F)) (iv) Construction of 600 or more feet of road, provided that the department shall be ((renotified)) notified at least 2 business days before commencement of the construction.

(5) "Class III" forest practices not listed under Classes IV, I or II above are "Class III" forest practices. Among Class III forest practices are the following:

(a) Those requiring hydraulic project approval (RCW 75.20.100).

(b) Those within the shorelines of the state other than those in a Class I forest practice.

(c) Aerial application of insecticides, except where classified as a Class IV forest practice.

(d) Aerial application of chemicals (except insecticides), except where classified as Class I or IV forest practices.

(e) Harvest or salvage of timber except where classed as Class I, II or IV forest practices.

(f) All road construction and reconstruction except as listed in Classes I, II and IV forest practices.

(g) Opening of new pits or extensions of existing pits over 1 acre.

(h) Road maintenance involving:

(i) Replacement of bridges or culverts across Type 1, 2, 3, or flowing Type 4 Waters; or

(ii) Movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters.

(i) Operations involving an applicant's bond in lieu of a landowner's signature.

(j) Site preparation or slash abatement not listed in Classes I or IV forest practices.

(k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain cultural, historic or archaeological resources which, at the time the application or notification is filed, are:

(i) On or are eligible for listing on the National Register of Historic Places; or

(ii) Have been identified to the department as being of interest to an affected Indian tribe.

(l) Harvesting exceeding 19 acres in a designated difficult regeneration area.

(m) Utilization of an alternate plan. See WAC 222-12-040.

NEW SECTION

WAC 222-16-060 URBAN/FORREST TRANSITION AREAS.

(1) Urban/forest transition area (UFTA) is an area designated by the department where forest practices activities are likely to have off-site impacts on public capital improvements, where the land use trends indicate a transition from forestry uses to uses incompatible with commercial timber operations, and where there is a potential for future conversion of remaining forest land.

(2) A local government entity or an affected Indian tribe may submit to the department a proposed UFTA for lands within that entity's or tribe's jurisdiction. The department may assist a local government entity or tribe in developing a proposed UFTA. Any proposed UFTA must consider the following:

(a) The current use valuation of the land. Forest land valuation suggests the land is not appropriate for inclusion.

(b) Whether the land is within a local improvement district. The existence of local improvement districts would suggest inclusion in an UFTA.

(c) The comprehensive plan designation and zoning or urban character. The following suggest the area is appropriate for inclusion in an UFTA:

(i) Dominant land use or trends in land use is for a use other than forestry;

(ii) Availability of major transportation corridors;

- (iii) Existing platted lots or subdivisions;
- (iv) Availability of utilities and other capital facilities;
- (v) Generally not zoned forestry.
- (d) Whether the land is within the boundaries of cities or towns or has been proposed for annexation. Land within cities or towns suggests inclusion.
- (e) Whether the land has received previous development permit approval. Evidence of approved development permits suggests inclusion.
- (f) Lands covered by a DNR-accepted forest management plan or presence of a certified tree farm suggest exclusion from an UFTA.
- (3) Upon submittal of a proposed UFTA, the department shall:
 - (a) Schedule a public hearing at a site within the proposed UFTA;
 - (b) Publish notice of the hearing at least two weeks prior to the hearing in a newspaper of general circulation where the proposed UFTA is located;
 - (c) Notify at least 30 days prior to the hearing all persons or groups and affected Indian tribes who have expressed interest in the proposed UFTA, UFTAs in general, or forest practices within the geographic area of the proposal;
 - (d) Notify the departments of ecology, fisheries, and wildlife.
- (4) The department shall preside at the public hearing. The local government entity or the affected Indian tribe shall present its proposed UFTA. The department shall provide an opportunity for oral and written comments.
- (5) After public hearing and comment, the department shall independently examine the criteria in subsection (2) of this section and shall adopt or reject the proposal. The department may also modify the proposal by excluding areas proposed, but it may not expand the boundaries without concurrence of the entity or tribe proposing the UFTA.
- (6) The department shall submit UFTAs to the forest practices board for adoption as a rule consistent with chapter 34.05 RCW. The board will adopt the UFTA as submitted or remand it to the department for reconsideration.

AMENDATORY SECTION (Amending Order 535, filed 11/16/87, effective 1/1/88)

WAC 222-20-040 APPROVAL CONDITIONS. (1) Whenever an approved application authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved application, notify the department 2 business days before the commencement of actual operations.

(2) All approvals are subject to any conditions stipulated on the approved application and to any subsequent additional requirements set forth in a stop work order or a notice to comply.

(3) For Class IV general applications the following shall apply:

(a) The department shall transmit the application to the appropriate county with jurisdiction over the lands to be converted or intended to be converted within 2 business days from the date the department receives the application.

(b) The county shall have the authority to condition the application if such conditions and requirements are within the scope of their authority and are related to:

(i) The location and character of open space and/or vegetative buffers;

(ii) The location and design of roads;

(iii) The retention of trees for bank stabilization, erosion prevention, storm water management;

(iv) The protection of designated sensitive areas.

(c) County conditions shall be filed with the department within 29 days of the filing of the application with the department or within 14 business days of the transmittal of the application to the county or 1 day before the department acts on the application, whichever is later. The department shall incorporate such conditions and requirements as conditions of the forest practices approval.

(d) In the event the conditions referred to in (c) of this subsection are violated, the department shall take enforcement action pursuant to chapter 222-46 WAC.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-20-050 CONVERSION TO NONFOREST USE. (1) If an application to harvest signed by the landowner indicates that within 3 years after completion, the forest land will be (~~used for an~~)

converted to a specified active use which is incompatible with timber growing, the reforestation requirements of these regulations shall not apply and the information relating to reforestation on the application form need not be supplied. However, if such (~~other~~) specified active use is not initiated within 3 years after such harvest is completed, the reforestation requirements (See chapter 222-34 WAC) shall apply and such reforestation shall be completed within 1 additional year.

(2) If a landowner wishes to maintain the option for conversion to a use other than commercial timber operation they may request the appropriate local government entity to approve a conversion option harvest plan. This plan, if followed by the landowner, shall release the landowner from the six-year moratorium on future development, but does not create any other rights. The conversion option harvest plan shall be attached to the application as a condition. Violation of the conversion option harvest plan will result in the reinstatement of the local government entities right to the six-year moratorium. Reforestation requirements will not be waived in the conversion option harvest plan. Reforestation regulations shall apply at the completion of the harvest operation as required in chapter 222-34 WAC. Nothing herein shall preclude the local government entity from charging a fee to approve such a plan. (See RCW 76.09.060 (3)(b)(i))

(3) If the application does not state that any land covered by the application will be or is intended to be converted to a specified active use incompatible with commercial timber operations and except as provided in subsection (2) of this section, the local government entity may, for six years after the date of the application, refuse to accept, process, or approve any or all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of the land subject to the application. (See RCW 76.09.060 (3)(b)(i))

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-46-020 INFORMAL CONFERENCES. (1) Opportunity mandatory. The department shall afford the operator or his representative reasonable opportunities to discuss proposed enforcement actions at an informal conference prior to taking further enforcement action, unless the department determines that there may be imminent damages to the public resource. Informal conferences may be used at any stage in enforcement proceedings, except that the department may refuse to conduct informal conferences with respect to any matter then pending before the appeals board or a court.

(2) Reports required. Department personnel in attendance at informal conferences shall keep written notes of the date and place of the conference, the persons in attendance, the subject matter discussed, and any decisions reached with respect to further enforcement action.

(3) Records available. Copies of written notes shall be sent to each participant in the conference, be kept in the department files until 1 year after final action on the application involved, and be open to public inspection.

(4) County conditions. If the proposed enforcement actions involve conditions imposed by a county pursuant to WAC 222-20-040(3) then the county shall be involved in the informal conference.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-46-030 NOTICE TO COMPLY. If a violation, a deviation, material damage or potential for material damage to a public resource has occurred and the department determines that a stop work order is unnecessary, then the department shall issue and serve upon the operator or landowner a notice which will clearly set forth:

(1)(a) The specific nature, extent, and time of failure to comply with the approved application; or identifying the damage or potential damage; and/or

(b) The relevant provisions of the Forest Practices Act or of the forest practices regulations relating thereto;

(2) The right of the operator or landowner to a hearing before the department; and

(3) The specific course of action ordered by the department to be followed by the operator to correct such failure to comply and to prevent, correct and/or compensate for material damage to public resources which resulted from any violation, unauthorized deviation, or (~~willful~~) willful or negligent disregard for potential damage to a public resource; and/or those courses of action necessary to prevent continuing damage to public resources where the damage is resulting from the forest practice activities but has not resulted from any violation, unauthorized deviation, or negligence.

(4) County conditions. If the notice to comply involves a condition imposed by a county pursuant to WAC 222-20-040(3), then the specific course of action ordered by the department shall include a requirement that the operator obtain approval of the county of the action to be taken.

The department shall mail a copy thereof to the forest landowner and the timber owner at the addresses shown on the application, showing the date of service upon the operator. The department shall also mail a copy to the county if a condition imposed pursuant to WAC 222-20-040(3) is involved.

Such notice to comply shall become a final order of the department: **PROVIDED**, That no direct appeal to the appeals board will be allowed from such final order. Such operator shall undertake the course of action so ordered by the department unless, within 15 days after the date of service of such notice to comply, the operator, forest landowner, or timber owner, shall request the department in writing to schedule a hearing. If so requested, the department shall schedule a hearing on a date not more than 20 days after receiving such request. The county shall participate in the hearing if a condition imposed pursuant to WAC 222-20-040(3) is involved. Within 10 days after such hearing, the department shall issue a final order either withdrawing its notice to comply or clearly setting forth the specific course of action to be followed by such operator. Such operator shall undertake the course of action so ordered by the department unless within 30 days after the date of such final order, the operator, forest landowner, or timber owner appeals such final order to the appeals board. No person shall be under any obligation under this section to prevent, correct, or compensate for any damage to public resources which occurs more than 1 year after the date of completion of the forest practices operations involved exclusive of reforestation, unless such forest practices were not conducted in accordance with forest practices rules and regulations: **PROVIDED**, That this provision shall not relieve the forest landowner from any obligation to comply with forest practices rules and regulations pertaining to providing continuing road maintenance. No action to recover damages shall be taken under this section more than 2 years after the date the damage involved occurs.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-46-040 STOP WORK ORDERS. (1) The department shall have the authority to serve upon an operator a stop work order which shall be a final order of the department if:

(a) There is any violation of the provisions of the Forest Practices Act or these regulations or

(b) There is a deviation from the approved application; or

(c) Immediate action is necessary to prevent continuation of or to avoid material damage to a public resource.

(2) The stop work order shall set forth:

(a) The specific nature, extent, and time of the violation, deviation, damage, or potential damage;

(b) An order to stop all work connected with the violation, deviation, damage, or potential damage;

(c) The specific course of action needed to correct such violation or deviation or to prevent damage and to correct and/or compensate for damage to public resources which has resulted from any violation, unauthorized deviation, or ~~((willful))~~ willful or negligent disregard for potential damage to a public resource; and those courses of action necessary to prevent continuing damage to public resources where the damage is resulting from the forest practice activities but has not resulted from any violation, unauthorized deviation, or negligence. If the stop work order involves a condition imposed by a county pursuant to WAC 222-20-040(3), then the specific course of action ordered by the department shall include a requirement that the operator obtain approval of the county of the action to be taken.

(d) The right of the operator to a hearing before the appeals board.

The department shall immediately file a copy of such order with the appeals board and mail a copy thereof to the timber owner and forest landowner at the addresses shown on the application. The department shall also mail a copy to the county if a condition imposed pursuant to WAC 222-20-040(3) is involved.

The operator, timber owner, or forest landowner may commence an appeal to the appeals board within 15 days after service upon the operator. If such appeal is commenced, a hearing shall be held not more than 20 days after copies of the notice of appeal were filed with the appeals board. Such proceeding shall be a contested case within the meaning of chapter ~~((34.04))~~ 34.05 RCW.

The operator shall comply with the order of the department immediately upon being served, but the appeals board if requested shall

have authority to continue or discontinue in whole or in part the order of the department under such conditions as it may impose pending the outcome of the proceeding.

WSR 89-20-067

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed October 4, 1989, 2:24 p.m.]

Original Notice.

Title of Rule: General rules relating to the use of pesticides.

Purpose: To provide for the safe use of pesticides and protect the health and welfare of the people of this state.

Other Identifying Information: Chapter 16-228 WAC.

Statutory Authority for Adoption: Chapters 17.21 and 15.58 RCW.

Statute Being Implemented: Same.

Summary: This chapter establishes restrictions on the use of pesticides in Washington state.

Reasons Supporting Proposal: The proposed changes to chapter 16-228 WAC incorporate changes in chapters 15.58 and 17.21 RCW recently passed by the Washington state legislature.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Art G. Losey, Assistant Director, 2627A Arkmont Lane, Olympia, 753-5062.

Name of Proponent: Washington State Department of Agriculture, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of these rules are to enforce chapters 17.21 and 15.58 RCW.

Proposal Changes the Following Existing Rules: Changes include requiring the retention of pesticide application records for seven years by all persons applying pesticides to more than one acre of land, information required on the pesticide application form, clarification of existing language and some general housekeeping, and the increase of the fee for testing on nonscheduled days from \$5 to \$10.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Agricultural Service Center, Federal Conference Room, 2015 South 1st Street, Yakima, WA 98903, on November 8, 1989, at 10:00 a.m.

Submit Written Comments to: Art G. Losey, Assistant Director, 406 General Administration Building, AX-41, Olympia, WA 98504, by November 8, 1989.

Date of Intended Adoption: November 30, 1989.

October 4, 1989

Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending Order 1981, filed 7/1/88)

WAC 16-228-010 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) ~~((1))~~ "Department" means the department of agriculture of the state of Washington.

~~((2))~~ "Director" means the director of the department of agriculture of the state of Washington, or a duly authorized representative.

~~((3))~~ "Agricultural commodity" means any plant, or part ~~((thereof))~~ of a plant, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by ~~((humans))~~ people or animals.

~~((4))~~ (2) "Authorized agent" is any person who is authorized to act on behalf of a certified applicator for the purpose of purchasing pesticides.

~~((5))~~ (3) "Bait box" for rodenticides is a box constructed of durable metal, wood, plastic, or other treated synthetic material. It shall be designed to hold rodent bait securely, allow rodents to enter and leave, and prevent unauthorized persons and domestic animals from gaining access to the bait. The cover shall be provided with a lock that can be unlocked only by a combination, key, special tool, or forced entry. Fragile materials are unacceptable.

~~((6))~~ (4) "Bait station" may be any location where baits are placed to allow target pests to gain access to the bait.

~~((7))~~ (5) "Bulk fertilizer" is a commercial fertilizer, agricultural mineral, or lime, distributed in nonpackaged form.

~~((8))~~ (6) "Certified applicator" means any individual who is ~~((certified by the director to use or supervise the use of any pesticide which is classified by the Environmental Protection Agency (EPA) as a restricted use pesticide or by the state as restricted to use by certified applicators including, but not limited to licensed commercial applicators, licensed commercial operators, licensed public operators, licensed private-commercial applicators, licensed demonstration and research applicators, and certified private applicators))~~ licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, or certified private applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA as a restricted use pesticide or by the state as restricted to use by certified applicators only.

~~((9))~~ (7) "Controlled disposal site" means any place where solid or liquid waste is disposed: PROVIDED, That the area has been designated as a disposal site for waste materials by the appropriate jurisdictional agency: PROVIDED FURTHER, That the site is fenced, barricaded or otherwise enclosed or attended by some person in charge to facilitate control-access of domestic animals, pets, and unauthorized persons.

~~((10))~~ (8) "Department" means the Washington state department of agriculture.

(9) "Diluent" means a material, liquid or solid, serving to dilute the pesticide product to field strength for adequate coverage (such as water).

(10) "Director" means the director of the department or a duly authorized representative.

(11) "Dry pesticide" is any granular, pelleted, dust or wettable powder pesticide.

~~((11))~~ (12) "EPA" means the United States Environmental Protection Agency.

~~((12))~~ (13) "EPA restricted use pesticide" means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

~~((13))~~ (14) "Fertilizer" as included in this order means any liquid or dry mixed fertilizer, fertilizer material, specialty fertilizer, agricultural mineral, or lime.

~~((14))~~ (15) "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act as amended (61 stat. 163, 7 U.S.C. Sec. 136 et seq.).

~~((15))~~ (16) "Floor level" is considered to be the floor upon which people normally walk—pot shelves, ledges, overhead beams, tops of stacked materials, surfaces of equipment, or similar places.

~~((16))~~ (17) "Food service establishment" means any fixed or mobile restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; industrial-feeding establishment; retail grocery; retail food market; retail meat market; retail bakery; private, public, or nonprofit organization routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared

for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

~~((17))~~ (18) "Fumigant" means any substance or combination of substances that produce gas, fumes, vapors, or smoke, and is used to kill pests in some kind of enclosure.

~~((18))~~ (19) "Highly toxic pesticide" for the purpose of this chapter, ~~((are those pesticides determined to be in the Toxicity Category I and are labeled on the front panel with the signal word "danger." In addition if the product was assigned to Toxicity Category I on the basis of its oral, inhalation or dermal toxicity (as distinct from skin and eye local effects) the word "poison" shall appear in red on a background of distinctly contrasting color and the skull and crossbones shall appear in immediate proximity to the word "poison."))~~ means any pesticide that conforms to the criteria in 40 C.F.R. Sec. 156.10 for toxicity category I due to oral inhalation or dermal toxicity.

~~((19))~~ (20) "Private applicator" means a certified applicator who uses or ~~((supervises))~~ is in direct supervision of the use of (a) any EPA restricted use pesticide; or (b) any state restricted use pesticide restricted to use only by certified applicators by the director for the purposes of producing any agricultural commodity and for any associated noncrop application on land owned or rented by the private applicator or the ~~((private))~~ applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

~~((20))~~ (21) "Private-commercial applicator" means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide; or (b) any ~~((state))~~ restricted use pesticide restricted to use only by certified applicators for purposes other than the production of any agricultural commodity on lands owned or rented by the applicator or the applicator's employer.

~~((21))~~ (22) "State restricted use pesticide" means any pesticide determined to be a restricted use pesticide by the director under the authority of chapters 17.21 and 15.58 RCW that are restricted to use only by certified applicators.

~~((22))~~ (23) "Unreasonable adverse effects on the environment" means any unreasonable risk to ~~((humans))~~ people or the environment taking into account the economic, social and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

~~((23))~~ (24) "Waste pesticide" is any pesticide formulation which cannot be used according to label directions in Washington state because of cancellation or suspension of its federal or state registration, or deterioration of the product or its label, and any pesticide formulation whose active ingredients are not clearly identifiable because of label deterioration or because the pesticide is not stored in its original container.

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-115 PESTICIDE LABELING REQUIREMENTS. (1) Pesticide labeling ~~((must))~~ shall meet the standards or criteria of the Federal Insecticide, Fungicide and Rodenticide Act.

(2) Conditions set forth as part of an exemption from registration under provisions of Section 18 of FIFRA shall be considered labeling for purposes of enforcement.

NEW SECTION

WAC 16-228-116 COMPLETE PESTICIDE FORMULA. The complete pesticide formula shall include a listing of each active and inert ingredient and the percentage of each ingredient. This information will be kept confidential and is exempt from disclosure as a public record as provided by RCW 15.58.065. Information required by this section may be submitted on company letterhead marked "confidential" in red ink on each sheet or each "EPA confidential statement of formula" information sheet.

NEW SECTION

WAC 16-228-143 PIRT SURCHARGE. All licenses valid on January 1, 1990, and all licenses and pesticide registrations renewed in 1990 are subject to a one-time surcharge as specified in chapters 15.58 and 17.21 RCW. License and registration renewals shall not be granted until the surcharge has been paid.

AMENDATORY SECTION (Amending Order 1470, filed 5/14/76)

WAC 16-228-145 ADEQUATE CONTAINERS. Containers, i.e., packages, cartons, bags, cans, barrels, bins, etc., in which pesticides are sold, offered for sale, or transported within the state of Washington shall be of sufficient strength and of such construction as to alleviate danger of spillage or breakage. Pesticides found to be packaged in unsafe containers shall be placed under "stop sale" order (~~(- PROVIDED, That)~~). Containers shall meet the minimum federal specifications (~~(of the United States Department of Transportation CFR Title 49, chapter 1, as in effect on the effective date of this order)~~).

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-155 PESTICIDES—NOT FOR DISTRIBUTION TO HOME AND GARDEN USERS. (1) The following pesticides are hereby declared to be restricted use pesticides in the state of Washington because of their toxicity to ~~((humans))~~ people and animals and shall not be distributed to home and garden users. The following pesticides ~~((with))~~ shall be registered only when manufactured, labeled, delivered, distributed, sold, or held for sale for use by commercial producers and/or commercial applicators or governmental agencies experienced in the application of pesticides:

- (a) DiNitro-O-Sec Butyl Phenol (DNOSBP)
- (b) Endothall (20% and above)
- (c) Ethion (26% and above)
- (d) Guthion (16% and above)
- (e) Hydrogen Cyanide (Hydrocyanic acid) (HCN)
- (f) Methyl Bromide
- (g) Strychnine and its salts (Strychnine Alkaloid 1.1% and above)

(2) Pesticide dealers shall keep records on the sale of any of the above listed pesticides. These records shall contain the date of sale, the name and amount of the pesticide sold and the name and address of the purchaser. These records shall be kept on file for a period of ~~((one year))~~ seven years and the director shall have access to these records upon request.

AMENDATORY SECTION (Amending Order 1981, filed 7/1/88)

WAC 16-228-157 WASTE PESTICIDE DISPOSAL. Under authority of ~~((RCW 70.105B.150 and 70.105B.180))~~ chapter 15.58 RCW, the department may establish a waste pesticide disposal program for farmers, or other parties regulated under chapter 17.21 RCW or licensed under chapter 15.58 RCW.

(1) Upon review and determination that a pesticide is no longer useable, the department may declare a pesticide to be a "waste pesticide."

(2) The department may take possession of a waste pesticide with the owner's written consent for the purpose of disposal.

(3) For the purpose of waste pesticide disposal, the department may:

- (a) Become identified as a hazardous waste generator;
- (b) Enter into contracts or cooperative agreements to carry out portions of or all of the waste pesticide disposal program. The department may also enter into cooperative agreements to carry out portions of or all of the development of education programs relating to waste pesticide disposal and programs for dissemination of information concerning the department's disposal program.

(4) The department may accept pesticides whose active ingredients are not clearly identifiable for disposal. These pesticides may be analyzed by either the department or a private laboratory. If upon analysis the material is not a pesticide, not identified or not acceptable for disposal, it shall be returned to the owner and/or not accepted for disposal.

AMENDATORY SECTION (Amending Order 1981, filed 7/1/88)

WAC 16-228-160 RESTRICTION ON DISTRIBUTION, TRANSPORTATION, STORAGE AND DISPOSAL. (1) No person shall handle, transport, store, display, apply, dispose of or distribute pesticides in such a manner as to endanger humans and their environment or to endanger food, feed, or any other product that may be transported, stored, displayed, or distributed with such pesticides. Toxicities of pesticides shall be considered in distribution, storage, handling, and merchandising practices.

(2) Highly toxic pesticides shall not be transported in the same compartment of the vehicle or other equipment together with clothes, food, feed, or any other material intended for consumption by humans or animals. Any vehicle or other equipment shall be inspected by the

owner or authorized agent for contamination before reuse. In instances where leakage or spillage has occurred, the shipper of the pesticides shall be immediately notified for instructions concerning the best method to be employed for the removal of the contamination. Vehicles or other equipment which have been contaminated shall not be returned to service until the contamination has been removed.

(3) Pesticide containers shall be secured during transit by use of side or end racks, bracing, chocks, tiedowns, or other means to prevent their sliding, falling, tipping, rolling, or falling off the vehicle with normal vehicle acceleration, deceleration, or change in direction.

(4) Valves shall be tightly closed and manhole covers shall be secured on cargo or portable tanks used for transporting pesticides, whether tanks are full or empty.

(5) Portable tanks shall be secured to prevent their sliding, falling, tipping, or rolling with normal vehicle acceleration, deceleration, or change in direction. Ends, sidewalls, or doors of van bodies shall not be relied upon for securement.

(6) Pesticides shall not be delivered to a pesticide consignee unless the consignee or authorized agent is present to accept delivery of the pesticides and signs a delivery slip and the pesticides are secured in a proper storage.

(7) Pesticides shall not be stored and/or displayed over or adjacent to meat or vegetable cases, other human foods, animal feeds, or drugs, or in any manner that may result in contamination of food, feed, or clothing. Pesticides intended for sale or distribution shall only be stored and displayed within an enclosed area of a building or fence and shall not be displayed on sidewalks.

(8) Pesticide dealers shall not sell, offer for sale, or hold for sale highly toxic pesticides in the same department where food for human consumption is displayed or sold. The use of the same "checkstand" or food packaging area is prohibited for the distribution of highly toxic pesticides.

(9) All pesticide incidents involving undesirable impacts on human health shall be reported to the Washington state department of social and health services.

(10) Pesticides in leaking, broken, corroded, or otherwise damaged containers shall not be displayed, offered for sale, or transported and shall be handled or disposed of in a manner that would not contaminate the environment or cause injury to humans and/or animals. Pesticides with obscured or damaged labels shall not be displayed or offered for sale.

(11) No person shall distribute or sell any pesticide unless it is in the registrant's or the manufacturer's unbroken, immediate container and there is affixed to the container its registered pesticide label.

(12) A user of a pesticide may distribute a properly labelled pesticide to another user who is legally entitled to use that pesticide without obtaining a pesticide dealer's license if the exclusive purpose of distributing the pesticide is keeping it from becoming a hazardous waste as defined in chapter 70.105 RCW.

(13) The distribution and use of DDT and DDD shall be prohibited in this state except for uses allowed by the Environmental Protection Agency or the Center for Disease Control of the United States Department of Health and Human Services.

AMENDATORY SECTION (Amending Order 1996, filed 3/3/89)

WAC 16-228-164 STATE RESTRICTED USE PESTICIDES FOR USE BY CERTIFIED APPLICATORS ONLY. (1) Pesticides containing the following active ingredients are hereby declared state restricted use pesticides for the protection of groundwater and shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator and only for those uses covered by the certified applicator's license category(s).

Common Chemical Name	Also Known As*
alachlor	Lasso
aldicarb	Temik
atrazine	
bromacil	Hyvar, Krovar
carbofuran	Furadan
cyanazine	Bladex
DCPA	Dacthal
1,3-dichloropropene	Telone
disulfoton	Di-Syston
diuron	Karmex, Krovar

Common Chemical Name	Also Known As*
heptachlor	
hexazinone	Velpar
metolachlor	Dual
metribuzin	Lexone, Sencor
oxamyl	Vydate
picloram	Tordon
prometon	Pramitol
simazine	Princep
tebuthiuron	Spike

*This column is to be used only as a guide and may not include all brand or trade names under which these chemicals are distributed.

(2) Pesticides defined by the following categories are hereby declared state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives (~~(, and)~~). These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category. Dealers shall keep records as defined in subsection (4) of this section, and shall furnish the records to the director as defined in subsection (7) of this section.

(a) Any EPA restricted use pesticide not listed in this rule.

(b) 2,4-D - all dry formulations and all liquid formulations distributed in packages of one gallon and larger to be used in counties located east of the crest of the Cascade Mountains. The following types of formulations are exempt from this requirement:

(i) Dry formulations labeled and intended for home and garden use only;

(ii) One gallon containers of liquid amine formulations packaged as ready-to-use products, labeled for consumer use; and

(iii) One gallon containers of liquid amine formulations containing fifteen percent or less of restricted use herbicides, labeled for consumer use.

(3) Pesticides which are not classified as EPA restricted use pesticides and which are labeled and intended only for the following uses are exempt from the requirements of this section:

(a) Home and garden use;

(b) Pet products;

(c) Cooling tower, air conditioner, industrial systems and humidifier biocides;

(d) Use within wholly enclosed structures (with floors) or fumigation chambers. Greenhouses are not considered as wholly enclosed structures.

(4) Pesticide dealers shall keep records of distribution of state restricted use pesticides specified by common chemical name in subsections (1) and (2) of this section for a period of ~~((five))~~ seven years from the date of distribution (~~(, and shall keep records of distribution of the state restricted use pesticides specified in subsection (2) of this section for a period of one year from the date of distribution)~~). The records shall contain the following information:

(a) Name and address of purchaser;

(b) Name and address of certified applicator (if different from (a) above);

(c) Name of authorized agent (if applicable);

(d) Brand and specific pesticide name and/or EPA registration number;

(e) Number of pounds or gallons of the pesticide distributed;

(f) Date of distribution;

(g) Certified applicator number.

(5) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving restricted use pesticides listed in subsections (1) and (2) of this section by making previous arrangements with the pesticide dealer, or the authorized agent may provide written authorization to the dealer at the time of purchase. At the time of purchase by an authorized agent the pesticide dealer shall require the certified applicator's name and license or certification number.

(6) Certified applicators shall keep records of applications of state restricted use pesticides specified by common chemical name in subsections (1) and (2) of this section for a period of ~~((five))~~ seven years from the date of application, and the records shall contain the ~~((following information:~~

~~((a) Name and address of the certified applicator;~~

~~((b) Location of field or treatment site;~~

~~((c) Number of acres (or other appropriate area measurement);~~

~~((d) Crop or site (such as: Roadside);~~

~~((e) Date of application;~~

~~((f) Number of pounds or gallons of formulation applied per acre (or equivalent measurement);~~

~~((g) Brand and specific name of pesticide applied;~~

~~((h) pounds per gallon or percent active ingredient;~~

~~((i) All certified applicators except private applicators are also required to keep any additional information required by RCW 17.21.100 and WAC 16-228-190)) information specified in WAC 16-228-190.~~

~~((7) Records required by subsections (4) and (6) of this section shall be furnished to the director immediately upon request ((PROVIDED, That the director may require the submission of application records of any restricted use pesticide within prescribed areas within fifteen days of use)).~~

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-168 CHANGE OF EXEMPTIONS. The licensing exemption for ~~((landscape gardeners provided in RCW 17.21.205;))~~ jurisdictional health officers as provided in RCW 17.21.220; and research personnel provided for in RCW 17.21.203 shall not apply when applying EPA restricted use pesticides or state restricted use pesticides which are restricted to use by certified applicators only; PROVIDED, That research personnel shall be required to obtain a demonstration and research applicator certification.

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-170 PESTICIDE DEALER AND DEALER MANAGER LICENSES. (1) When more than one pesticide dealer is engaged in the business from the same outlet or location, each pesticide dealer shall obtain a license for said outlet or location.

(2) A licensed pesticide dealer manager ~~((must))~~ shall be available to the staff, customers, and department representatives at all times that an outlet or location distributes pesticides. A dealer manager may be the designated dealer manager of more than one outlet or location only if the dealer manager can be physically present at both outlets or locations during all times of pesticide distribution and handling.

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-180 LICENSE DENIED, REVOKED OR SUSPENDED. (1) The director may deny, suspend, or revoke any provision of a license, registration, permit or certification issued under chapters 17.21 and 15.58 RCW if he finds that the applicant or the holder of the license, permit, or certification has committed any of the following acts each of which is declared to be a violation:

(a) Made false or fraudulent claims through any ~~((public))~~ media ~~((such as newspaper, newsletter, TV or radio;))~~ misrepresenting the effect of ~~((pesticide or application))~~ materials or methods to be utilized;

(b) Made a pesticide recommendation or gave advice or used a pesticide inconsistent with the labeling, the EPA or Washington state registration for that pesticide, an EPA or Washington state experimental use permit for that pesticide, an exemption from registration under provisions of Section 18 of FIFRA, or in violation of the EPA or Washington state restrictions on the use of that pesticide;

(c) Applied known ineffective or improper pesticides or materials;

(d) Operated a faulty or unsafe apparatus;

(e) Operated in a faulty, careless or negligent manner;

(f) Refused or neglected to comply with the provisions of the applicable sections of chapters 15.58 and 17.21 RCW, the rules adopted thereunder, or of any lawful order of the director;

(g) Refused or neglected to keep and maintain records required by chapters 15.58, 17.21 RCW, and ~~((regulations))~~ rules adopted thereunder, or to make reports when and as required;

(h) Made false or fraudulent records, invoices, ~~((or))~~ reports, and/or recommendations;

(i) Caused the application of a pesticide without having a licensed or certified applicator or operator in direct supervision;

(j) Operated an unlicensed apparatus or an apparatus without a license plate issued for that particular apparatus as provided for in chapter 17.21 RCW or failed to locate the apparatus license plate on the apparatus in a manner required by the department;

(k) Failed to properly display, when required, a department issued certified commercial ground applicator vehicle sticker;

(l) Used, or supervised the use of a pesticide which is restricted to use by certified applicators without having qualified as a certified applicator;

((~~th~~)) (m) Used fraud or misrepresentation in making an application for a license, permit, or certification or renewal of a license, permit or certification;

((~~tr~~)) (n) Refused or neglected to comply with any limitations or restrictions on or in a duly issued license, permit or certification;

((~~tr~~)) (o) Aided or abetted a certified applicator, or licensed person or an uncertified or unlicensed person to evade the provisions of chapters 17.21 and 15.58 RCW, conspired with such a certified applicator or licensed person or an uncertified or unlicensed person to evade the provisions of chapters 17.21 and 15.58 RCW or allowed one's license, permit, or certification to be used by another person;

((~~o~~)) (p) Made false, misleading or erroneous statements or reports during or after an inspection concerning any infestation or infection of pests found on land or in connection with any pesticide complaint or department investigation;

((~~p~~) Made false or fraudulent reports and/or recommendations;))

(q) Impersonated any state, county, or city inspector or official;

(r) Is not qualified to perform as a pest control consultant or pesticide dealer manager or certified applicator in the classifications in which he/she is licensed to operate or has operated, regardless of whether or not he/she has previously passed an examination provided for in chapter 15.58 RCW; or

(s) To have in his/her possession a department pesticide applicator, operator, dealer manager or pest control consultant examination or to remove or cause to remove any said examination from the department without expressed consent from the department.

(2) A penalty fee assessed as a result of a late license or registration renewal does not prevent the department from taking additional regulatory action against the violator.

(3) No pesticide dealer or dealer manager license shall be denied, suspended, or revoked, simply because a pesticide purchased from that dealer was applied in violation of chapters 15.58, 17.21 RCW or rules adopted thereunder, unless the department finds the dealer or dealer manager in violation of chapters 15.58, 17.21 RCW or rules adopted thereunder.

AMENDATORY SECTION (Amending Order 1981, filed 7/1/88)

WAC 16-228-185 RESTRICTIONS APPLYING TO ANY PERSON HOLDING, HANDLING, USING, OR DISPOSING OF PESTICIDES AND THEIR CONTAINERS. (1) Any person handling, applying, or disposing of pesticides or pesticide containers shall do so in such a manner to minimize hazard to commercially important pollinating insect species. Due care shall be taken to regulate the timing and technique of pesticide applications to or around blossoming plants.

(2) No person shall transport, handle, store, load, apply, or dispose of any pesticide, pesticide container or apparatus in such a manner as to pollute water supplies or waterways, or cause damage or injury to land, including humans, desirable plants and animals, or wildlife: PROVIDED, That a pesticide labeled for aquatic use and used as directed shall not be considered a violation of this subsection: PROVIDED FURTHER, That disposing of pesticides at disposal sites approved by the appropriate agency complies with the requirements of this subsection. Toxicity, volatility, and mobility of pesticides shall be considered in complying with this subsection.

(3) No person shall pollute streams, lakes, and other water supplies in pesticide loading, mixing, and application. Adequate, functioning devices and procedures to prevent backsiphoning shall be used.

(4) None of the following pesticides shall be applied by aircraft or airblast sprayers immediately adjacent to occupied schools in session, hospitals, nursing homes or other similar establishments under conditions that may result in contamination of these establishments or their premises:

- (a) Monocrotophos (Azodrin)
- (b) Demeton (Systox)
- (c) Disulfoton (DiSyston)-Liquid
- (d) Aldicarb (Temik)
- (e) Endrin
- (f) Tepp
- (g) Parathion
- (h) Phorate (Thimet)-Liquid
- (i) Mevinphos (Phosdrin)
- (j) Zinophos

(5) No person shall apply pesticides if weather conditions are such that physical drift or volatilization may cause damage to adjacent land, including humans, desirable plants or animals.

(6) Requirements for unattended pesticides and their containers:

(a) Good generally accepted housekeeping practices shall be maintained for all pesticides and their containers.

(b) The provisions of (d) and (e) of this subsection and subsection (7) of this section shall not apply to empty pesticide containers when adequately decontaminated (e.g., three successive rinsings); shall not apply to categories 2, 3, and 4 pesticide formulations labeled for home and garden use only.

(c) For the purposes of (d) and (e) of this subsection and subsection (7) of this section, pesticides and their containers at the loading area shall not be considered unattended during the spraying operation if the operator maintains either visual control or repeatedly returns at closely spaced intervals.

(d) Category 1 — (~~highly toxic~~) Pesticides labeled with the signal word "danger" and their containers shall be stored in one of the following enclosures which, when unattended, shall be so constructed and locked (except (v) below) to prevent children, unauthorized persons, livestock, or other animals from gaining entry.

(i) Closed vehicle.

(ii) Closed trailer.

(iii) Building or room or fenced area with a fence at least six feet high.

(iv) Foot locker or other container which can be locked.

(v) Unattended trucks or trailers which have solid sideracks and secured tailgate at least six feet above ground, ramp or platform level.

(vi) Bulk storage containers fifty gallons and larger with tight screw-type bungs and/or secured or locked valves.

(e) Category 2 — pesticides labeled with the signal word "warning" and categories 3 and 4 — pesticides labeled with the signal word "caution" and their containers shall be stored in secured storage out of the reach of children in one of the enclosures listed in (d) of this subsection: PROVIDED, That metal containers, twenty-eight gallons and larger, with tight screw-type bungs and/or secured or locked valves and sealed five gallon containers (requiring tool to unseal) shall be considered secured storage.

(7) Requirements for posting of storage for category 1 pesticides:

(a) For purposes of this subsection, warning signs shall show the skull and crossbones symbol and the words: "Danger/Poison (or Pesticide or Chemical) Storage Area/Keep Out" in letters large enough to be legible at a distance of thirty feet.

(b) Warning signs shall be posted:

(i) On enclosures specified in subsection (6)(d) of this section, when such enclosures are unattended;

(ii) At each entrance or exit from a storage area and on each exterior wall, so that a sign is visible from any direction;

(iii) If the pesticide storage area is contained in a larger, multipurpose structure, warning signs shall be clearly visible on each exterior wall of the structure within thirty feet of the pesticide storage area and from the main entrance to the larger structure: PROVIDED, That posting of the main entrance shall not be required, if a sign is visible from the entrance which clearly identifies the possibility that pesticides may be stored on the premises, (i.e., XYZ Pest Control or XYZ Wood Treatment, Inc.);

(8) No person shall disperse a pesticide or pesticide rinseate from any aircraft while in flight except over the target field and at the customary application height for that crop: PROVIDED, That emergency dumping shall not be considered a violation of this section.

AMENDATORY SECTION (Amending Order 1981, filed 7/1/88)

WAC 16-228-190 APPLICATOR REQUIREMENTS. (1) (~~Commercial applicators and public operators when applying any pesticide, and private commercial applicators and demonstration and research applicators when applying pesticides restricted to use by certified applicators only, shall keep records~~) Certified applicators and all persons applying pesticides to more than one acre of agricultural land in a calendar year including public entities engaged in roadside spraying shall keep records on a form prescribed by the director which shall include the following:

(a) The name of the person for whom the pesticide was applied.

(b) The address or location of the land where the pesticide was applied, specifying township, range, and section where applicable.

(c) The year, month, day and time the pesticide was applied.

(d) The (~~trade name and/or common name of the pesticide which was applied and/or EPA registration number for that product~~) product name used on the registered label and the United States Environmental Protection Agency registration number, if applicable, of the pesticide which was applied.

(e) The direction from which the wind is blowing and estimated velocity of the wind in miles per hour(mph) and the temperature in degrees Fahrenheit at the time the pesticide was applied: PROVIDED, That this subsection ((does)) shall not apply to applications of baits in bait stations and pesticide applications within structures.

(f) ((The amount, or amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per 100 gallons) of the pesticide used.

For PCO classification, the amount and concentration of the pesticide(s) applied which may be recorded to the nearest ounce of active ingredient or to the nearest gallon of liquid spray, fumigation records shall include the pounds of gas released per one thousand cubic feet of space, the temperature, and the duration of the exposure period)) The total amount of product applied such as pounds, gallons, ounces, etc.

(g) The total amount (product plus diluent) of pesticide applied per acre or one thousand square feet or other appropriate measure. For example:

(i) For pesticide control operator or residential ornamental applications, the amount shall be recorded to the nearest ounce of product or to the nearest gallon of liquid spray per site.

(ii) Fumigation records shall include the pounds of gas released per one thousand cubic feet of space, the temperature, and the duration of the exposure period.

(h) The concentration of pesticide that was applied. For liquid applications amount of product per one hundred gallons of liquid spray or other appropriate measure.

((g)) (i) The pests to be controlled (for PCO classification only).

((h)) (j) Specific crop or site to which pesticide was applied.

((i)) (k) Apparatus license plate number.

((j)) (l) The licensed applicator's name (and), address, telephone number, and the name of the individual or individuals making the application.

((k) Acreage or area treated: PROVIDED, That residential ornamental and lawn applications, and applications within structures are exempt from this requirement)) (m) The number of acres or other appropriate measure to which the pesticide was applied.

(2) Application records shall be completed and available to the department the same day the pesticides were applied.

(3) Application records shall be kept for a period of ((three)) seven years from the date of the application of the pesticide to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

(4) Upon written request, the applicator shall provide the customer with a record of each application of pesticides to his/her land, for the current season, which shall contain the information listed in WAC 16-228-190(1).

(5) All apparatus shall be kept in good repair and only that apparatus capable of performing all functions necessary to ensure proper and thorough application of pesticides shall be used. Apparatus shall be cleaned so that no residue remains which may cause injury to land, including humans, desirable plants and animals, from subsequent applications.

(6) On demand of the director, the applicator shall make immediately available for inspection the pesticides being applied and the apparatus used for the application: PROVIDED, That this inspection is made at the site of application of where the apparatus is located.

(7) The applicator shall make available necessary safety equipment in proper working order and advise employees on its use to meet the safety requirements of the pesticide label.

(8) Maintain a uniform mixture at all times in operating apparatus when applying pesticides.

(9) All containers used for prepared mixtures, other than those in an apparatus, shall have a label identifying the contents as a pesticide, the active ingredient, and appropriate cautions.

NEW SECTION

WAC 16-228-213 REQUIREMENTS ON PLACEMENT OF COMMERCIAL APPLICATOR APPARATUS LICENSE PLATES AND WINDSHIELD IDENTIFICATION. (1) Apparatus license plates, as provided for in chapter 17.21 RCW, shall be attached to and prominently displayed on the apparatus for which they have been issued: PROVIDED, That an apparatus license plate may be affixed to a vehicle which contains the particular apparatus. Attached plates shall be clearly visible and in a location easily accessible for inspection by the department.

(2) Each vehicle involved in the operations of a certified commercial ground application business, which does not prominently display a department issued apparatus license plate on its exterior or on the specific apparatus when that apparatus is exteriorly visible, shall be required to have a department issued sticker affixed to the lower left side of the windshield.

AMENDATORY SECTION (Amending Order 1981, filed 7/1/88)

WAC 16-228-215 APPLICATION FEE AND FAA CERTIFICATE. (1) An applicant shall complete the application form for a pesticide license and pay the required license application fee prior to being given pesticide examinations, unless prior arrangements have been made.

(2) ((Applicants for an aerial applicators license shall supply a current copy of their FAA operating certificate to the director)) All applicants for an aerial applicators license shall comply with FAA certification requirements. The department may require a current copy of the FAA operating certificate prior to issuance of ((their)) a license.

AMENDATORY SECTION (Amending Order 1981, filed 7/1/88)

WAC 16-228-220 EXAMINATION REQUIREMENTS. (1) An examination fee of ((five)) ten dollars shall be paid prior to administration of any pesticide license examination at other than a regularly scheduled examination session. ((Candidates for public pesticide operator/public pest control consultant or private pesticide applicator are exempt from payment of the five-dollar fee.)) Scheduled exam sessions occur every Tuesday at the Olympia and Yakima pesticide management division offices. The department reserves the right to restrict the number of applicants examining at any given time.

(2) Any individual who fails any pesticide licensing examination twice shall be required to wait at least fourteen days before retaking that examination a third time. Subsequent testing shall be at the director's discretion.

NEW SECTION

WAC 16-228-223 GROUND MAINTENANCE ON AN OCCASIONAL BASIS—EXEMPT FROM LICENSING REQUIREMENTS. Grounds maintenance persons are exempt from licensing requirements as a commercial pesticide applicator, as provided under chapter 17.21 RCW, only if they perform ground maintenance on an occasional basis not amounting to a regular occupation. Exempted persons shall only perform pesticide applications to the grounds of residential dwellings and shall only use home and garden products.

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-225 REGULATION OF APPLICATION OF VERTEBRATE CONTROL PESTICIDES. Vertebrate control pesticides shall be used only under the following conditions:

(1) Vertebrate control pesticides shall be placed only in locations that are not readily accessible to nonpest animals, children, and unauthorized persons, and in a manner that shall preclude contamination of food, feed, drugs, and other consumer commodities. Exposure of rodenticides baits within buildings shall not be above floor levels.

(2) Baits ((must)) shall be colored or otherwise formulated so that they will be identifiable from foods common to the establishment in which the bait is placed. All compound 1080 solutions shall be dyed black. All 1080 baits shall be discolored.

(3) When the use of bait boxes is necessary to ensure that baits are not readily accessible to nonpest animals, children, and unauthorized persons, the bait boxes shall be of sturdy construction and designed to accomplish that purpose, and shall be labeled clearly with letters on contrasting background showing the following information:

(a) Any information required by the EPA or Washington state registered label for the bait or the concentrate from which it was formulated.

(b) The name of the active ingredient(s).

(c) For the baits containing Sodium Fluoroacetate (1080), Fluoroacetamide (1081), and phosphorus paste the words "DANGER" — "RODENT BAIT" — "FATAL POISON" in red letters not less than one-half inch in height and the skull and crossbones insignia in red, not smaller than the letters and on contrasting background; and in letters not less than one-eighth inch in height, the name of the rodenticide.

(d) The name of the firm and/or applicator, address, and the telephone number.

(4) Containers used for exposing vertebrate control baits to pests shall be composed of tough, nonabsorbent, corrosion resistant materials and designed so they cannot be readily overturned or carried off by pest animals. Those containers that are used for exposing vertebrate control pesticides outside of bait boxes shall bear a legible warning label with wording not less restrictive than requirements on bait boxes being used as per WAC 16-228-225(3), (except for the size of lettering). Food containers, such as "meat boats" and "souffle cups" are unacceptable. Containers used for liquid bait exposure shall be water and/or liquid impervious.

Effective Date of Rule: Thirty days after filing.

October 4, 1989
Graham E. Johnson
Executive Director

~~(5) ((For residential areas, bait portions will be limited at each bait station to quantities containing no more than one-fourth of a LD50 dose of the pesticide for a seventy kilogram (approximately one hundred fifty-four pound) human.~~

~~(6))~~ All vertebrate control pesticide stocks, when not in use or when unattended, shall be kept in locked storage or locked service vehicles. In addition, Compounds 1080 and 1081 shall be kept in a locked container within locked storage or locked service vehicle.

~~((7))~~ (6) All containers used for storing or transporting vertebrate control pesticides shall bear an EPA or department registered label.

~~((8))~~ (7) Servicemen's kits which contain vertebrate control pesticides shall be handled with extra caution and shall not be left where children or other unauthorized persons or nontarget animals might remove contents.

~~((9))~~ (8) Upon completion of a baiting operation, all bait boxes, containers, and/or throw bags, if they may become readily accessible to the public, shall be recovered for disposal in an approved manner.

~~((10))~~ (9) Wherever poisoned carcasses jeopardize public sanitation, or create a health hazard to wildlife, domestic animals, or the public, they ~~((must))~~ shall be recovered and disposed of by burning, burying not less than three feet below the soil surface, or placed in proper waste containers and delivered to an approved disposal site.

~~((11))~~ (10) Thallium-containing compounds shall not be used for vertebrate control.

NEW SECTION

WAC 16-228-233 INVESTIGATIVE RESPONSE TIME. Upon receipt of a verified report of loss as set forth in RCW 17.21.190, the department shall initiate an investigation. Investigation of a complaint concerning immediate acute pesticide exposure to humans or animals shall be initiated immediately. Other complaint investigations shall be initiated no later than forty-eight hours after receipt of the verified report of loss.

AMENDATORY SECTION (Amending Order 1805, filed 8/1/83)

WAC 16-228-900 PENALTIES. Any person who violates the provisions of ~~((these regulations))~~ this chapter shall be guilty of a misdemeanor pursuant to RCW 15.58.330 and 17.21.310.

WSR 89-20-068

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed October 4, 1989, 2:39 p.m.]

Date of Adoption: September 26, 1989.

Purpose: Changes in the statute.

Citation of Existing Rules Affected by this Order:

Repealing WAC 390-16-036, 390-16-302 and 390-16-306; amending WAC 390-16-011, 390-16-031, 390-16-033, 390-16-041, 390-16-050, 390-16-055, 390-16-060, 390-16-111, 390-16-115, 390-16-120, 390-16-125 and 390-16-155; and new sections WAC 390-16-012 and 390-16-032.

Statutory Authority for Adoption: RCW 42.17.370.

Pursuant to notice filed as WSR 89-17-139 on August 23, 1989.

NEW SECTION

WAC 390-16-012 FORMS—REGISTRATION STATEMENT FOR CANDIDATES. The official form for providing the statement of organization by candidates and candidate's committees, for designating a campaign treasurer and depository and for reporting information required to qualify for mini campaign finance reporting or abbreviated campaign finance reporting is designated "C-1", revised 1/90. Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504. Any attachments shall be on 8-1/2" x 11" white paper.



**REGISTRATION:
CANDIDATES/CANDIDATE COMMITTEE**

C1 <small>(1/90)</small>	P M O R K	PDC OFFICE USE
	R E C E I V E D	

Candidate's name (Do not abbreviate. Include candidate's full name) _____

Address _____

City _____ County _____ Zip _____

1. WHAT OFFICE ARE YOU RUNNING FOR? Office _____ District, County or City _____ Position No. _____

2. Political party (if partisan office) _____ 3. Date of general or special election _____

4. How much do you plan to spend during your entire election campaign, including the primary and general elections? based on that estimate, choose one of the reporting options below.

If no box is checked you are obligated to use Option III, Full Reporting. See reporting instruction booklets for information about reports required and changing reporting options.

- Option I MINI REPORTING**
I will limit contributions or expenditures during this campaign to my filing fee of \$..... plus no more than \$500 which includes charges for the voters pamphlet. I will accept no contribution over \$200 from any single source.
- Option II ABBREVIATED REPORTING**
I will use the Abbreviated Reporting System. I will raise and spend no more than \$2,000 and will accept no more than \$200 from any one contributor except from the candidate's personal funds.
- Option III FULL REPORTING**
I will use the Full Reporting System. I understand frequent, detailed reports are required.

5. Treasurer's name and address (Candidate may be treasurer.) (List deputy treasurers on attached sheet.) _____ Daytime phone no. _____

6. Committee's Principal Officers. List name, address and title. _____

7. Campaign Bank or Depository. _____

Branch _____ City _____

8. Related or affiliated political committees. List name, address and relationship. _____

9. Campaign records are to be open for public inspection the last eight days before election. (Two hours daily between 8 AM - 8 PM, Monday - Friday.) Show location and hours below:

Street Address (Do not use a Post Office Box Number) _____

Hours _____

10. Fair Campaign Practices: All candidates and committee officers are encouraged to subscribe to the Code of Fair Campaign Practices printed in campaign instruction booklets. Use of the fair campaign seal in political advertising shows your intent to subscribe to the Code.

CERTIFICATE:
I certify that this report is true and complete to the best of my knowledge

Candidate's signature _____ Date _____

Need campaign finance forms and instructions for the reporting system selected?
Please check one of the following boxes:

- I already have forms and instructions.
- I am using option 1 (mini) and do not need additional forms. (C-1 is the only report required.)
- I will get forms and instructions from my county elections office.
- I want the public disclosure commission to mail me the proper forms and instructions.

DISTRIBUTION OF THIS REPORT:
ORIGINAL — Public Disclosure Commission
COPY — County Elections Dept. (Auditor)
COPY — Your own records

NEW SECTION

WAC 390-16-032 FORMS—AUCTION REPORT. The official form for reporting items donated and sold at auctions, as required by RCW 42.17.090 (1)(b), is designated "Attachment Au", revised 1/90. This attachment shall accompany each C-3 which reports the receipt of funds from an auction. Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504.

AUCTION REPORT

ATTACHMENT
TO C3

Au

Use this form as an attachment to C3 to report items donated and sold at auctions.
Please see the reverse for an example of a report.

Candidate or committee name	Date auction was held
-----------------------------	-----------------------

Item No. description	Name and address	Fair market value	Sale price	Amount over fair market value	Total given by this person during campaign
Contributor					
Buyer					
Contributor					
Buyer					
Contributor					
Buyer					
Contributor					
Buyer					
Contributor					
Buyer					
Contributor					
Buyer					
Contributor					
Buyer					

Cash receipts, this page
(Total, sale price column)

Total from attached pages

Total cash receipts
(Put this amount in part 1d of C3 report)

I certify that the information herein is true, correct and complete to the best of my knowledge.	
Treasurer's signature	Date

PDC C3Au (1/90) -1318-

See instructions on reverse

Instructions

Use this form as an attachment to your C3 (Cash Receipts and Bank Deposits).

Item No. description: As each item to be auctioned is received, assign it a number and a brief description.

Contributor: The person or organization which donates an article to be auctioned. If your committee purchases items for auction, state "purchased by committee" under contributor's name.

Buyer: The person who buys the item being auctioned.

Fair market value: The retail value of the article. If the retail value cannot be estimated or found, state "unknown."

Sale price: The amount the buyer paid for the item.

Amount over fair market value: The amount the sale price exceeds fair market value. If sale price is less than fair market value, leave blank.

Total given by this person during campaign:

Contributor—Fair market value of the item plus all previous contributions made to the candidate or committee.

Buyer—Amount over fair market value plus all previous contributions made to candidate or committee.

Cash payments: A payment of more than \$50.00 may not be accepted unless a receipt, signed by the buyer and the candidate, treasurer or deputy treasurer is prepared and made part of the committee's financial records.

AUCTION REPORT

Use this form as an attachment to C3 to report items donated and sold at auctions.

Candidate or committee name JONES FOR SHERIFF COMMITTEE				Date auction was held 9/14/XX	
Item No. description	Name and address	Fair market value	Sale price	Amount over fair market value	Total given by this person during campaign
NO. 1 USE BEACH CABIN	Contributor JOHN DOE 200 "A" STREET, SEATTLE 98101	\$100			\$100
	Buyer MARY SMITH 400 "B" STREET, TACOMA 98402		\$125	\$25	\$25
NO. 2 DINNER FOR 4	Contributor SAM BROWN 123 MILITARY ROAD, ANYTOWN 99101	\$80			\$80
	Buyer TOM MIX RT. 2, BOX 1, SADDLE MT. 98900		\$60		
NO. 3 BOAT CRUISE	Contributor CAPT. MOBY DICK 401 WATERFRONT, POULSBO 98701	\$75			\$75
	Buyer MERRI RYDER 204 E. LAND, MYBURG 99100		\$90	\$15	\$15
	Contributor				
	Buyer				
Cash receipts, this page (Total, sale price column)			\$275.00		
Total from attached pages			0		
Total cash receipts			\$275.00		

NEW SECTION

WAC 390-16-042 CONTINGENT LIABILITIES; REPORTING. A contractual contingent liability (e.g., an additional fee to be paid to a political consultant or other person whose services are used by a candidate who wins the election) is reportable as a debt or obligation on form C-4, Schedule B, from the time the contract is entered into until the liability is voided, paid or otherwise satisfied.

NEW SECTION

WAC 390-16-121 LAST MINUTE COMMITTEES. For purposes of compliance with WAC 390-16-115 and 390-16-120, a political committee organized within the last three weeks before an election and having the expectation of receiving contributions or making expenditures during and for that election, shall file the registration statement within three business days after its organization or when it first has the expectation of receiving contributions or making expenditures in the election campaign.

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

WAC 390-16-011 FORMS—REGISTRATION STATEMENT FOR ((CANDIDATES AND)) POLITICAL COMMITTEES. The official form for providing the statement of organization by political committees, for designating a campaign treasurer and depository and for reporting information required to qualify for ((mini campaign finance reporting or)) abbreviated campaign finance reporting is designated "C-1pc", revised ((1/86)) 1/90. Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

REGISTRATION: CANDIDATES AND POLITICAL COMMITTEES

C1

1. Candidate or Committee Name (Do Not Abbreviate. Include Candidate's Full Name) _____

Address _____

City _____ County _____ Zip _____

2. Purpose of Committee _____ Office Sought: _____ District, County or City _____ Position No. _____

Candidate's Committee

Political Party, Central Committee, District Club, etc. YES NO
Are you supporting entire ticket? If no, attach a list of candidates you support

Ballot Committee (Initiative, Bond, Recall, etc.) Ballot Number FOR AGAINST
Name or description of ballot measure: _____

Political Action Committee. If committee associated with a business, association, labor union, or other organization, list name: _____

Other. Explain on attached sheet.

3. Political Party (if partisan office or committee) _____ 4. Date of General or Special Election _____ 5. Is committee a continuing organization? (more than one election) YES NO

6. REPORTING SYSTEM TO BE USED. CHOOSE ONE. If no box checked, you are obligated to use Option III, Full Reporting.

Option I MINI REPORTING (For candidates only not available to political committees)
I will limit contributions or expenditures during this campaign to my filing fee of \$_____ plus no more than \$500 which includes charges for the voters pamphlet. I will accept no contribution over \$200 from any single source.

Option II ABBREVIATED REPORTING (For candidates and political committees).
I (this committee) will use the Abbreviated Reporting System. I (we) will limit aggregate contributions and aggregate expenditures to \$2,000 and will accept no contribution over \$200 from a single source except from the candidate's personal funds.

Option III FULL REPORTING (For candidates and political committees). I (this committee) will use the Full Reporting System.

7. Committee Treasurers Name. (Candidate may be treasurer.) (List deputy treasurer on attached sheet.) _____ Daytime Phone no. _____

Address _____ City _____ State _____ Zip _____

8. Committee's Principal Officers. List name, address and title. _____

9. Campaign Bank or Depository. (See instructions for additional bank or accounts.) _____ Account Name _____

Address or Branch _____ City _____ State _____ Zip _____

10. Related or affiliated committees. List name, address and relationship. _____

11. Place where campaign records are open for public inspection last eight days before election. (Two hours daily between 8 AM - 5 PM Monday - Friday.)
Street Address (Do not use a Post Office Box Number) _____ Hours _____


12. Statement as to distribution of any surplus campaign funds after the campaign or in the event of dissolution of committee.
(Distribution must be reported as an expenditure on C-4 report.)

Return to contributors Reimburse candidate for loans or lost earnings (substantiation must accompany C-4 which reports payment.)

Donate to registered charity Donate to State General Fund

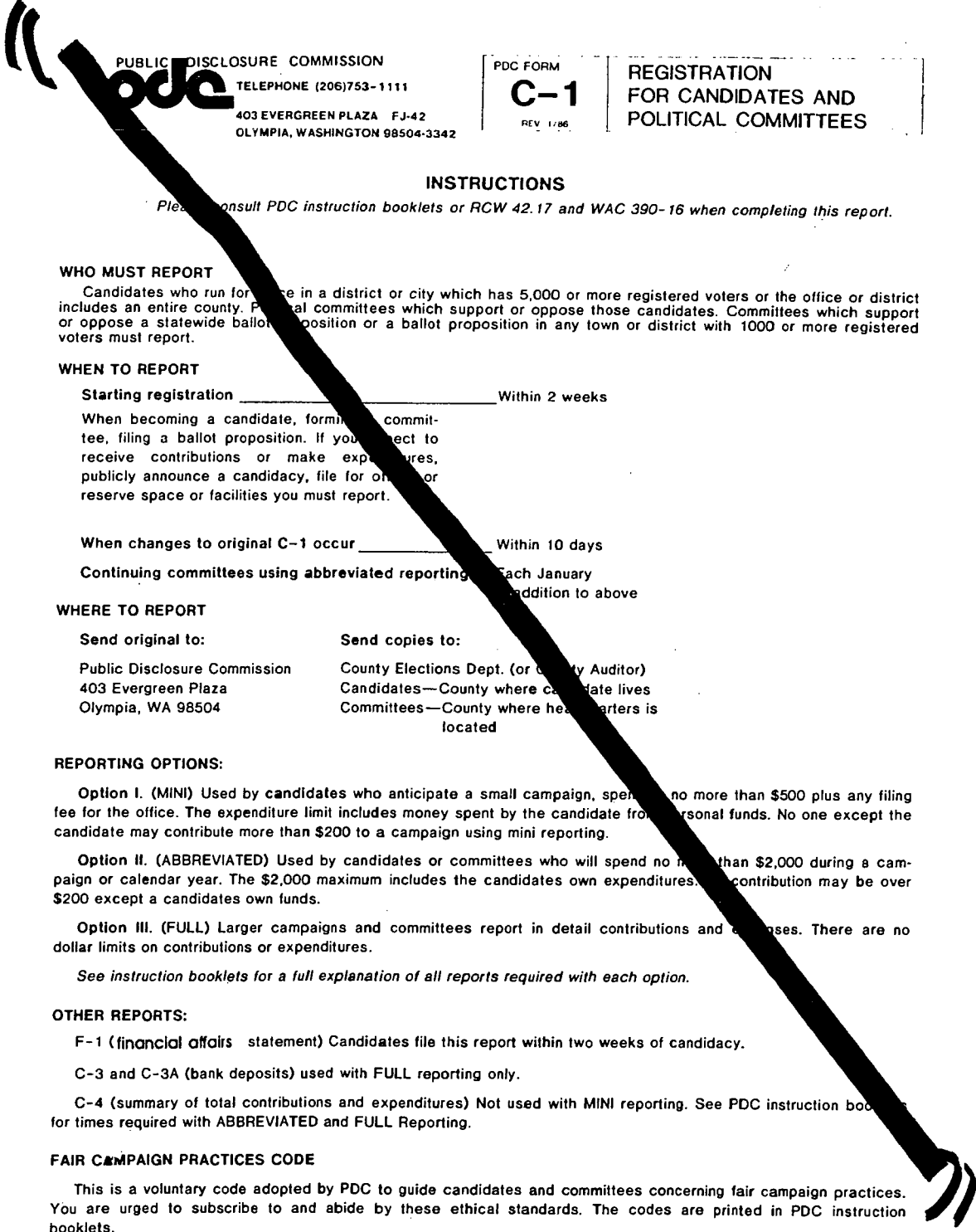
Hold for future election campaign Other; Specify: _____

Give to other candidates or committee

13. Fair Campaign Practices: All candidates and committee officers are encouraged to subscribe to the Code of Fair Campaign Practices printed in campaign instruction booklets. Use of the fair campaign seal in political advertising shows your intent to subscribe to the Code. 

14. CERTIFICATE: I certify that the above information is true, complete and correct.

Candidate's Signature _____ Date _____ Committee Treasurer's Signature _____



PUBLIC DISCLOSURE COMMISSION
pdc TELEPHONE (206)753-1111
403 EVERGREEN PLAZA FJ-42
OLYMPIA, WASHINGTON 98504-3342

PDC FORM
C-1
REV 1/86

**REGISTRATION
FOR CANDIDATES AND
POLITICAL COMMITTEES**

INSTRUCTIONS

Please consult PDC instruction booklets or RCW 42.17 and WAC 390-16 when completing this report.

WHO MUST REPORT

Candidates who run for office in a district or city which has 5,000 or more registered voters or the office or district includes an entire county. Political committees which support or oppose those candidates. Committees which support or oppose a statewide ballot proposition or a ballot proposition in any town or district with 1000 or more registered voters must report.

WHEN TO REPORT

Starting registration _____ Within 2 weeks

When becoming a candidate, forming a committee, filing a ballot proposition. If you expect to receive contributions or make expenditures, publicly announce a candidacy, file for office or reserve space or facilities you must report.

When changes to original C-1 occur _____ Within 10 days

Continuing committees using abbreviated reporting _____ Each January
_____ In addition to above

WHERE TO REPORT

Send original to:

Public Disclosure Commission
403 Evergreen Plaza
Olympia, WA 98504

Send copies to:

County Elections Dept. (or County Auditor)
Candidates—County where candidate lives
Committees—County where headquarters is located

REPORTING OPTIONS:

Option I. (MINI) Used by candidates who anticipate a small campaign, spending no more than \$500 plus any filing fee for the office. The expenditure limit includes money spent by the candidate from personal funds. No one except the candidate may contribute more than \$200 to a campaign using mini reporting.

Option II. (ABBREVIATED) Used by candidates or committees who will spend no more than \$2,000 during a campaign or calendar year. The \$2,000 maximum includes the candidates own expenditures. Contribution may be over \$200 except a candidates own funds.

Option III. (FULL) Larger campaigns and committees report in detail contributions and expenses. There are no dollar limits on contributions or expenditures.

See instruction booklets for a full explanation of all reports required with each option.

OTHER REPORTS:

F-1 (financial affairs statement) Candidates file this report within two weeks of candidacy.

C-3 and C-3A (bank deposits) used with FULL reporting only.

C-4 (summary of total contributions and expenditures) Not used with MINI reporting. See PDC instruction booklets for times required with ABBREVIATED and FULL Reporting.

FAIR CAMPAIGN PRACTICES CODE

This is a voluntary code adopted by PDC to guide candidates and committees concerning fair campaign practices. You are urged to subscribe to and abide by these ethical standards. The codes are printed in PDC instruction booklets.



REGISTRATION: POLITICAL COMMITTEES

C1P (1/90)

PDC OFFICE USE RECEIVED

Committee Name (Show entire official name.)

Acronym

Address

City

County

Zip

NEW REGISTRATION OR UPDATE OF PRIOR REGISTRATION?

- NEW: Complete all items in the registration
AMENDED: Supply the information below which has changed.

COMMITTEE STATUS

- Continuing committee
19__ election only

1. COMMITTEES: What is the purpose or description of the committee?

- Political Party, Central Committee, District Club, etc.
Ballot Committee (Initiative, Bond, Levy, Recall, etc.)
Political Action Committee.
Other. Explain on attached sheet.

Ballot Number FOR AGAINST

2. Related or affiliated committees. List name, address and relationship.

3. HOW MUCH DO YOU PLAN TO SPEND DURING THIS ENTIRE ELECTION CAMPAIGN, INCLUDING THE PRIMARY AND GENERAL ELECTIONS? BASED ON THAT ESTIMATE, CHOOSE ONE OF THE REPORTING OPTIONS BELOW.

If no box is checked you are obligated to use Full Reporting. See reporting instruction booklets for information about reports required and changing reporting options.

- ABBREVIATED REPORTING
FULL REPORTING

4. Treasurer's name and address (List deputy treasurers on attached sheet.)

Daytime phone no.

5. Committee's Principal Officers. List name, address and title.

6. Campaign Bank or Depository.

Branch

City

7. Campaign records are to be open for public inspection the last eight days before election. (Two hours daily between 8 AM - 8 PM, Monday - Friday.) Show location and hours below:

Street Address (Do not use a Post Office Box Number)

Hours

8. Fair Campaign Practices: All committee officers are encouraged to subscribe to the Code of Fair Campaign Practices...

CERTIFICATE: I certify that the above information is true, complete and correct to the best of my knowledge.

Committee treasurer's signature

Date

See instructions on reverse.

PDC form C-1 (rev. 1/90) - 1499-C1C-

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

WAC 390-16-031 FORMS FOR STATEMENT OF CONTRIBUTIONS DEPOSIT. The official form for statement of contributions deposit is designated "C-3", revised ((+786)) 1/90. Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

BANK DEPOSITS AND CASH RECEIPTS

C3 1/86 PDC OFFICE USE RECEIVED

Candidate Committee name (Do not abbreviate. Use candidate's full name.) Address City County Zip

Table with 3 columns: Date Received, Amount, Total contributions by this person during campaign or year. Rows include Anonymous, Candidate's personal funds, Small contributions, and Contributions from other candidates.

Check here if additional pages are attached

- 2. LOANS, NOTES OR SECURITY AGREEMENTS RECEIVED
3. MISCELLANEOUS CASH RECEIPTS (INTEREST, REFUNDS, OTHER)
4. TOTAL FUNDS RECEIVED AND DEPOSITED OR CREDITED TO ACCOUNT

This report includes contributions deposited on (date) in (name of bank) CERTIFICATE: I certify that the information herein is true, correct and complete. Treasurer's Signature Date



PUBLIC DISCLOSURE COMMISSION
403 EVERGREEN PLAZA—FJ-42
OLYMPIA, WASHINGTON 98504-3342
PHONE: 206-753-1111

PDC FORM
C-3
REV. 1/86

**BANK DEPOSITS
AND
CASH RECEIPTS**

GENERAL INSTRUCTIONS

1. All contributions must be deposited in the campaign bank account.
2. Anonymous contributions (or those for which you do not have the contributor's name and address) are limited to the larger of \$300 or 1% of the total contributions in a calendar year. This restriction does not apply to funds raised through retail sales or gambling activities and reported on PDC form C-3A.
3. A candidate's contributions and loans to the campaign are reported on C-3 form. Out-of-pocket expenditures are shown on C-4 Schedule B.
4. Contributions less than \$25 need not be itemized if you keep the contributors name and address on a separate, private list in your campaign records. A person who contributes a total of \$25 or more during the campaign must be itemized.
5. It is a violation of law for any person to make or for any candidate or political committee to accept from any one person contributions in the aggregate exceeding \$5,000 within 21 days of a general election.

WHO MUST REPORT

Treasurer of each candidate or committee who uses FULL reporting option. Those who use MINI or ABBREVIATED reporting are not required to file this report.

WHEN TO DEPOSIT CONTRIBUTIONS

Deposit all contributions and cash receipts within five business days of receipt.

WHEN TO FILE C-3 REPORT

- More than four months before general or special election (starting July 1 for general elections)—each time C-4 report is filed.
- Less than four months before general or special election (starting July 1 for general elections)—file C-3 the same day deposit is made.

CONTRIBUTIONS OVER \$500

- Report any contribution over \$500 from a single source received within 30 days before a primary or within 21 days before a general election:
- a. report date received, amount, contributor's name and address.
 - b. written report (C-3, telegram, mailgram) must be delivered to PDC within 48 hours or the first working day after you receive the contribution.
 - c. telephone reports may be made—if the contribution is reported by telephone, written report must be postmarked within 48 hours or the first working day after you receive the contribution.

NOTE: Any committee, lobbyist or lobbyist's employer who makes a contribution over \$500 within 7 days before a primary or within 21 days before a general election must notify PDC and the recipient within 24 hours or the first working day after the contribution is made.

WHERE TO REPORT

Send original to:

Public Disclosure Commission
403 Evergreen Plaza —FJ-42
Olympia, WA 98504-3342

Send duplicate to:

County Elections Dept. (or County Auditor)
Candidates—County where candidate lives
Committees—County where committee headquarters is located

Please see PDC instruction booklet for full reporting or RCW 42.17 and WAC 390-16 for further information and samples of reporting various contributions. If you need assistance call or write PDC (telephone 206-753-1111).



CASH RECEIPTS
MONETARY CONTRIBUTIONS

C3
1/90

POC OFFICE USE

Candidate or committee name (Do not abbreviate. Use full name.)

Address

City

ZIP code

Office Sought (candidates)

P
O
C
O
F
F
I
C
E
U
S
E

1. MONETARY CONTRIBUTIONS DEPOSITED IN ACCOUNT

Date Received	Please type or print clearly in ink.	Amount	Total given by this person during campaign or year
	a. Anonymous or unidentified		
	b. Candidate's personal funds deposited in the bank		
	c. Loans, notes, security agreements. Attach Schedule L		
	d. Miscellaneous receipts (interest, refunds, auctions, other). Attach explanation		
	e. Small contributions \$25.00 or less not itemized and number of persons giving _____ (persons)		

2. CONTRIBUTION OVER \$25.00

Date received	Contributor's Name	Address	City	Amount	Total given by this person during campaign or year
				Sub-total	
<input type="checkbox"/> Check here if additional pages are attached				Amount from attached pages	

3. TOTAL FUNDS RECEIVED AND DEPOSITED OR CREDITED TO ACCOUNT

Sum of parts 1 and 2 above. Enter this amount in line 1, Schedule A to C4.

This report includes contributions deposited on (date)	I certify that this report is true and complete to the best of my knowledge
in (name of bank)	Treasurer's Signature
	Date

AMENDATORY SECTION (Amending Order 86-05, filed 6/27/86)

WAC 390-16-033 EARMARKED CONTRIBUTIONS-REPORTING; FORM. The official form for reporting the details surrounding an earmarked contribution, as required by ((Section 3, Chapter 228, Laws of 1986;)) RCW 42.17.125, is designated "Attachment E", revised 1/90. This attachment shall accompany each C-3 or C-4 which reports the receipt or giving of the contribution. Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

EARMARKED CONTRIBUTION

ATTACHMENT E
 TO C-3
 OR C-4

1. NAME OF CANDIDATE OR COMMITTEE FILING THIS REPORT

ADDRESS

CITY COUNTY ZIP

2. PERSON FILING THIS REPORT IS:

INTERMEDIARY—RECEIVED AN EARMARKED CONTRIBUTION TO BENEFIT ANOTHER PERSON

BENEFITTED CANDIDATE OR COMMITTEE

3. ORIGINAL SOURCE OF EARMARKED CONTRIBUTION

NAME

ADDRESS

CITY COUNTY ZIP

DATE OF CONTRIBUTION:

AMOUNT/VALUE: \$

CASH

IN-KIND—DESCRIBE:

4. INTERMEDIARY—Candidate or committee who received an earmarked contribution for the benefit of another candidate or committee.

NAME

ADDRESS

CITY COUNTY ZIP

5. HOW WILL INTERMEDIARY USE THIS CONTRIBUTION?

GIVEN AS CASH (OR CHECK) CONTRIBUTION TO THE BENEFITTED CANDIDATE OR COMMITTEE

COMBINED WITH OTHER FUNDS ON HAND AND GIVEN TO BENEFITTED CANDIDATE OR COMMITTEE

DIVIDED BETWEEN SEVERAL CANDIDATES. ATTACH LIST SHOWING AMOUNT TO EACH.

USED TO PURCHASE GOODS OR SERVICES FOR THE BENEFITTED CANDIDATE OR COMMITTEE. DESCRIBE THE GOODS OR SERVICES:

OTHER—SPECIFY:

6. CANDIDATE OR COMMITTEE TO BE BENEFITTED

NAME

ADDRESS

CITY COUNTY ZIP

IF CANDIDATE, WHAT OFFICE IS THE PERSON RUNNING FOR:

CERTIFICATION: I certify that the information herein and on accompanying attachments is true.

Candidate's Signature	Date	Treasurer's Signature (if a political committee)	Date
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INSTRUCTIONS:

PURPOSE OF THIS REPORT IS TO HIGHLIGHT AN EARMARKED CONTRIBUTION (A CONTRIBUTION GIVEN TO A CANDIDATE OR COMMITTEE WITH THE INTENT OR INSTRUCTION THAT IT BE USED TO BENEFIT ANOTHER). THIS REPORT IS FILED IN ADDITION TO ANY OTHER REPORTING OF THE TRANSACTION THAT IS REQUIRED.

WHO FILES THIS REPORT? ANY CANDIDATE OR COMMITTEE WHO RECEIVES OR IS TO BENEFIT FROM AN EARMARKED CONTRIBUTION.

WHEN IS THE REPORT FILED?

CASH CONTRIBUTION RECEIVED—ATTACHED TO C-3 FORM REPORTING RECEIPT.

IN-KIND CONTRIBUTION RECEIVED—WITH C-4 AND SCHEDULE B REPORTING RECEIPT.

CASH EXPENDITURE MADE WITH OR FROM EARMARKED FUNDS—ATTACHED TO C-4 AND SCHEDULE A REPORTING THE EXPENDITURE

IN-KIND EXPENDITURE MADE WITH OR FROM EARMARKED CONTRIBUTIONS—ATTACHED TO C-4 AND SCHEDULE B REPORTING THE EXPENDITURE.

FILE A SEPARATE ATTACHMENT E FOR EACH EARMARKED CONTRIBUTION.

ANY PERSON WHO RECEIVES AN EARMARKED CONTRIBUTION MUST NOTIFY THE BENEFITTED CANDIDATE OR COMMITTEE WITHIN TWO WORKING DAYS. THE CANDIDATE OR COMMITTEE TO BENEFIT WILL REPORT THE CONTRIBUTION ON THE NEXT C-3 OR C-4 AND ATTACH THIS REPORT.

PDC ATT F (R NS) 1149



EARMARKED CONTRIBUTION

SPECIAL REPORT E	PDC OFFICE USE
	P M O A R K R E C E I V E D

1. Name of committee filing this report (Candidate or committee which received a contribution earmarked for another.)

Address

City County Zip

2. Original source of earmarked contribution

Name

Address

City State Zip

3. Contribution Date Amount/Value Description (Fully describe in kind contributions)

4. Name of candidate or committee to be benefited

Address

City County Zip

If candidate, what office is the person seeking? _____

5. Certification: I certify that the information contained herein is true, complete and correct to the best of my knowledge.

Treasurer's signature _____ Date _____

Instructions:

The purpose of this report is to highlight receipt of an earmarked contribution. (That is, a contribution given to one candidate or political committee with the understanding, intent or instruction that it be used to benefit another candidate or committee.) This report is filed in addition to any other required reporting of the transaction.

A separate "Special Report E" is filed for each earmarked contribution received by any candidate or political committee.

File this report within two working days of receiving the earmarked contribution. Mail or deliver the original to PDC. Send a copy to the benefiting candidate or committee, also within two working days.

Note: Candidates or committees for whom the earmarked contribution is ultimately intended report the contribution when they actually receive it. Such candidates and committees will use form C-3 or Schedule B to the C-4 to show receipt of the contribution. See PDC instruction manual for examples and more information.

PUBLIC DISCLOSURE COMMISSION

403 Evergreen Plaza, Mail Stop Fj-42 • Olympia, Washington 98504-3342 • (206) 753-1111



AMENDATORY SECTION (Amending Order 86-02, filed 3/26/86)

WAC 390-16-041 FORMS—SUMMARY OF TOTAL CONTRIBUTIONS AND EXPENDITURES.

(1) The official form for reports of contributions and expenditures by candidates and political committees who use the "full" reporting option is designated "C-4", revised ((1/86)) 1/90, and includes Schedule A, revised ((1/86)) 1/90, Schedule B, revised ((1/86)) 1/90, Schedule C, revised ((12/81)) 1/90, and Schedule ((F)) L, revised ((8/83)) 1/90.

(2) The official form for reports of contributions and expenditures by candidates for the state legislature or

state executive office and who use the "full" reporting option is designated C-4, revised 1/90, and includes form C4s, revised 1/90, Schedule A-s/l, revised 1/90, Schedule B, revised 1/90, Schedule C, revised 1/90, and Schedule L, revised 1/90.

(3) The official form for reports of contributions and expenditures by candidates and political committees who use the "abbreviated" reporting option is designated "C-4abb", revised 1/90.

(4) Copies of ~~((this))~~ these forms are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

CONTRIBUTION AND EXPENDITURE SUMMARY

C4	P M Date
	Recv. Date

Candidate or Committee Name (Do not abbreviate. Include candidate's full name): _____

Address: _____

City: _____ County: _____ Zip: _____

Report Period Covered	From: (last C-4)	To: (end of period)	Funds on hand at start of this report period:	Checking and Petty Cash:	Savings, Other
			\$	\$	\$

		RECEIPTS	This Report Period	Total for Campaign or Year
1.	Previous total cash and in kind contributions (From line 8, last C-4) (If beginning a new campaign or calendar year, see instruction booklet)			
2.	Cash received during this reporting period (From line 3, Schedule A)			
3.	In kind contributions received during this reporting period (From line 1, Schedule B)			
4.	Total cash and in kind contributions received (Line 2 plus 3)			
5.	Loan repayments made during this period (From line 5, Schedule A)	(-)		
6.	Corrections (From line 1 or 4 Schedule C) Show + or (-)	+		
7.	Net contributions this period (Combine lines 4, 5, & 6) Show + or (-)			+
8.	Total cash and in kind contributions during campaign (Total lines 1 through 7)			
9.	Total pledge payments due (From line 4, Schedule B)			

		EXPENDITURES	This Report Period	Total for Campaign or Year
10.	Previous cash and in kind expenditures (From line 16, last C-4)			
11.	Total cash expenditures during this reporting period (From line 4, Schedule A)			
12.	In kind expenditures (goods & services) during this reporting period (From line 1, Schedule B)			
13.	Total cash and in kind expenditures made (Line 11 plus line 12)			
14.	Corrections (From line 2 or 4, Schedule C) Show + or (-)	+		
15.	Net expenditures this period (Combine lines 13 & 14) Show + or (-)			+
16.	Total cash and in kind expenditures during campaign (Total lines 10 and 15)			
17.	Orders placed but not yet paid (From line 3, Schedule B)			
18.	Pledges made to other candidates or committees but not yet paid (From line 5, Schedule B)			

<p>ELECTION RESULTS: Candidates please complete this section for reports filed after primary or general elections</p> <p>PRIMARY</p> <p><input type="checkbox"/> Won</p> <p><input type="checkbox"/> Lost</p> <p><input type="checkbox"/> Unopposed</p> <p><input type="checkbox"/> Did not run</p>	<p>GENERAL</p> <p><input type="checkbox"/> Won</p> <p><input type="checkbox"/> Lost</p> <p><input type="checkbox"/> Unopposed</p> <p><input type="checkbox"/> Did not run</p>	RECAPITULATION	
		19. Cash balance to date (Subtract line 18 from line 8)	
		21. Total unpaid orders and outstanding bills	
		22. Total debts and liabilities (Line 20 plus line 21)	(-)
		23. Surplus or deficit (Subtract line 22 from line 19)	

CERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true.

Candidate's Signature _____ Date _____ Treasurer's Signature (if a political committee) _____

PUBLIC DISCLOSURE COMMISSION
403 EVERGREEN PLAZA—FJ-42
OLYMPIA, WASHINGTON 98504
PHONE: 206-753-1111

PDC FORM

C-4
Rev. 3/88

**CONTRIBUTION AND
EXPENDITURE SUMMARY**

INSTRUCTIONS

(1982 amendments are incorporated)

Please consult the instruction book or RCW 42.17 and WAC 390-16 when completing this report. If you have questions, write or telephone PDC (phone 206-753-1111).

WHO MUST REPORT:

Each candidate or political committee which receives contributions or makes expenditures in an election campaign. This report is not required by candidates who use the MINI reporting option.

WHEN TO SEND C-4 REPORTS:

	ABBREVIATED REPORTING	FULL REPORTING
Day C-1 registration is filed if contributions have been received or expenditures made.	No	Yes
Tenth of each month if contributions received or expenditures were over \$200 made since last C-4 report was filed.	No	Yes
<i>Tenth of month report is not required if candidate or committee C-4 is required to be filed during that month</i>		
For each election (Primary, general or special election) in which the candidate or committee will make an expenditure:		
21 days prior to each election	No	Yes
7 days prior to each election	No	Yes
21 days after each election	Yes*	Yes
<small>* Not required after primary from candidates who will be in the general election or from continuing committees.</small>		
By January 31 (Continuing committees which use Abbreviated Reporting).	Yes	No
Final report. When campaign is finished or committee closes operation. This is often the same as 21 days after the election.	Yes	Yes

SCHEDULES AND ATTACHMENTS (FULL REPORTING ONLY):

The C-4 report is a summary page. Schedules A, B, C and T as appropriate must be attached to support financial information on the C-4. Also, copies of C-3 and C-3A reports must be attached if they have not previously been filed with PDC and the county election office.

WHERE TO SEND REPORTS:

Send original to:
Public Disclosure Commission
403 Evergreen Plaza—FJ-42
Olympia, WA 98504

Send duplicate to:
County Election Dept. (or County Auditor)
where candidate lives

Political committees sent to county where
headquarters is located

OTHER REPORTS REQUIRED:

- C-1 (registration statement) is used to register candidates and committee.
- C-3 (contribution report) is used to list campaign contributors.
- F-1 (financial affairs statement) is filed by candidates (not required from other committees).



SUMMARY, FULL REPORT RECEIPTS AND EXPENDITURE

C4 1/90

P M A R K R E C E I P T S

PDC OFFICE USE.

Candidate or committee name (Do not abbreviate. Include full name).

Address

City

County

Zip

Report Period Covered From: (last C-4) To: (end of period)

This report period

Total for campaign or year

RECEIPTS

- 1. Previous total cash and in kind contributions (From line 8, last C-4)
2. Cash received (From line 2, Schedule A)
3. In kind contributions received (From line 1, Schedule B)
4. Total cash and in kind contributions received (Line 2 plus 3)
5. Loan principal repayments made (From line 2, Schedule L)
6. Corrections (From line 1 or 3, Schedule C) Show + or (-)
7. Net contributions this period (Combine lines 4, 5, & 6) Show + or (-)
8. Total cash and in kind contributions during campaign (Total lines 1 & 7)
9. Total pledge payments due (From line 2, Schedule B)

EXPENDITURES

This report period

Total for campaign or year

- 10. Previous total cash and in kind expenditures (From line 17, last C-4)
11. Total cash expenditures (From line 4, Schedule A)
12. In kind expenditures (goods & services) (From line 1, Schedule B)
13. Total cash and in kind expenditures made (Line 11 plus line 12)
14. Loan principal repayments made (From line 2, Schedule L)
15. Corrections (From line 2 or 3, Schedule C) Show + or (-)
16. Net expenditures this period (Combine lines 13, 14 & 15) Show + or (-)
17. Total cash and in kind expenditures during campaign (Total lines 10 and 16)

CANDIDATES

Please complete:

Table with columns: Won, Lost, Unopposed, Name not on ballot. Rows: Primary election, General election.

CASH SUMMARY

- 18. Funds on hand at start of period (include all accounts, savings)
19. Cash receipts this period
20. Disbursements this period
21. Funds on hand at close of period
22. Liabilities: (Loans and debts owed)
23. Surplus or deficit: (Subtract line 22 from line 21)

CERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true to the best of my knowledge.

Candidate's Signature

Date

Treasurer's Signature (if a political committee)

Date

CASH RECEIPTS AND EXPENDITURES

SCHEDULE A
to C4

Candidate's Committee Name (Do not abbreviate. Use candidate's full name)

1. CASH RECEIPTS (Contributions) which have been reported on C3 or C3A. List each deposit made since last C4 report was submitted.							
Date of Deposit	Type Report (C3 or C3A)	Amount	Date of Deposit	Type Report (C3 or C3A)	Amount	Total Deposits	

2. MISCELLANEOUS CASH RECEIPTS reported on C3 or C3A.			Amount
Date Received	Source: Name, Address and Explanation of Receipt		

3. TOTAL RECEIPTS Sum of parts 1 and 2 above
Enter also on line 2 of C4 Amount

4. CASH EXPENDITURES Amount

SHOW TOTAL EXPENDITURES EACH UNDER ~~UN~~ NOT ITEMIZED:

ITEMIZE EACH EXPENDITURE OF \$50 OR MORE AS FOLLOWS:

Date of Payment	Name and address of recipient or vendor paid. If payment was made to an advertising agency or thru an agent, list advertiser, newspaper, station, or other vendor who supplied goods or services. You must attach a copy of agency order or bill.	Purpose of expenditure Be as specific as possible. If expenditure was to support or oppose a candidate or ballot measure, list name of person or measure. Show whether supported or opposed.

Check here if continued on attached sheet

Transfer of funds. If this report is for a candidate or candidate's committee and funds have been given or paid to another candidate or candidate's committee, enter amount transferred. Also complete Schedule T.	Total from attached pages _____
	Total transfer of funds (Attach Schedule T) _____
	Total Cash Expenditures _____
	Enter also on Line 2 of C4

5. LOAN REPAYMENTS MADE			
Date	Name	Address	Amount

Total Loan Payments this Reporting Period
Enter as an Adjustment to Contributions on Line 5 of C4

PDC form C4A (rev. 1/86) --297--

CASH RECEIPTS AND EXPENDITURES

SCHEDULE A to C4 (1/90)

Candidate or committee name (Do not abbreviate. Use full name)

Table with 7 columns: Date of deposit, Amount, Date of deposit, Amount, Date of deposit, Amount, Total deposits. Header: CASH RECEIPTS (Contributions) which have been reported on C3. List each deposit made since last C4 report was submitted.

TOTAL CASH RECEIPTS Enter also on line 2 of C4

CASH EXPENDITURES. List all expenses since last C-4 report was filed. a. Total expenditures each \$50 or less not itemized below (including petty cash) b. Payments and reimbursement to candidate or committee officials. Attach a sheet listing each payment, the person paid, the original vendor and the purpose of the expenditure. Attach a copy of each receipt or invoice.

Table with 3 columns: Date paid, Name and address of recipient or vendor paid, Purpose of expenditure. Header: EXPENDITURES OVER \$50.00. ITEMIZE EACH BELOW.

Check here [] if continued on attached sheet

Total from attached pages

TOTAL CASH EXPENDITURES Enter also on line 11 of C4

IC form C4A (rev. 1/90) - 1499

**IN KIND CONTRIBUTIONS and EXPENDITURES,
PLEDGES and ORDERS PLACED**

SCHEDULE B
to C4

Candidate or Committee Name (Do not abbreviate. Use candidate's full name)

1. In kind contributions received and expended (goods, services, discounts, etc.)				
Date received	Contributor's name and nature of contribution	Address, City, Zip	Fair market value	Total contributions by this person during campaign or year
			TOTAL	
Enter also on line 3 and line 12 of C4				
2. In kind expenditures made to other candidates and committees				
Date	Recipient	Address, City, Zip	Fair market value	
Note: Amounts in this section are not carried forward to C4 reports.				
3. New orders placed (but not yet paid)				
Date	Recipient	Address, City, Zip	Amount	Purpose
			TOTAL (Include new orders above and all other orders and unpaid bills.)	
Enter also on lines 17 and 21 of C4				
4. Pledges received but not yet paid				
Date you were notified of pledge	Name of person (including organizations) making pledge	Address, City, Zip	Amount	Total contributions by this person during campaign or year
			TOTAL (Include new pledges above and all other outstanding pledges.)	
Enter also on line 9 of C4				
5. Pledges made to other candidates and committees (but not yet paid)				
Date Made	Recipient	Address, City, Zip	Amount	
			TOTAL	
Enter total on line 18 of C4				

SEE REVERSE FOR CONTRIBUTION RESTRICTIONS

CONTRIBUTIONS OVER \$5,000 (cash or inkind)

IS A VIOLATION OF LAW FOR ANY PERSON TO MAKE OR FOR ANY CANDIDATE OR POLITICAL COMMITTEE TO ACCEPT FROM ANY ONE PERSON CONTRIBUTIONS IN THE AGGREGATE EXCEEDING \$5,000 WITHIN 21 DAYS OF A GENERAL ELECTION.

CONTRIBUTIONS OVER \$500 (cash or inkind)—SPECIAL REPORTS

A SEPARATE, SPECIAL REPORT MUST BE MADE FOR EVERY CONTRIBUTION OF OVER \$500 RECEIVED WITHIN 7 DAYS OF A PRIMARY ELECTION OR 21 DAYS OF A GENERAL ELECTION.

THE REPORT MUST BE IN WRITING (C-3, LETTER, TELEGRAM, MAILGRAM) AND RECEIVED BY PDC WITHIN 48 HOURS OF THE FIRST WORKING DAY AFTER RECEIPT OR NOTIFICATION OF THE CONTRIBUTION. THE REPORT MUST INCLUDE THE NAME OF THE RECIPIENT, DATE RECEIVED, AMOUNT, AND CONTRIBUTOR'S NAME AND ADDRESS.

THE REPORT MAY BE MADE BY TELEPHONE TO THE PDC WITHIN THE REQUIRED TIME, IF THE WRITTEN REPORT IS FILED WITHIN THE REQUIRED TIME ALSO.

NOTE: ANY COMMITTEE, LOBBYIST OR EMPLOYER WHO MAKES A CONTRIBUTION OVER \$500 WITHIN 7 DAYS BEFORE A PRIMARY OR WITHIN 21 DAYS BEFORE A GENERAL ELECTION MUST NOTIFY PDC AND THE RECIPIENT WITHIN 24 HOURS OF THE FIRST WORKING DAY AFTER THE CONTRIBUTION IS MADE.

**IN KIND CONTRIBUTIONS, PLEDGES, ORDERS,
DEBTS, OBLIGATIONS**

SCHEDULE B
to C4 (1/90)

Candidate or committee name (Do not abbreviate. Use full name)

IN KIND CONTRIBUTIONS RECEIVED (goods, services, discounts, etc.)

Date received	Contributor's name and address	Description of contribution	Fair market value	Total given by this person during campaign or year
TOTAL Enter also on line 3 and line 12 of C4			_____	

PLEDGES RECEIVED BUT NOT YET PAID. List each pledge of \$100.00 or more.

Date you were notified of pledge	Name and address of person (including organizations) making pledge	Amount	Total given by this person during campaign or year
TOTAL (Include new pledges above and all other outstanding pledges.) Enter also on line 9 of C4			_____

ORDERS PLACED, DEBTS, OBLIGATIONS, ESTIMATED EXPENDITURES (Excluding loans. Report loans on Schedule L.)

a. List each debt, obligation or estimated expenditure which is more than \$250.00.
 b. List each debt, obligation or estimated expenditure which is more than \$50.00 and has been outstanding for over 30 days.

Expenditure date	Vendor's/Recipient's name and address	Amount owed	Purpose of expenditure
TOTAL Enter also on line 22 of C4			_____

CORRECTIONS

SCHEDULE C
to C4

Candidate/Committee Name (Do not abbreviate. Use candidate's full name.)

Date

1. Corrections to cash or in kind contributions previously reported on C4 Schedule A, C3 or C3A.

Date Reported	Name of Contributor or Description of Correction	Amount Reported	Corrected Amount	Difference (+ or -)
				Total Corrections to Contributions Enter here and on line 6 of C4. Show + or (-).

2. Corrections to cash or in kind expenditures previously reported

Date of Report	Name of Vendor or Description of Correction	Amount Reported	Corrected Amount	Difference (+ or -)
				Total Corrections to Expenditures Enter here and on line 14 of C4. Show + or (-).

3. Loans forgiven. Loans listed below and previously reported on C3 reports have been forgiven in whole or part and should now be considered as cash or in kind contributions to that extent.

Date of Loan	Name of Creditor	Original Amount	Amount Repaid	Amount Forgiven
				TOTAL Line 20 of C4 should be reduced by the amount reported here.

4. Refunds. The below listed amounts have been received as refunds on expenditures previously reported. The amount has been deposited and reported on C3 report (line 4).

Date of Refund	Source/Person Making Refund	Amount of Refund
		TOTAL Enter as (-) on line 6 & line 14 of C4.

CORRECTIONS

SCHEDULE C
to C4

Candidate or committee name (Do not abbreviate. Use full name.)

Date

1. CONTRIBUTIONS AND RECEIPTS (Include *Mathematical corrections*)

Date of report	Contributor's name or description of correction	Amount reported	Corrected amount	Difference (+ or -)
Total corrections to contributions Enter on line 8 of C4. Show + or (-).				

2. EXPENDITURES (Include *Mathematical corrections*)

Date of report	Vendor's name or description of correction	Amount reported	Corrected amount	Difference (+ or -)
Total corrections to expenditures Enter on line 15 of C4. Show + or (-).				

3. REFUNDS. The below listed amounts have been received as refunds on expenditures previously reported. The refund has been deposited and reported on C3 report, line 1d.

Date of refund	Source/person making refund	Amount of refund
Total refunds Enter as (-) on line 8 & line 15 of C4.		

DOC form C4C (rev. 11/89) -1318-

TRANSFER OF FUNDS

SCHEDULE **T**
to C4

CANDIDATE _____ COMMITTEE NAME _____

TO BE USED BY CANDIDATES OR CANDIDATE'S COMMITTEE WHICH RECEIVES FUNDS FROM OR TRANSFERS FUNDS TO ANOTHER CANDIDATE OR CANDIDATE'S COMMITTEE.

RECEIPTS

INCLUDE ALL FUNDS RECEIVED FROM ANOTHER CANDIDATE OR CANDIDATE'S COMMITTEE. BE SURE THAT FUNDS REPORTED HERE ARE DEPOSITED IN YOUR CAMPAIGN BANK ACCOUNT AND THAT DEPOSIT IS REPORTED ON FORM C-3.

DATE RECEIVED	CONTRIBUTOR'S NAME	ADDRESS, CITY, ZIP	AMOUNT	TOTAL CONTRIBUTED

EXPENDITURES

INCLUDE ALL FUNDS TRANSFERRED TO ANOTHER CANDIDATE OR CANDIDATE'S COMMITTEE. BE SURE THAT FUNDS REPORTED HERE ARE ALSO REPORTED AS AN EXPENDITURE IN ITEM 4; SCHEDULE A TO C-4.

DATE OF PAYMENT	CANDIDATES TO WHOM FUNDS WERE GIVEN	AMOUNT

LOANS

See instructions and examples on reverse

SCHEDULE
TO C3
OR C4
L
(1/90)

Candidate or committee name

LOAN RECEIVED. (Use separate Schedule L for each loan received.)					
Date loaned	Lender's name and address	Amount of loan	Annual interest rate	Repayment schedule	Date due

Also include this amount on line 1c, C3 report

Name and address of each endorser, co-signer, guarantor or other person liable for the loan:

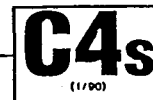
LOAN PAYMENTS.					
Date paid	Lender's name and address	Principal paid	Interest paid	Total payment	Balance owed
		Total Principal Paid → (Enter also on lines 5 and 14, C-4 report)			
				Total Payments → (Enter as an expenditure on Schedule A)	

LOAN FORGIVEN.					
Date	Lender's name and address	Original amount	Principal repaid	Amount forgiven	Balance owed

LOANS STILL OWED. List each loan which has previously been reported and still has a balance due.				
Loan date	Lender's name and address	Original amount	Principal repaid	Amount owed
				Total Loans Owed (Include in total on line 22, C-4 report)

DETAILED EXPENDITURE SUMMARY

State executive and legislative candidates only.



Candidate Name (Do not abbreviate. Include full name).

INSTRUCTIONS: State executive and legislative candidates are required to provide additional detail about the purpose of expenditures from their campaign funds. Using information from the Schedule A-s/I report and your campaign financial records, provide the information below. Attach this report to each C4 report filed.

1. EXPENDITURES FOR YOUR OWN CAMPAIGN

- a. Expenditures previously reported (from line 1c, last C4s)
- b. Campaign spending during this report period
- c. Total campaign expenditures (1a + 1b)

2. CONTRIBUTIONS OR LOANS TO OTHER CANDIDATES OR COMMITTEES

- a. Previous contributions or loans still outstanding (from line 2d, last C4s)
- b. Loans repaid to your committee during this period .. ()
- c. Contributions or loans during this report period
- d. Total contributions or loans to others (2a-2b+2c)

3. OFFICE RELATED EXPENSES

- a. Previous office expenses (from line 3c, last C4s)
- b. Office related expenses this report period
- c. Total office related expenses (3a + 3b)

4. OTHER EXPENDITURES

- a. Other miscellaneous expenditures previously reported (from line 4c, last C4s)
- b. Other expenditures this report period
- c. Total other expenditures (4a + 4b)

5. TOTAL CASH EXPENDITURES (1c + 2d + 3c + 4c)

PDC Form C4s (rev. 1/90) - 1500

**CASH RECEIPTS AND EXPENDITURES
STATE EXECUTIVE AND LEGISLATIVE CANDIDATES**

SCHEDULE **A-S/L**
to C4 (1/80)

Candidate or committee name (Do not abbreviate. Use full name)

1. CASH RECEIPTS (Contributions) which have been reported on C3. List each deposit made since last C4 report was submitted.

Date of deposit	Amount	Date of deposit	Amount	Date of deposit	Amount	Total deposits
-----------------	--------	-----------------	--------	-----------------	--------	----------------

2. TOTAL CASH RECEIPTS

Enter also on line 2 of C4

3. CASH EXPENDITURES FOR YOUR OWN ELECTION CAMPAIGN. List all expenses since last C-4 report was filed.

- a. Total expenditures each \$50 or less not itemized below (including petty cash)
- b. Payments and reimbursement to candidate or committee officials. Attach a sheet listing each payment, the person paid, the original vendor and the purpose of the expenditure. Attach a copy of each receipt or invoice.

EXPENDITURES OVER \$50.00. ITEMIZE EACH BELOW.

Date paid	Name and address of recipient or vendor paid	Purpose of expenditure

Check here if continued on attached sheet

Total from attached pages
Total expenses 15 of
Also enter on line C4s

c. Total election related expenditures

3d. NON-CAMPAIGN EXPENDITURES.

Provide information about expenditures, if any, from campaign funds which were not related to your own election/re-election campaign. Enter the total amount in each category spent this reporting period. Attach a separate page listing the date, recipient's name and mailing address, the purpose and amount of each expenditure. Also enter totals on lines 2c, 3b and 4b of form C4s.

- e. Contributions or loans to other candidates or political committees
- f. Office related expenses (incumbents only)
- g. All other non-campaign expenses

4. TOTAL CASH EXPENDITURES

Enter also on line 11 of C4



**SUMMARY, ABBREVIATED REPORT
RECEIPTS AND EXPENDITURES**

ABB C4 <small>(1/90)</small>	PDC OFFICE USE P M A R K R E C E I V E D
--	---

Candidate or committee name (Do not abbreviate. Include full name).

Address

City County Zip

1. PERIOD COVERED BY REPORT: From: _____ to: _____

- a. Candidates: Start of campaign through general election
- b. Ballot measure committees: Start of campaign through date of election
- c. Other committees: Calendar year January 1 through December 31

2. RECEIPTS

- a. Cash on hand from previous campaign or year
(Include money in checking, savings and other accounts)
- b. Cash contributions received this campaign or year
(Include monetary contributions, loans, fund raising
and cash contributions by a candidate)
- c. Total cash receipts (Add lines 2a + 2b)
- d. Other contributions, including in-kind
(Include candidates and committee workers out of pocket
expenditures over \$50.00, donated goods and services,
filing fees paid by others and similar non-cash contributions)
- e. Total contributions (Add lines 2c + 2d)

3. EXPENSES

- a. Cash expenditures
- b. Other expenditures. (Enter the amount shown on line 2d above here.
Non-cash contributions are listed as both received and expended.
Disregard any materials which may remain on hand.)
- c. Total expenditures (Add lines 3a + 3b)

4. SURPLUS/DEFICIT

- a. Cash on hand at end of reporting period (Subtract: line 3a from 2c)
- b. Debts and obligations owed
- c. Surplus or deficit

CANDIDATES		Won	Lost	Unopposed	Name not on ballot
<i>Please complete:</i>					
Primary election		<input type="checkbox"/>	<input type="checkbox"/>		
General election		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CERTIFICATION: I certify that this report is true and correct to the best of my knowledge.

Candidate's signature	Date	Treasurer's signature (if a political committee)	Date
-----------------------	------	--	------

PDC form C4ABB (Rev. 1/90) -1499-

See instructions on reverse

Reviser's note: RCW 34.05.395 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 86-01, filed 2/5/86)

WAC 390-16-050 FORMS FOR CONTRIBUTIONS AND EXPENDITURES OF POLITICAL COMMITTEES NOT DOMICILED IN WASHINGTON STATE. The official form for the report of contributions and expenditures of political committees not domiciled in Washington state or otherwise not required to report is designated "C-5", revised ((1/86)) 1/90. Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8 1/2" x 11" white paper.

STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION
 403 EVERGREEN PLAZA—FJ-42
 OLYMPIA, WASHINGTON 98504-3342
 PHONE: 206-753-1111

FORM
C-5
 REV. 1/86

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OUT OF STATE OR FEDERAL COMMITTEE CONTRIBUTION TO WASHINGTON CANDIDATES OR COMMITTEES

1. NAME AND ADDRESS OF COMMITTEE MAKING CONTRIBUTION

2. CHECK APPROPRIATE BOX
 THIS IS THE FIRST REPORT SUBMITTED DURING 19____
 THIS SHOWS NEW EXPENDITURES, CONTRIBUTIONS OR INFORMATION CHANGED FROM REPORTS SUBMITTED PREVIOUSLY THIS CALENDAR YEAR.

3. THIS POLITICAL COMMITTEE IS NOT A CONTINUING ORGANIZATION

4. CANDIDATES IN WASHINGTON STATE THE COMMITTEE IS SUPPORTING (if committee is supporting entire party ticket show only party name)

NAME	OFFICE SOUGHT	PARTY AFFILIATION

5. BALLOT PROPOSITION(S) IN WASHINGTON STATE THE COMMITTEE IS SUPPORTING OR OPPOSING

NAME OF PROPOSITION	BALLOT NUMBER	FOR OR AGAINST?

6. EXPLAIN PURPOSE OF COMMITTEE IF NOT OTHERWISE STATED

7. OFFICERS OR RESPONSIBLE LEADERS OF COMMITTEE

NAME AND ADDRESS	TITLE

8. CONTRIBUTIONS GIVEN OR EXPENDITURES MADE: LIST EACH CONTRIBUTION OF \$5 OR MORE AND EACH EXPENDITURE MADE BY THE COMMITTEE TO OR ON BEHALF OF ANY WASHINGTON STATE OR LOCAL CANDIDATE, BALLOT MEASURE OR POLITICAL COMMITTEE.

NAME AND ADDRESS OF RECIPIENT	DATE	AMOUNT	PURPOSE

CHECK HERE IF CONTINUED ON ATTACHED SHEET

TOTAL THIS REPORT \$

9. TOTAL REPORTABLE CONTRIBUTIONS AND EXPENDITURES MADE THIS CALENDAR YEAR \$

CAUTION: FAILURE TO REPORT TRANSACTIONS WITHIN TEN DAYS WILL CAUSE THE FUNDS TO FORFEIT TO THE STATE.

CONTRIBUTIONS RECEIVED FROM WASHINGTON RESIDENTS: LIST ALL CONTRIBUTIONS OF \$25 OR MORE IN AGGREGATE TO THIS OUT OF STATE, FEDERAL OR OTHER COMMITTEE DURING THE CURRENT CALENDAR YEAR FROM WASHINGTON RESIDENTS OR CORPORATIONS WITH A PLACE OF BUSINESS IN WASHINGTON.

NAME AND ADDRESS	DATE	AMOUNT
<div style="position: absolute; top: 50%; left: 50%; transform: translate(-50%, -50%); opacity: 0.5; font-size: 4em; pointer-events: none;">/</div>		

CHECK HERE IF CONTINUED ON ATTACHED SHEET

11. CERTIFICATION: I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE AND CORRECT.

SIGNATURE OF COMMITTEE OFFICIAL OR PERSON FILING REPORT

NAME

TITLE

DATE

INSTRUCTIONS

(Statutory reference: RCW 42.17.090 (1)(K))

WHO MUST REPORT

A POLITICAL COMMITTEE NOT DOMICILED IN THE STATE OF WASHINGTON, A FEDERAL COMMITTEE OR OTHER COMMITTEE NOT REQUIRED TO REGISTER UNDER WASHINGTON LAW, WHICH HAS MADE CONTRIBUTIONS TO A STATE OR LOCAL CANDIDATE OR POLITICAL COMMITTEE IN WASHINGTON STATE. (THE REPORT MAY BE FILED BY THE RECIPIENT OF THE CONTRIBUTION IF THAT CANDIDATE OR COMMITTEE HAS ALL REQUIRED INFORMATION.)

WHEN TO REPORT

WITHIN 10 DAYS AFTER EACH CONTRIBUTION.
NOTE: SUBSEQUENT REPORTS MAY BE BY LETTER UPDATING OR AMENDING INFORMATION PREVIOUSLY REPORTED.

SEND REPORT TO

PUBLIC DISCLOSURE COMMISSION
403 EVERGREEN PLACE, FJ-42
OLYMPIA, WA 98504-3000

ADDITIONAL REPORTS REQUIRED

WASHINGTON CANDIDATES OR COMMITTEES RECEIVING FUNDS MUST ALSO REPORT ON C-3 AND C-4 REPORTS.

VIOLATIONS AND PENALTIES

IT IS A VIOLATION OF LAW FOR ANY PERSON TO MAKE, OR FOR ANY CANDIDATE OR POLITICAL COMMITTEE TO ACCEPT FROM ANY ONE PERSON, CONTRIBUTIONS IN THE AGGREGATE EXCEEDING \$5,000 WITHIN 21 DAYS OF A GENERAL ELECTION.

FAILURE TO REPORT CONTRIBUTIONS AND FILE THE INFORMATION REQUIRED BY THIS REPORT WITHIN 10 DAYS AFTER THE WASHINGTON CANDIDATE OR COMMITTEE RECEIVES THE FUNDS WILL CAUSE THE FUNDS TO BE FORFEITED TO THE STATE.

FOR ADDITIONAL INFORMATION

CONTACT THE PUBLIC DISCLOSURE COMMISSION AT (206) 753-1111.

1082-C58-



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION
403 EVERGREEN PLAZA—FJ-42
OLYMPIA, WASHINGTON 98504-3342
PHONE: 206-753-1111

FORM
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**OUT OF STATE OR FEDERAL COMMITTEE CONTRIBUTION
TO WASHINGTON CANDIDATES OR COMMITTEES**

1. Name and address of committee making contribution

2. Check appropriate box

This is the first report submitted during 19_____

This shows new expenditures, contributions or information changed from reports submitted previously this calendar year.

3. Explain briefly the purpose or affiliation of the committee. (e.g., A PAC of employees of XYZ Trade Assn., or the candidates committee of US Senator John Doe, or a PAC of members of the United Worker's Union.)

4. Officers or responsible leaders of committee	Title
Name and address	

5. Candidate contributions: List each Washington candidate for state or local office to whom you have made a contribution of more than \$50.00

Candidate's name	Office sought	Political party	Date	Amount given

6. Ballot measure committee contributions: List each Washington committee supporting or opposing a ballot measure to whom you have made a contribution of more than \$50.00.

Committee name and address	Ballot number	For or against?	Date	Amount given

7. Other contributions and expenditures: List each other contribution or expenditure of more than \$50.00 made to or on behalf of any Washington state or local candidate, ballot measure or political committee.

Recipient's name and address	Purpose	Date	Amount

Check here if continued on attached sheet

8. Total contributions and expenditures (Add parts 5, 6, 7) _____

CAUTION: Failure to report transactions within ten days will cause the funds to forfeit to the state.

PDC Form C-5 (Rev. 1/80) -1500 **Continue on reverse**

3. **Contributions received from Washington residents:** List all contributions of more than \$25.00 in aggregate to this out of state, federal or other committee during the current calendar year from Washington residents or corporations with a place of business in Washington.

Name and address	Date	Amount

Check here if continued on attached sheet

10. CERTIFICATION: I certify the information contained in this report is true and correct to the best of my knowledge.

INSTRUCTIONS

(Statutory reference: RCW 42.17.090 (1)(K))

WHO MUST REPORT

A political committee not domiciled in the State of Washington, a federal committee or other committee not required to register under Washington law, which has made contributions to a state or local candidate or political committee in Washington state.

WHEN TO REPORT

Within 10 days after making each contribution.
 Note: Subsequent reports may be by letter updating or amending information previously reported.

SEND REPORT TO

Public Disclosure Commission
 403 Evergreen Plaza, FJ-42
 Olympia, WA 98504-3342

VIOLATIONS AND PENALTIES

It is a violation of law for any person to make, or for any candidate or political committee to accept from any one person, contributions in the aggregate exceeding \$50,000 for any campaign for state-wide office or \$5,000 for any other campaign within 21 days of a general election.

Failure to report contributions and file the information required by this report within 10 days after the Washington candidate or committee receives the funds will cause the funds to be forfeited to the state.

FOR ADDITIONAL INFORMATION

Contact the Public Disclosure Commission at (206) 753-1111.

 Signature of committee official or person filing report

 Name

 Title Date

**BE SURE TO NOTIFY
 EACH CANDIDATE
 AND COMMITTEE
 THAT YOU HAVE
 FILED THIS REPORT**

-1500-C5B-

AMENDATORY SECTION (Amending Order 86-01,
filed 2/5/86)

WAC 390-16-055 FILING REPORTS FOR NONREPORTING COMMITTEES. (1) Each candidate or political committee receiving funds from a nonreporting committee as described in RCW 42.17.090 (1)(k), shall determine whether such committee has complied with that subsection. If the nonreporting committee has not filed the required report (~~(and the information cannot be reported by the recipient of the contribution in a timely manner;)~~) the funds shall not be forfeited or reportable as having been received if they are returned to the nonreporting committee (~~(immediately)~~) within three business days after receipt. Any retention or other action taken with such funds, if there is not a complete and timely report on file, shall result in the forfeiture of such funds to the state of Washington and shall be deemed a violation of chapter 42.17 RCW.

(2) Any subsequent report by a nonreporting committee (~~(or recipient)~~) of its contributions which is required by RCW 42.17.090 (1)(k) during the same calendar year may update its initial report by letter showing, in addition to its name and address, only reportable information which is new or changed since its last report.

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

WAC 390-16-060 FORMS FOR REPORT OF INDEPENDENT EXPENDITURES. The official form for reports of independent expenditures as required by RCW 42.17.100 is designated "C-6," revised ((6/82)) 1/90. Copies of this form may be obtained at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8 1/2" x 11" white paper.



REPORT OF INDEPENDENT EXPENDITURES TO THE STATE OF WASHINGTON PUBLIC DISCLOSURE COMMISSION 403 EVERGREEN PLAZA—FJ-42 711 CAPITOL WAY OLYMPIA, WASHINGTON 98504 PHONE: 206-753-1111

FILING FORM C-6 TO BE FILED BY: PERSONS MAKING INDEPENDENT CAMPAIGN EXPENDITURES OF \$100 OR MORE IN AGGREGATE RCW 42.17.100(1)

THIS SPACE FOR OFFICE USE P.M. DATE DATE RECEIVED

See completion instructions at bottom of page.

(Type or print clearly)

1. NAME AND ADDRESS OF PERSON MAKING EXPENDITURE CHECK One time report. I do not expect to make other independent expenditures. I do expect to make other independent expenditures (See instructions) Final report. DATE PREPARED

2. NAME OF CANDIDATE OR BALLOT PROPOSITION SUPPORTED OR OPPOSED: CHECK SUPPORT OR OPPOSE

3a. LIST THE VALUE OF ALL INDEPENDENT EXPENDITURES MADE IF AGGREGATE IS \$100 OR MORE. ITEMIZE EXPENDITURES OF \$25 OR MORE MADE IN SUPPORT OR IN OPPOSITION TO ANY CANDIDATE OR BALLOT PROPOSITION DURING AN ELECTION CAMPAIGN. DO NOT INCLUDE MONETARY OR IN-KIND CONTRIBUTIONS MADE DIRECTLY TO A CANDIDATE OR POLITICAL COMMITTEE.

Table with 4 columns: DATE, NAME AND ADDRESS OF ANY VENDOR OR RECIPIENT, DESCRIPTION OF EXPENDITURE (goods, services, or rights purchased or furnished), AMOUNT OR VALUE (*see below). Includes summary rows for 'TOTAL THIS REPORT PERIOD' and 'TOTAL INDEPENDENT EXPENDITURES MADE DURING THIS ELECTION CAMPAIGN'.

INSTRUCTIONS (1982 amendments are incorporated)

WHO MUST REPORT: Persons who make expenditures aggregating \$100 or more during any election campaign in support of or opposition to a candidate or ballot proposition if not made directly to or in coordination with the candidate or a political committee. WHEN TO REPORT: When aggregate amount reaches: less than \$100 - No report is required; \$100 or more (or value cannot be estimated) - Within 5 days; If additional expenditures made - * 10th of month preceding election in which other reports are not required. * 21 days prior to election; * 7 days prior to election; * 21 days after election. * Required only when expenditures have been made since last report was submitted. WHERE TO REPORT: Copy # 1 - Public Disclosure Commission, 403 Evergreen Plaza - FJ-42 Olympia, WA 98504; Copy # 2 - County Auditor of candidate. For ballot propositions with county auditor of person filing this report.

AMOUNT OR VALUE

*If no reasonable estimate can be made of value, describe activity, services, property or right furnished precisely and attach copy of item produced or distributed.

CERTIFICATION: I hereby certify that the above is a true, complete and correct statement.

SIGNATURE OF PERSON MAKING EXPENDITURE NAME TITLE



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION
403 EVERGREEN PLAZA—FJ-42
OLYMPIA, WASHINGTON 98504-3342
PHONE: 206-753-1111

FORM
C6
1/90

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INDEPENDENT CAMPAIGN EXPENDITURES
\$100.00 OR MORE

1. Name and address of person making expenditure
2. Check appropriate box
One time report, I do not expect to make other independent expenditures.
I do expect to make other independent expenditures (See instructions)
Final report.

Name of candidate or ballot proposition supported or opposed: check support or oppose

a. List the value of all independent expenditures made if aggregate is \$100 or more. Itemize expenditures of more than \$50 made in support or in opposition to any candidate or ballot proposition during an election campaign. Do not include monetary or in-kind contributions made directly to a candidate or political committee.

Table with 4 columns: Date, Name and address of vendor or recipient, Description of expenditure (goods, services, or rights purchased or furnished), Amount or value (see below). Includes summary rows for Expenditures \$50 or less not itemized above and Total this report period.

1b. Total independent expenditures made during this election campaign. Include expenditures shown in this report and previously submitted reports.

INSTRUCTIONS
WHO MUST REPORT: Persons who make expenditures aggregating \$100 or more during any election campaign in support of or opposition to a candidate or ballot proposition if not made directly to or in coordination with the candidate or a political committee.
WHEN TO REPORT: When aggregate amount reaches:
less than \$100 - No report is required
\$100 or more (or value cannot be estimated) - Within 5 days
If additional expenditures made - 10th of month preceding election in which other reports are not required.
* 21 days prior to election
* 7 days prior to election
* 10th day of month after election
* Required only when expenditures have been made since last report was submitted.
WHERE TO REPORT:
Copy # 1 - Public Disclosure Commission, 403 Evergreen Plaza - FJ-42 Olympia, WA 98504
Copy # 2 - County Elections Officer of candidate. For ballot propositions with County Elections Officer of person filing this report.

AMOUNT OR VALUE
If no reasonable estimate can be made of value, describe activity, services, property or right furnished precisely and attach copy of item produced or distributed.
CERTIFICATION: I hereby certify that the above is true, complete and correct to the best of my knowledge.
Signature of person making expenditures
Name
Title Date

TDC form C-6 (Rev. 1/90) -1500

Reviser's note: RCW 34.05.395 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 86-01, filed 2/5/86)

WAC 390-16-111 ABBREVIATED CAMPAIGN REPORTING—SPECIAL FUND RAISING EVENTS. The term "any person" as used in WAC 390-16-105 does not mean a fund raising activity conducted pursuant to RCW 42.17.067. Candidates and committees using abbreviated reporting as provided in chapter 390-16 WAC shall not be limited to receiving two hundred dollars from a fund raising event provided that the (~~profit realized~~) payments from any person do(es) not exceed two hundred dollars from all fund raising events conducted during a campaign or calendar year.

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

WAC 390-16-115 ABBREVIATED CAMPAIGN REPORTING—CONDITIONS FOR GRANTING USE. The exemptions allowed in WAC 390-16-105 shall be granted to a candidate or political committee only upon compliance with the following conditions.

(1) The candidate or political committee must, within fourteen days of the time of organization, or of receipt of contributions or the making of expenditures, or of reservation of space or facilities with intent to promote or oppose a candidacy for office or with intent to promote or oppose a ballot proposition, whichever comes first, file the C-1 or C-1pc registration statement with the commission and the county elections office. The statement shall declare that the candidate or political committee will not exceed the expenditure limit(~~ation~~)s set out in WAC 390-16-105.

(2) The candidate or political committee must, throughout the ensuing election campaign, keep current records in sufficient detail to allow the candidate or political committee to make reports otherwise required by RCW 42.17.040 through 42.17.090 in the event that the filing of such reports becomes necessary as a result of exceeding the contribution and expenditure limitation, pursuant to subsequent permission of the commission.

(3) The candidate or political committee treasurer shall, during the eight days immediately preceding the date of the election, maintain records of contributions and expenditures current within one business day. These records shall be open for public inspection during the hours designated on the (~~registration~~) registration statement at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer or such other place as may be authorized by the commission.

(4) The records of contributions and expenditures shall be open to audit or examination by representatives of the public disclosure commission at any time upon request from the commission.

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

WAC 390-16-120 ABBREVIATED CAMPAIGN REPORTING—TIMES AND PLACE FOR FILING REPORTS C-1, C-1PC AND C-4ABB. (1) The report C-1 or C-1pc shall be filed by any candidate or political committee intending to use the abbreviated reporting recognized and regulated by WAC 390-16-105 or 390-16-115 within fourteen days of becoming a candidate or organizing a committee.

(2) In the case of a continuing political committee, the C-1pc report shall be filed initially within fourteen days after accepting any contributions or making any expenditures. Thereafter, the C-1pc shall be filed each year between January 1 and January 31 for any year in which the committee intends to use the abbreviated reporting system and within ten days of any date a change is made in reportable information. Failure to file a new (~~registration~~) registration statement during January shall automatically terminate the committee's entitlement to use the abbreviated reporting system until such time as a new C-1pc is filed.

(3) The report form C-4abb (~~summary page~~) shall be filed by each candidate and political committee (~~within twenty-one days~~) by the tenth day of the first month after each (~~special or general~~) election in which there was participation. (~~In the case of a candidate or committee which participates in a primary election but does not participate in the following general election, the C-4 report shall be filed not later than twenty-one days following the general election.~~) However, no report shall be required following a primary election.

Additionally, in the case of a continuing political committee, the report Form C-4abb shall be filed not later than January (~~31~~) 10 summarizing the total contributions received and expenditures made during the preceding calendar year.

(4) The original of each report required by this section shall be filed with the public disclosure commission. A copy shall be filed with the elections officer of the county in which the candidate or committee treasurer resides and a copy shall be retained by the candidate or committee treasurer.

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

WAC 390-16-125 ABBREVIATED CAMPAIGN REPORTING—EXCEEDING LIMITATIONS. Whenever there is reason to believe that any of the aggregate limitations specified in WAC 390-16-105, 390-16-115, or 390-16-120 will or may be exceeded, the candidate or committee may apply to the commission for authorization to change reporting options.

(1) If the application is made more than thirty days prior to the date of the election, the application will be considered approved without further action by the commission if the person making application submits:

(a) A PDC Form C-1 or C-1pc indicating the intention of using the full reporting system provided by RCW 42.17.040 - 42.17.090;

(b) A PDC Form C-4 with Schedules A, B, C and ((F)) L, as appropriate, disclosing all contributions and expenditures reportable under RCW 42.17.090 for the election campaign or in the case of continuing political committees for the calendar year. Additionally candidates for state executive or legislative office must file a C-4s report.

(c) A statement affirming that all known candidates for the office being sought have been notified personally of the application stating the manner and date of such notification. In the case of a ballot proposition, the statement shall affirm that the committee treasurer of all committees identifiable from the records of the county elections officer or public disclosure commission to be opposing or supporting the proposition have been notified personally of the application stating the manner and date of such notification.

(2) If the application is made within thirty days of the date of the election, the application shall be approved only by authorization of the commission executive director.

(a) Prior to such approval being granted, the executive director shall determine that the application contains those documents shown in subsection (1)(a), (b) and (c) above.

(b) The commission staff shall investigate why the applicable requirements were not complied with in the first instance and whether or not the probability of exceeding such limitations was reasonably foreseeable. If the investigation shows that the declaration by the candidate, committee or other person filed under WAC 390-16-115 was made in good faith and that the probability of exceeding such limitations was not reasonably foreseeable, the executive director will approve the reporting option change conditioned upon full future compliance with all applicable requirements of chapter 42.17 RCW.

(3) When one candidate or committee on either side of an election campaign has applied for permission to exceed the limitations of the exemption under subsection (1) above, all other candidates and/or committees may change reporting options by meeting the requirements of subsection (1)(a), (b), & (c).

(4) Any person who knowingly or negligently causes or permits the limitations specified in these regulations to be exceeded shall be deemed to have violated the applicable provisions of RCW 42.17.040 - 42.17.090.

Reviser's note: RCW 34.05.395 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 86-01, filed 2/5/86)

WAC 390-16-155 MINI CAMPAIGN REPORTING—EXCEEDING LIMITATIONS. (1) Whenever there is reason to believe that the expenditure limits provided in WAC 390-16-150 will be exceeded or that the candidate or candidate's committee will exceed the limitations on contributions and expenditures provided in WAC 390-16-150, the candidate may apply to the commission for authorization to (~~exceed such limits~~)

change to the abbreviated reporting option provided in WAC 390-16-105.

(a) The application shall take the form of a new C-1 report indicating the candidate's or candidate committee's intent to report in accordance with either the abbreviated reporting system provided in WAC 390-16-105 ((or to fully report as provided in RCW 42.17.040 through 42.17.090)).

(b) The application shall be accompanied by a statement signed by the candidate affirming that all known candidates for the office being sought have been notified personally of the application stating the manner and date of notification.

(c) The application shall be submitted to the commission and duplicate copies of the C-1 (~~and C-4~~) report submitted to the county elections officer of the county where the candidate resides within one day of the time that expenditure limits are exceeded.

(2) The application shall be approved without further commission action.

(3) The candidate shall subsequently comply with the rules for abbreviated campaign finance reporting.

(4) Any candidate desiring to change to the full reporting option will follow the procedures outlined in WAC 390-16-125.

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

WAC 390-16-036 FORM FOR REPORTING FUND RAISING EVENTS
WAC 390-16-302 REPORTING FUND RAISING EVENTS—INCIDENTAL ACTIVITIES
WAC 390-16-306 VOLUNTEER WORKERS, FUND RAISING ACTIVITIES

WSR 89-20-069
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed October 4, 1989, 3:40 p.m.]

Original Notice.

Title of Rule: WAC 388-33-595 One-time grant—Authorization disbursement.

Purpose: Allow repayment of underpayments to former recipients as well as current recipients.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

Summary: The state can now repay underpayments to former recipients.

Reasons Supporting Proposal: This rule is necessary to comply with federal court decision *Edwards v. McMahon/Bowen* and Federal Information Memorandum (FSA-IM-89-4) instructing states to repay former as well as current recipients.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Betty Brinkman, Income Assistance, 753-4915.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal court decision, *Edwards v. McMahon/Bowen* and Federal Information Memorandum (FSA-IM-89-4).

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on November 7, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by November 7, 1989.

Date of Intended Adoption: November 17, 1989.

October 4, 1989

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 1994, filed 8/5/83)

WAC 388-33-595 ONE-TIME GRANT—AUTHORIZATION—DISBURSEMENT. (1) See WAC 388-22-030 for definition of "one-time grant."

(2) ~~((A one-time grant may be authorized and disbursed in the amount necessary subject to the following rules:~~

~~(a) A one-time grant shall be authorized for a recipient of continuing assistance only:~~

~~(b) A one-time grant authorization is a single payment procedure. It expires when the warrant is mailed. It does not change the amount of the continuing (regular) grant currently authorized:~~

~~(c)) The department shall authorize a one-time grant ((shall be authorized when)) for:~~

~~((i)) (a) An additional requirement ((recognized by department standards will be needed:)) allowed under WAC 388-29-150, 388-29-160, 388-29-180, 388-29-200, 388-29-210, 388-29-220, 388-29-230, 388-29-260, and 388-29-270;~~

~~((ii)) (b) Income or assistance budgeted by the department as available to, but not received by, the assistance unit ((or family is not received:));~~

~~((iii)) (c) Supplemental assistance ((is needed)) a recipient needs from the date ((x)) the recipient leaves an institution to the ((receipt of)) date the recipient receives the regular, adjusting, or reinstated grant((-));~~

~~((iv)) (d) ((The fair hearing decision or the court decision on an appeal requires)) Initiating, reinstating, or increasing a grant((-)) as required by a fair hearing or court decision;~~

~~((v)) (e) A recipient ((is)) or former recipient to be compensated for an underpayment((-);~~

~~((vi)) (f) ((Any one-time grant is)) An exception to the rule approved by the ((state office)) department under chapter 388-20 WAC ((for reasons other than those listed in this section:));~~

~~((vii)) (g) ((A canceled warrant is to be reissued and the)) A recipient who cannot wait for ((payment)) the department to reissue a cancelled warrant by adjusting grant((-);~~

~~((viii)) (h) A change in the basic requirements ((resulting)) which results in an increase in the regular grant ((occurs:));~~

~~((ix)) (i) Assistance ((is being continued)) which requires a partial month payment in compliance with the ten-day advance notice rules on reduction, suspension, or termination of a grant((-, and a partial month payment is required:)); and~~

~~((x)) (j) An individual who is added to the assistance unit. ((The one-time grant shall be for the period from the date of eligibility to the date the grant is adjusted:))~~

~~((d)) (3) Except as provided in subsection ((2)(c)(iv) and (v)) (2)(d) and (e) of this section, a retroactive one-time grant shall not cover a period of more than sixty days before the date of authorization((-;~~

~~(e) The effective date of a one-time grant shall be the date the circumstances change, subject to the limitations and conditions stated in this section)).~~

WSR 89-20-070

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed October 4, 1989, 3:44 p.m.]

Original Notice.

Title of Rule: WAC 388-49-660 Intentional program violations administrative disqualification hearings.

Purpose: The purpose of this rule change is to amend the criteria used for referring individuals for an administrative disqualification hearing.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: This change eliminates referral for an administrative disqualification hearing of an individual who has a current suspected intentional program violation (IPV) of less than \$250 and who has no prior IPV.

Reasons Supporting Proposal: This rule is necessary to raise the cost-effectiveness of our fraud referral system.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Income Assistance, 753-5401.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on November 7, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by November 7, 1989.

Date of Intended Adoption: November 17, 1989.

October 4, 1989

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2804, filed 6/1/89)

WAC 388-49-660 INTENTIONAL PROGRAM VIOLATIONS—ADMINISTRATIVE DISQUALIFICATION HEARINGS. Administrative disqualification hearings are governed by chapter 388-08 WAC and ((WAC 388-49-660)) this section. If a provision in ((WAC 388-49-660)) this section conflicts with a provision in chapter 388-08 WAC, the provision in ((WAC 388-49-660)) this section controls.

(1) The department shall refer an individual who has no prior intentional program violation but who is suspected of committing an intentional program violation for an administrative disqualification hearing when:

(a) The overissuance caused by the suspected intentional program violation is two hundred ~~((and))~~ fifty dollars or more; ~~((or))~~ and

~~((The sum of the overissuance caused by the suspected intentional program violation and all inadvertent household error overissuances that occurred in the two years immediately preceding the date of discovery of the suspected intentional program violation is two hundred and fifty dollars or more; and~~

~~((c))~~) At the time of referral, the individual resides:

(i) In Washington state; or

(ii) Outside Washington but within one hour's reasonable drive to a community services office; and

~~((d))~~ (c) The department determines that administrative proceedings will not jeopardize criminal prosecution.

(2) The department shall refer an individual who has committed one or more intentional program violations and who is suspected of committing another intentional program violation when:

(a) The act of suspected intentional program violation occurred:

(i) After the department mailed the administrative decision disqualifying the individual for the most recent intentional program violation; or

(ii) After entry of the order in criminal proceedings that caused the individual to be disqualified for the most recent intentional program violation; and

(b) At the time of referral, the individual resides:

(i) In Washington state; or

(ii) Outside Washington but within one hour's reasonable drive to a community services office; and

(c) The department determines that administrative proceedings will not jeopardize criminal prosecution.

(3) The department shall:

(a) Give ~~((at least))~~ thirty days or more advance notice of the hearing date to the person ~~((or persons))~~ alleged to have committed an intentional program violation as defined in WAC 388-49-020, and

(b) Obtain proof of receipt of the notice.

(4) The notice of hearing shall comply with WAC 10-08-040 and contain the following information:

(a) The allegations;

(b) A summary of the department's evidence;

(c) A statement of how and where interested parties may examine the evidence ~~((can be examined))~~;

(d) A statement that if the person or a representative fails without good cause to appear at the hearing, the administrative law judge and the review judge will make a decision ~~((will be made))~~ based solely on the evidence and argument the department presents; and

(e) A statement that the person has ten days from the date of the scheduled hearing to file a request with the administrative law judge:

(i) Showing good cause for failure to appear, and

(ii) Seeking a new hearing; and

(f) A statement that if a telephone hearing is scheduled, the person may request an in-person hearing by filing a request with the administrative law judge ~~((at least))~~ one week or more prior to the date of the hearing.

(5) The person or a representative shall have the right to one continuance of up to thirty days provided a request is filed ~~((at least))~~ ten days or more prior to the hearing date.

(6) The department shall conduct the hearing without the person or a representative if either person fails to appear at the hearing without good cause.

(a) The administrative law judge and the review judge shall base the decision ~~((shall be based))~~ solely on the evidence and argument the department presents.

(b) The person has ten days from the date of the scheduled hearing to file a request with the administrative law judge:

(i) Showing good cause for failure to appear, and

(ii) Requesting the hearing be reinstated.

(7) The administrative law judge shall grant a request to change a scheduled telephone hearing to an in-person hearing if the person or representative:

(a) Files the request ~~((at least))~~ one week or more before the date the hearing is scheduled, or

(b) Files the request one week or less before the date the hearing is scheduled if the person shows good cause for having the hearing conducted in person.

(8) The administrative law judge shall advise the person or representative they may refuse to answer questions during the hearing.

(9) The department shall bear the burden of proof for demonstrating intentional program violation with clear and convincing evidence.

(10) The department shall follow the decision-rendering in WAC 388-08-406.

(11) The department shall make a final decision and notify the household member of the decision within ninety days of the date the individual receives the notice of hearing.

(12) The department may combine an overissuance fair hearing and an administrative disqualification hearing into a single hearing when the facts alleged for each arise out of the same or related circumstances. When combined:

(a) The hearing procedures and time frames shall be those applicable to an administrative disqualification hearing,

(b) The household loses its right to a subsequent fair hearing on the overissuance, and

(c) The department shall give prior notice to:

(i) The person ~~((or persons))~~ alleged to have committed the intentional program violation, and

(ii) The person ~~((or persons))~~ alleged to be liable for the overissuance.

WSR 89-20-071
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed October 4, 1989, 3:46 p.m.]

Original Notice.

Title of Rule: WAC 388-77-255 FIP—Employment and training requirements.

Purpose: To implement mandatory assessments for the qualifying parent in an employable, two-parent FIP household.

Statutory Authority for Adoption: Chapter 74.21 RCW.

Statute Being Implemented: Chapter 74.21 RCW.

Summary: The rule requires that the qualifying parent in a two-parent employable FIP household mandatorily participate in the employment and training portion of the FIP assessment. Currently participation is voluntary.

Reasons Supporting Proposal: This rule is necessary to implement the FIP executive committee's decision for mandatory assessments for the qualifying parent in an employable two-parent FIP household.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jay Emry, Income Assistance, 753-4371.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on November 7, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by November 7, 1989.

Date of Intended Adoption: November 17, 1989.

October 4, 1989

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2630, filed 6/1/88)

WAC 388-77-255 FIP—EMPLOYMENT AND TRAINING REQUIREMENTS. (1) Unless a FIP enrollee is exempted in subsection (2) of this section, the department shall:

(a) Require the qualifying parent in a two-parent household, where neither is incapacitated, to participate in the employment and training portion of the FIP assessment. The department shall not consider failure of a nonexempt qualifying parent to participate in the assessment as a basis for reduction, denial, or termination of benefits; and

(b) Ask all other FIP enrollees to voluntarily participate in the assessment.

(2) The department shall ((ask all FIP enrollees to voluntarily cooperate in)) exempt from the assessment ((activities with the following exceptions)) an enrollee who is:

((+)) (a) ((An enrollee who is)) On ((FIP)) assistance for the first time and until ((he or she has been)) the enrollee is on ((FIP)) assistance for six months;

((2)) (b) ((A person under sixteen)) Fifteen years of age or under or sixty-five years of age or older;

((3)) (c) ((A person)) Sixteen years of age or ((over who is in)) older and attending high school;

((4)) (d) ((A person who is)) Incapacitated, temporarily ill, or ((is)) needed at home to care for an impaired person; ((and)) or

((5)) (e) ((A person who is)) In the third trimester of pregnancy.

WSR 89-20-072

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed October 4, 1989, 3:47 p.m.]

Original Notice.

Title of Rule: WAC 388-86-085 Transportation (other than ambulance); and WAC 388-87-035 Payment—Transportation (other than ambulance).

Purpose: To incorporate into WAC the rules on brokerage/contractor transportation. Reword WAC for easier readability.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: WAC 388-89-035(2), adds that transportation as an administrative service is reimbursed according to the contracts between department and broker/contractor; WAC 388-89-035(4), methods of transportation shall be operated and equipped according to the various rules, laws, ordinances applicable; WAC 388-86-085(2), add the type of transportation available through a broker/contractor if prior authorization is given; WAC 388-86-085(3), the department shall contract for transportation with broker/contractor; WAC 388-86-085(4), methods of transportation shall be operated and equipped according to the various rules, laws, ordinances applicable; WAC 388-86-085(5), the department shall pay only for the recipient transportation unless there is an identified need for an attendant or escort; WAC 388-86-085(6), the section states when the department shall authorize transportation; and WAC 388-86-085(7), alternative transportation to WAC 388-86-035(6).

Reasons Supporting Proposal: This rule is necessary to administer the broker/contractor transportation rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance, 753-0529.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on November 7, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by November 7, 1989.

Date of Intended Adoption: November 17, 1989.

October 4, 1989

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2702, filed 9/30/88)

WAC 388-86-085 TRANSPORTATION (OTHER THAN AMBULANCE). (1) The department shall assure the availability of necessary transportation for a recipient((s));

(a) To and from medical ((care)) services;

(b) Covered under the recipient's medical assistance program ((in accordance with the following guidelines:)); and

(c) Suitable to the recipient's medical need.

((+)) (2) The department shall ((not provide)) authorize payment for such transportation ((outside));

(a) When other means of transportation are not available or appropriate to the recipient's need;

(b) At the least costly alternative mode of transportation suitable to the recipient's medical condition;

(c) When the department, broker, or contractor give prior authorization for the transportation or give retro-authorization within seventy-two hours for transportation during hours when the department, broker, or contractor are not available; and

(d) When transportation is given to and from covered services:

(i) Within the local community unless necessary medical care is not available locally((-Transportation)); or

(ii) Outside of the local medical community ((shall be to a reasonable and least costly location where)) to the closest provider((s are)) able and willing to provide the necessary and covered medical care((:)).

((2)) (3) The department shall:

(a) Contract to provide such transportation ((as a medical service or)) as an administrative service in ((designated)) counties under broker or contractor agreements.

(i) Brokers or contractors shall certify transportation providers for medical services in accordance with rules established by the division of medical assistance; and

(ii) The department shall require the brokers and contractors to operate the services in accordance with all federal, state, and local ordinances, statutes, and regulations.

(b) Provide transportation as a medical service in unbrokered or noncontracted counties.

((3)) (4) The department, broker, or contractor shall ((provide or arrange)) pay for transportation only ((through designated contractors/brokers in counties/areas where transportation is provided as an administrative service; and

(4) When the department provides transportation as a medical service, the following guidelines shall apply:

~~(a) Reimbursement for recipient transportation shall only be made:
(i) When other sources of transportation are not available, accessible, or suitable to the medical needs of the recipient; and~~

~~(ii) Only for the least expensive mode of transportation available that is suitable to the recipient's medical need.~~

~~(b) Only authorize cabulance transportation when the medical necessity is clearly demonstrated and the physical condition of the recipient is such that any less specialized means of transportation is inadvisable;~~

~~(c) The) for the recipient unless the recipient has an identified need for an attendant or escort.~~

~~(5) When the department determines no other appropriate transportation resource is available to the recipient, the department may:~~

~~(a) Authorize public transit when a transit authority is present in the community and when the recipient is capable of using this level of service;~~

~~(b) Reimburse the recipient for mileage in a private vehicle or issue a gas voucher, in areas with gas voucher:~~

~~(i) When prior authorized; and~~

~~(ii) If distance traveled is more than forty miles to and from covered medical services in a given week.~~

~~(c) Reimburse volunteers providing recipient transportation:~~

~~(i) When prior authorized; and~~

~~(ii) From volunteer point of origin, and back to volunteer's point of origin.~~

~~(6) When transportation in subsection (5) of this section is either not available or not accessible by the recipient, and the transportation is medically necessary, the department shall authorize transportation by:~~

~~(a) Nonprofit organizations ((when personal transportation, volunteer transportation, and/or transit services are not available or not accessible by the recipient, and transportation is medically necessary. The department shall authorize the use of) using specialized equipment, such as wheelchair lifts((-by nonprofit organizations)) when the medical necessity is clearly demonstrated and the physical condition of the recipient is such that any less specialized means of transportation is inadvisable;~~

~~((d) The department shall reimburse recipients or volunteers at rates established by the department for transportation to and from medically necessary and covered services by private automobile owned by recipient under the following conditions:~~

~~(i) Recipient's own automobile must be the least expensive available means suitable to the recipient's medical need; and~~

~~(ii) Presume other transportation available if the location of medical services is not more than twenty miles from the recipient's home or if public transportation is available.~~

~~(e)) (b) ((Authorize)) Cabulance vehicle when medical necessity is clearly demonstrated and the physical condition of the recipient is such that any less specialized means of transportation is inadvisable; and~~

~~(c) Taxi transportation when medically necessary and other less expensive modes of transportation are not available or not appropriate to meet the recipient's needs(;;).~~

~~((f)) (7) The department shall authorize interstate and intrastate transportation (e.g., bus, train, air((-etc:))) when:~~

~~((i)) (a) Transportation is medically necessary; and~~

~~((ii)) (b) Necessary medical treatment is not available locally; and~~

~~((iii)) (c) The physical condition of the recipient is such that the use of any other method of transportation is inadvisable.~~

~~((g) The department shall certify providers in accordance with rules established by the division of medical assistance and shall operate their services in accordance with all federal, state, and local ordinances, statutes, and regulations:))~~

AMENDATORY SECTION (Amending Order 2600, filed 3/2/88)

WAC 388-87-035 PAYMENT—TRANSPORTATION (OTHER THAN AMBULANCE). (1) ((Payment)) The department shall pay for ((recipient)) transportation ((shall be made for individuals eligible in accordance with)) services under WAC 388-86-085 for eligible recipients.

(2) ((When)) The department shall reimburse for recipient transportation ((is)) when provided as ((a medical)) an administrative service ((the following shall apply:)) according to the contracts between the department and the contractors/brokers.

(3) The department shall pay for transportation as a medical service when:

(a) Provided in a nonbrokered designated area;

(b) Payment ((shall be)) is made on the basis of usual and customary charges or the rates established by the department, whichever is lower. Except that, payment for recipient transportation provided by nonprofit organizations shall be made on the basis of the operating costs incurred in providing that transportation but shall not exceed the rates established by the department((:));

((b)) (c) Billing is submitted under the methods of reimbursement and required billing procedures for recipient transportation services ((shall be)) published ((as necessary)) by the division of medical assistance(;;);

((c)) (d) Providers of recipient transportation services ((must)) shall show medical justification on the billing document for the type of transportation utilized as well as the need for medical care.

((d)) (4) Cabulances, taxi, public transportation, nonprofit vehicles, and commercial transportation shall be operated and equipped in accordance with ((minimum requirements established by the division of medical assistance and other)) applicable federal, state, and local statutes, ordinances ((and)), regulations, and rules established by the division of medical assistance.

((e) Taxi and bus transportation services shall be operated and equipped in accordance with state and local statutes, ordinances and regulations:

(f) Vehicles utilized by nonprofit organizations seeking reimbursement for transportation services provided recipients shall be operated and equipped in accordance with minimum requirements established by the division of medical assistance and other applicable statutes, ordinances, and regulations.

(g) Commercial air transportation services shall be licensed, operated, and equipped in accordance with applicable federal, state, and local statutes, ordinances, and regulations.

(3) Payment for recipient transportation when provided as an administrative service shall be made according to the contracts between the department and the contractor:))

WSR 89-20-073 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed October 4, 1989, 3:50 p.m.]

Original Notice.

Title of Rule: Chapter 388-95 WAC, Medical institutions.

Purpose: To incorporate community property law rules into the availability of income and resources for the institutionalized spouse. To clarify allocation of income for the institutionalized spouse. The time limit to transfer resources to the name of the community spouse is changed from ninety days to three months. Adds when the department shall consider the community spouses resources.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: After September 30, 1989, the department shall consider community property rules when the income less veterans aid and attendance allowance is above 300% of the SSI one person payment standard. The time period to transfer resources to the name of the community spouse is three months. The community spouses resources are unavailable to the institutionalized spouse during a continuous period of institutionalization. The resources are reviewed if the institutionalized spouses resources go over the one person maximum.

Reasons Supporting Proposal: This rule is necessary to comply with federal law.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance, 753-0529.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, Medicare Catastrophic Coverage Act of 1988.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2, Auditorium, 12th and Franklin, Olympia, Washington, on November 7, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by November 7, 1989.

Date of Intended Adoption: November 17, 1989.

October 4, 1989

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2864, filed 9/1/89, effective 10/2/89)

WAC 388-95-335 AVAILABILITY OF INCOME. (1) Income is defined under WAC 388-92-005 for a supplemental security income (SSI)-related applicant or recipient and under WAC 388-22-030 for an aid to families with dependent children (AFDC)-related applicant or recipient.

(2) The methodology and standards for determining and evaluating income is defined under WAC 388-95-320 and 388-95-340.

(3) After September 30, 1989, the department shall consider the following income, less veteran's aid and attendance allowance, available to an institutionalized (~~(individual)~~) person when determining income eligibility unless the criteria in subsection (4) of this section is met:

(a) Income the institutionalized spouse receives in the institutionalized spouse's name;

(b) Income paid on behalf of the institutionalized spouse, but received in the name of the institutionalized spouse's representative;

(c) One-half of the income the community and (~~(institutional)~~) institutionalized spouses receive in both names; and

(d) Income in a trust as provided by the trust.

(4) After September 30, 1989, the department shall consider the following income as available to an institutionalized person when:

(a) Both spouses are institutionalized; or

(b) The income in subsection (3) of this section is above three hundred percent of the one-person SSI payment standard; and

(c) The use of the income, in this subdivision, less veteran's aid and attendance allowance shall cause the institutionalized person's income to be under three hundred percent of the one-person SSI payment standard. The department shall:

(i) Use community property law in determining ownership of income for purposes of Medicaid eligibility;

(ii) Presume all income received after marriage by either husband or wife or both to be community income;

(iii) Divide the total of the community income, received by the husband and the wife, by two with one-half of the total assigned to each person as their income; and

(iv) Consider if the community income received in the name of the nonapplicant spouse exceeds the community income received in the name of the applicant spouse, the applicant's interest in that excess is unavailable to the applicant.

(5) The department shall consider income the community spouse receives in the community spouse's name as not available to the institutionalized spouse.

~~((5))~~ (6) An agreement between spouses transferring or assigning rights to future income from one spouse to the other is invalid in determining eligibility for medical assistance or the limited casualty program for the medically needy.

~~((6))~~ (7) The department recognizes income produced by transferred or assigned resources as the separate income of the transferee.

~~((7))~~ (8) If an institutionalized spouse establishes the unavailability of income by a preponderance of evidence through a fair hearing (~~(the unavailability of income)~~), subsection (3)(~~(a) and (b)~~) of this section shall not apply.

AMENDATORY SECTION (Amending Order 2864, filed 9/9/89 [9/1/89], effective 10/2/89)

WAC 388-95-337 AVAILABILITY OF RESOURCES.

(1) Resources are defined under WAC 388-92-005 for the SSI-related applicant or recipient and under WAC 388-22-030 for an AFDC-related applicant or recipient.

(2) The methodology and standards for determining and evaluating resources are under WAC 388-95-340, 388-95-380, and 388-95-390. Transfers of resources are evaluated under WAC 388-95-395.

(3) The department shall (~~determine resources of the institutional spouse, as defined under WAC 388-95-395, available to the community spouse, as defined under WAC 388-95-395, at the time of~~) follow Washington state community property principles in determining the ownership of resources:

(a) (~~(Application for Medicaid institutional care; or)~~) For persons whose most recent period of institutionalization:

(i) Began before October 1, 1989; and

(ii) Remains continuously institutionalized.

(b) (~~(Institutionalization of a Medicaid recipient)~~) For purposes of Medicaid eligibility, the department shall presume all resources are:

(i) Community resources if jointly held in the names of both the husband and wife, or in the name of the applicant/recipient only;

(ii) The separate property of the nonapplicant spouse if:

(A) Held in the separate name of the nonapplicant spouse; or

(B) Transferred between spouses as described under WAC 388-92-043(4).

(c) The department shall divide by two, the total value of the community resources the husband and wife own and assign one-half of the total value to each spouse.

(4) A person is no longer continuously institutionalized if, for thirty consecutive days, the person:

(a) Is absent from an institution; and/or

(b) Does not receive COPEs/CAP waived services.

(5) The department shall use the following criteria for the purpose(s) of determining Medicaid eligibility(;) of a person, whose most recent continuous period of institutionalization starts on or after October 1, 1989:

(a) The department shall exclude resources in WAC 388-95-380 with the exception of subsection (3) of this section. One automobile per couple is totally excluded without regard to use;

(b) The department shall consider available to the community spouse, resources in the names of either the community spouse and/or the institutionalized spouse, except resources exceeding the greater of:

~~((a))~~ (i) Sixty thousand dollars;

~~((b))~~ (ii) An amount established by a fair hearing under chapter 388-08 WAC if the community spouse's resource allowance is inadequate to provide a minimum monthly maintenance needs allowance; or

~~((c))~~ (iii) An amount ordered transferred to the community spouse by the court.

~~((5))~~ (c) The resources (~~(in subsection (4) of this section)~~) available to the community spouse shall be in the name of the community spouse or transferred to the community spouse or to another for sole benefit of the community spouse within (~~(ninety days)~~) three months after the initial eligibility determination is completed(;) and

~~((6))~~ (d) The department shall consider resources greater than such resources in subsection (~~((4))~~) ~~(5)(b)~~ of this section available to the institutional spouse.

(6) The department shall consider resources of the community spouse:

(a) Unavailable to the institutionalized spouse during a continuous period of institutionalization; or

(b) When the institutionalized spouse acquires resources in excess of the one-person resource maximum, if the most recent period of institutionalization began after September 30, 1989.

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

AMENDATORY SECTION (Amending Order 2864, filed 9/1/89, effective 10/2/89)

WAC 388-95-360 ALLOCATION OF INCOME—INSTITUTIONALIZED RECIPIENT. (1) In reducing payment to the institution, the department shall consider the institutionalized recipient's income under WAC 388-95-335 (3)(a), (b), (c), and (d).

(2) The department shall deduct the following amounts, in the following order, from the institutionalized recipient's total income, including amounts excluded in determining eligibility:

(a) Specified personal needs allowance;
 (b) An amount an AFDC or FIP-related client in a medical facility receives as a cash assistance payment sufficient to bring the client's income up to the personal needs allowance;
 (c) The current personal needs allowance plus wages the supplemental security income-related client receives for work approved by the department as part of a training or rehabilitative program designed to prepare the individual for a less-restrictive placement when the total wages received plus the personal needs allowance do not exceed the one-person medically needy income level:

(i) No deductions are allowed for expenses of employment; and
 (ii) The excess wages shall apply to the cost of care(;) when the total wages received plus the initial personal needs allowance exceeds the one-person medically needy income level.

(d) An amount for the community spouse equal to the standard maintenance need of one thousand dollars less the separate income of the community spouse. The department shall increase the standard need maintenance amount ((shall be increased)) by:

(i) Shelter expenses exceeding two hundred forty-five dollars. The department shall calculate actual expenses for the community spouse's principal residence for:

(A) Rent(;);
 (B) Mortgage(;);
 (C) Taxes(;) and insurance(;);
 (D) Any maintenance charge for a condominium or cooperative(;);
 and

(E) A food stamp standard allowance for utilities provided the utilities are not included in ((another expense)) the maintenance charges for a condominium or cooperative; and

(ii) The total of the standard maintenance need amount and the shelter expenses shall not exceed one thousand five hundred dollars, unless:

(A) A court enters an order against the institutionalized client for the community spouse support in excess of this amount; or

(B) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(e) A family member's maintenance needs of one-third of the amount eight hundred fifteen dollars exceeds the family member's income for each:

(i) Dependent or minor child(;);
 (ii) Dependent parent(;); or
 (iii) Dependent sibling of the ((institutional)) institutionalized or community spouse ((living)) residing with the community spouse;

(f) Amounts for incurred medical expenses not subject to third-party payment including, but not limited to:

(i) Health insurance premiums, co-insurance, or deductible charges; and

(ii) Necessary medical care recognized under state law, but not covered under Medicaid.

(g) Maintenance of the home of a single person:

(i) Up to one hundred eighty dollars per month; and

(ii) Limited to ((not more than)) a six-month period; and

(iii) A physician has certified the individual is likely to return to the home within that period; and

(iv) Social service staff shall document initial need for the income exemption and review the ((individual)) person's circumstances after ninety days. ((Also see chapter 388-28 WAC:))

((2)) (3) The department shall not deduct specified personal needs allowance, community spouse, needy dependent maintenance needs, or home maintenance needs from a veteran's aid and attendance allowance.

(4) The recipient shall use the ((remaining)) income(, after allocations specified) remaining after allocations specified in subsection

((++)) (2) of this section, toward payment of the recipient's cost of care at the department rate.

((3)) (5)(a) Effective July 1, 1988, SSI-related clients shall continue to receive total payment under 1611 (b)(1) of the Social Security Act (SSA) for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility if the:

(i) ((The)) Stay in the institution or facility is not expected to exceed three months; and

(ii) ((The)) SSI-related clients plan to return to their former living arrangements.

(b) The department shall not consider ((this)) the SSI payment when computing the participation amount.

WSR 89-20-074
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2876—Filed October 4, 1989, 3:52 p.m.]

Date of Adoption: October 4, 1989.

Purpose: To incorporate community property law rules into the availability of income and resources for the institutionalized spouse. To clarify allocation of income for the institutionalized spouse. The time limit to transfer resources to the name of the community spouse is changed from ninety days to three months. Adds when the department shall consider the community spouses resources.

Citation of Existing Rules Affected by this Order: Amending chapter 388-95 WAC, Medical institutions.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to comply with federal law.

Effective Date of Rule: October 5, 1989, 12:01 a.m.

October 4, 1989

Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2864, filed 9/1/89, effective 10/2/89)

WAC 388-95-335 AVAILABILITY OF INCOME. (1) Income is defined under WAC 388-92-005 for a supplemental security income (SSI)-related applicant or recipient and under WAC 388-22-030 for an aid to families with dependent children (AFDC)-related applicant or recipient.

(2) The methodology and standards for determining and evaluating income is defined under WAC 388-95-320 and 388-95-340.

(3) After September 30, 1989, the department shall consider the following income, less veteran's aid and attendance allowance, available to an institutionalized

((individual)) person when determining income eligibility unless the criteria in subsection (4) of this section is met:

(a) Income the institutionalized spouse receives in the institutionalized spouse's name;

(b) Income paid on behalf of the institutionalized spouse, but received in the name of the institutionalized spouse's representative;

(c) One-half of the income the community and ((institutional)) institutionalized spouses receive in both names; and

(d) Income in a trust as provided by the trust.

(4) After September 30, 1989, the department shall consider the following income as available to an institutionalized person when:

(a) Both spouses are institutionalized; or

(b) The income in subsection (3) of this section is above three hundred percent of the one-person SSI payment standard; and

(c) The use of the income, in this subdivision, less veteran's aid and attendance allowance shall cause the institutionalized person's income to be under three hundred percent of the one-person SSI payment standard.

The department shall:

(i) Use community property law in determining ownership of income for purposes of Medicaid eligibility;

(ii) Presume all income received after marriage by either husband or wife or both to be community income;

(iii) Divide the total of the community income, received by the husband and the wife, by two with one-half of the total assigned to each person as their income; and

(iv) Consider if the community income received in the name of the nonapplicant spouse exceeds the community income received in the name of the applicant spouse, the applicant's interest in that excess is unavailable to the applicant.

(5) The department shall consider income the community spouse receives in the community spouse's name as not available to the institutionalized spouse.

((f5)) (6) An agreement between spouses transferring or assigning rights to future income from one spouse to the other is invalid in determining eligibility for medical assistance or the limited casualty program for the medically needy.

((f6)) (7) The department recognizes income produced by transferred or assigned resources as the separate income of the transferee.

((f7)) (8) If an institutionalized spouse establishes the unavailability of income by a preponderance of evidence through a fair hearing ((the unavailability of income)), subsection (3)((a) and (b)) of this section shall not apply.

AMENDATORY SECTION (Amending Order 2864, filed 9/9/89 [9/1/89], effective 10/2/89)

WAC 388-95-337 AVAILABILITY OF RESOURCES.

(1) Resources are defined under WAC 388-92-005 for the SSI-related applicant or recipient and under WAC 388-22-030 for an AFDC-related applicant or recipient.

(2) The methodology and standards for determining and evaluating resources are under WAC 388-95-340, 388-95-380, and 388-95-390. Transfers of resources are evaluated under WAC 388-95-395.

(3) The department shall ((determine resources of the institutional spouse, as defined under WAC 388-95-395, available to the community spouse, as defined under WAC 388-95-395, at the time of)) follow Washington state community property principles in determining the ownership of resources:

(a) ((Application for Medicaid institutional care; or)) For persons whose most recent period of institutionalization:

(i) Began before October 1, 1989; and

(ii) Remains continuously institutionalized.

(b) ((Institutionalization of a Medicaid recipient)) For purposes of Medicaid eligibility, the department shall presume all resources are:

(i) Community resources if jointly held in the names of both the husband and wife, or in the name of the applicant/recipient only;

(ii) The separate property of the nonapplicant spouse if:

(A) Held in the separate name of the nonapplicant spouse; or

(B) Transferred between spouses as described under WAC 388-92-043(4).

(c) The department shall divide by two, the total value of the community resources the husband and wife own and assign one-half of the total value to each spouse.

(4) A person is no longer continuously institutionalized if, for thirty consecutive days, the person:

(a) Is absent from an institution; and/or

(b) Does not receive COPES/CAP waived services.

(5) The department shall use the following criteria for the purpose((s)) of determining Medicaid eligibility((;)) of a person, whose most recent continuous period of institutionalization starts on or after October 1, 1989:

(a) The department shall exclude resources in WAC 388-95-380 with the exception of subsection (3) of this section. One automobile per couple is totally excluded without regard to use;

(b) The department shall consider available to the community spouse, resources in the names of either the community spouse and/or the institutionalized spouse, except resources exceeding the greater of:

((fa)) (i) Sixty thousand dollars;

((fb)) (ii) An amount established by a fair hearing under chapter 388-08 WAC if the community spouse's resource allowance is inadequate to provide a minimum monthly maintenance needs allowance; or

((fc)) (iii) An amount ordered transferred to the community spouse by the court.

((f5)) (c) The resources ((in subsection (4) of this section)) available to the community spouse shall be in the name of the community spouse or transferred to the community spouse or to another for sole benefit of the community spouse within ((ninety days)) three months after the initial eligibility determination is completed((-); and

~~((6))~~ (d) The department shall consider resources greater than such resources in subsection ~~((4))~~ (5)(b) of this section available to the institutional spouse.

(6) The department shall consider resources of the community spouse:

(a) Unavailable to the institutionalized spouse during a continuous period of institutionalization; or

(b) When the institutionalized spouse acquires resources in excess of the one-person resource maximum, if the most recent period of institutionalization began after September 30, 1989.

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

AMENDATORY SECTION (Amending Order 2864, filed 9/1/89, effective 10/2/89)

WAC 388-95-360 ALLOCATION OF INCOME—INSTITUTIONALIZED RECIPIENT. (1) In reducing payment to the institution, the department shall consider the institutionalized recipient's income under WAC 388-95-335 (3)(a), (b), (c), and (d).

(2) The department shall deduct the following amounts, in the following order, from the institutionalized recipient's total income, including amounts excluded in determining eligibility:

(a) Specified personal needs allowance;

(b) An amount an AFDC or FIP-related client in a medical facility receives as a cash assistance payment sufficient to bring the client's income up to the personal needs allowance;

(c) The current personal needs allowance plus wages the supplemental security income-related client receives for work approved by the department as part of a training or rehabilitative program designed to prepare the individual for a less-restrictive placement when the total wages received plus the personal needs allowance do not exceed the one-person medically needy income level:

(i) No deductions are allowed for expenses of employment; and

(ii) The excess wages shall apply to the cost of care(;) when the total wages received plus the initial personal needs allowance exceeds the one-person medically needy income level.

(d) An amount for the community spouse equal to the standard maintenance need of one thousand dollars less the separate income of the community spouse. The department shall increase the standard need maintenance amount ~~((shall be increased))~~ by:

(i) Shelter expenses exceeding two hundred forty-five dollars. The department shall calculate actual expenses for the community spouse's principal residence for:

(A) Rent(;);

(B) Mortgage(;);

(C) Taxes(;) and insurance(;);

(D) Any maintenance charge for a condominium or cooperative(;); and

(E) A food stamp standard allowance for utilities provided the utilities are not included in ~~((another expense))~~ the maintenance charges for a condominium or cooperative; and

(ii) The total of the standard maintenance need amount and the shelter expenses shall not exceed one thousand five hundred dollars, unless:

(A) A court enters an order against the institutionalized client for the community spouse support in excess of this amount; or

(B) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(e) A family member's maintenance needs of one-third of the amount eight hundred fifteen dollars exceeds the family member's income for each:

(i) Dependent or minor child(;);

(ii) Dependent parent(;); or

(iii) Dependent sibling of the ~~((institutional))~~ institutionalized or community spouse ~~((living))~~ residing with the community spouse;

(f) Amounts for incurred medical expenses not subject to third-party payment including, but not limited to:

(i) Health insurance premiums, co-insurance, or deductible charges; and

(ii) Necessary medical care recognized under state law, but not covered under Medicaid.

(g) Maintenance of the home of a single person:

(i) Up to one hundred eighty dollars per month; and

(ii) Limited to ~~((not more than))~~ a six-month period; and

(iii) A physician has certified the individual is likely to return to the home within that period; and

(iv) Social service staff shall document initial need for the income exemption and review the ~~((individual))~~ person's circumstances after ninety days. ~~((Also see chapter 388-28 WAC.))~~

~~((2))~~ (3) The department shall not deduct specified personal needs allowance, community spouse, needy dependent maintenance needs, or home maintenance needs from a veteran's aid and attendance allowance.

(4) The recipient shall use the ~~((remaining))~~ income ~~((; after allocations specified))~~ remaining after allocations specified in subsection ~~((4))~~ (2) of this section, toward payment of the recipient's cost of care at the department rate.

~~((3))~~ (5)(a) Effective July 1, 1988, SSI-related clients shall continue to receive total payment under 1611 (b)(1) of the Social Security Act (SSA) for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility if the:

(i) ~~((The))~~ Stay in the institution or facility is not expected to exceed three months; and

(ii) ~~((The))~~ SSI-related clients plan to return to their former living arrangements.

(b) The department shall not consider ~~((this))~~ the SSI payment when computing the participation amount.

WSR 89-20-075
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2877—Filed October 4, 1989, 3:54 p.m.]

Date of Adoption: October 4, 1989.

Purpose: To incorporate into WAC the rules on broker/contractor transportation. Reword WAC for easier readability.

Citation of Existing Rules Affected by this Order: Amending WAC 388-86-085 and 388-87-035.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to administer the broker/contractor transportation rules.

Effective Date of Rule: October 5, 1989, 12:01 a.m.

October 4, 1989

Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2702, filed 9/30/88)

WAC 388-86-085 TRANSPORTATION (OTHER THAN AMBULANCE). (1) The department shall assure the availability of necessary transportation for a recipient(s):

(a) To and from medical ((care)) services;

(b) Covered under the recipient's medical assistance program ((in accordance with the following guidelines:)); and

(c) Suitable to the recipient's medical need.

((+)) (2) The department shall ((not provide)) authorize payment for such transportation ((outside)):

(a) When other means of transportation are not available or appropriate to the recipient's need;

(b) At the least costly alternative mode of transportation suitable to the recipient's medical condition;

(c) When the department, broker, or contractor give prior authorization for the transportation or give retro-authorization within seventy-two hours for transportation during hours when the department, broker, or contractor are not available; and

(d) When transportation is given to and from covered services:

(i) Within the local community unless necessary medical care is not available locally((-Transportation)); or

(ii) Outside of the local medical community ((shall be to a reasonable and least costly location where)) to the closest provider((s are)) able and willing to provide the necessary and covered medical care((:)).

((2)) (3) The department shall:

(a) Contract to provide such transportation ((as a medical service or)) as an administrative service in

((designated)) counties under broker or contractor agreements.

(i) Brokers or contractors shall certify transportation providers for medical services in accordance with rules established by the division of medical assistance; and

(ii) The department shall require the brokers and contractors to operate the services in accordance with all federal, state, and local ordinances, statutes, and regulations.

(b) Provide transportation as a medical service in unbrokered or noncontracted counties.

((3)) (4) The department, broker, or contractor shall ((provide or arrange)) pay for transportation only ((through designated contractors/brokers in counties/areas where transportation is provided as an administrative service, and

(4) When the department provides transportation as a medical service, the following guidelines shall apply:

(a) Reimbursement for recipient transportation shall only be made:

(i) When other sources of transportation are not available, accessible, or suitable to the medical needs of the recipient; and

(ii) Only for the least expensive mode of transportation available that is suitable to the recipient's medical need.

(b) Only authorize cabulance transportation when the medical necessity is clearly demonstrated and the physical condition of the recipient is such that any less specialized means of transportation is inadvisable;

(c) The)) for the recipient unless the recipient has an identified need for an attendant or escort.

(5) When the department determines no other appropriate transportation resource is available to the recipient, the department may:

(a) Authorize public transit when a transit authority is present in the community and when the recipient is capable of using this level of service;

(b) Reimburse the recipient for mileage in a private vehicle or issue a gas voucher, in areas with gas voucher:

(i) When prior authorized; and

(ii) If distance traveled is more than forty miles to and from covered medical services in a given week.

(c) Reimburse volunteers providing recipient transportation:

(i) When prior authorized; and

(ii) From volunteer point of origin, and back to volunteer's point of origin.

(6) When transportation in subsection (5) of this section is either not available or not accessible by the recipient, and the transportation is medically necessary, the department shall authorize transportation by:

(a) Nonprofit organizations ((when personal transportation, volunteer transportation, and/or transit services are not available or not accessible by the recipient, and transportation is medically necessary. The department shall authorize the use of)) using specialized equipment, such as wheelchair lifts((- by nonprofit organizations)) when the medical necessity is clearly demonstrated and the physical condition of the recipient is such that any less specialized means of transportation is inadvisable;

~~((d)) The department shall reimburse recipients or volunteers at rates established by the department for transportation to and from medically necessary and covered services by private automobile owned by recipient under the following conditions:~~

~~(i) Recipient's own automobile must be the least expensive available means suitable to the recipient's medical need; and~~

~~(ii) Presume other transportation available if the location of medical services is not more than twenty miles from the recipient's home or if public transportation is available.~~

~~((e)) (b) ((Authorize)) Cabulance vehicle when medical necessity is clearly demonstrated and the physical condition of the recipient is such that any less specialized means of transportation is inadvisable; and~~

~~(c) Taxi transportation when medically necessary and other less expensive modes of transportation are not available or not appropriate to meet the recipient's needs(;;).~~

~~((f)) (7) The department shall authorize interstate and intrastate transportation (e.g., bus, train, air(;; etc.)) when:~~

~~((i)) (a) Transportation is medically necessary; and~~

~~((ii)) (b) Necessary medical treatment is not available locally; and~~

~~((iii)) (c) The physical condition of the recipient is such that the use of any other method of transportation is inadvisable.~~

~~((g) The department shall certify providers in accordance with rules established by the division of medical assistance and shall operate their services in accordance with all federal, state, and local ordinances, statutes, and regulations.))~~

AMENDATORY SECTION (Amending Order 2600, filed 3/2/88)

WAC 388-87-035 PAYMENT—TRANSPORTATION (OTHER THAN AMBULANCE). (1) ~~((Payment)) The department shall pay for ((recipient)) transportation ((shall be made for individuals eligible in accordance with)) services under WAC 388-86-085 for eligible recipients.~~

~~(2) ((When)) The department shall reimburse for recipient transportation ((is)) when provided as ((a medical)) an administrative service ((the following shall apply:)) according to the contracts between the department and the contractors/brokers.~~

~~(3) The department shall pay for transportation as a medical service when:~~

~~(a) Provided in a nonbrokered designated area;~~

~~(b) Payment ((shall be)) is made on the basis of usual and customary charges or the rates established by the department, whichever is lower. Except that, payment for recipient transportation provided by nonprofit organizations shall be made on the basis of the operating costs incurred in providing that transportation but shall not exceed the rates established by the department(;;);~~

~~((b)) (c) Billing is submitted under the methods of reimbursement and required billing procedures for recipient transportation services ((shall be)) published ((as necessary)) by the division of medical assistance(;;);~~

~~((e)) (d) Providers of recipient transportation services ((must)) shall show medical justification on the billing document for the type of transportation utilized as well as the need for medical care.~~

~~((d)) (4) Cabulances, taxi, public transportation, nonprofit vehicles, and commercial transportation shall be operated and equipped in accordance with ((minimum requirements established by the division of medical assistance and other)) applicable federal, state, and local statutes, ordinances ((and)), regulations, and rules established by the division of medical assistance.~~

~~((e) Taxi and bus transportation services shall be operated and equipped in accordance with state and local statutes, ordinances and regulations.~~

~~(f) Vehicles utilized by nonprofit organizations seeking reimbursement for transportation services provided recipients shall be operated and equipped in accordance with minimum requirements established by the division of medical assistance and other applicable statutes, ordinances, and regulations.~~

~~(g) Commercial air transportation services shall be licensed, operated, and equipped in accordance with applicable federal, state, and local statutes, ordinances, and regulations.~~

~~(3) Payment for recipient transportation when provided as an administrative service shall be made according to the contracts between the department and the contractor.))~~

WSR 89-20-076
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed October 4, 1989, 4:12 p.m.]

Original Notice.

Title of Rule: Amending WAC 458-61-230 Bankruptcy.

Purpose: To remove real estate excise tax exemption for bankruptcy liquidation sales.

Statutory Authority for Adoption: RCW 82.45.120 and 82.45.150.

Summary: To remove real estate excise tax exemption for bankruptcy liquidation sales.

Name of Agency Personnel Responsible for Drafting: Mark Pree, 711 Capitol Way South, Suite 400, Olympia, (206) 586-4399; Implementation: Edward Faker, 711 Capitol Way South, Suite 400, Olympia, (206) 753-5579; and Enforcement: Department of Revenue.

Name of Proponent: Department of Revenue, governmental.

Rule is necessary because of federal court decision, *Cal. Bd. of Equalization v. Sierra Summit*, 490 U.S. ___ (1989).

Explanation of Rule, its Purpose, and Anticipated Effects: The rule is intended to explain the bankruptcy transactions subject to the real estate excise tax.

Proposal Changes the Following Existing Rules: [No information supplied by agency.]

Small Business Economic Impact Statement: The Department of Revenue, in compliance with chapter 19.85 RCW, has reviewed administrative provisions contained in the amendment to WAC 458-61-230, in order to lessen the economic impact on small business.

Because the amendments to WAC 458-61-230, do not significantly change the reporting frequency of tax returns filed by small businesses; require new forms to be submitted to the department; or alter long standing and generally accepted recordkeeping requirements for determining tax liability or rights to exemptions or deductions, this rule will have a minor impact upon small businesses.

The economic impact of actual tax liability that may arise because of the 1989 Supreme Court decision, *California State Board of Equalization v. Sierra Summit, Inc.*, is beyond the scope of the small business economic impact statement and therefore not addressed.

The Department of Revenue does not have the legal authority to exempt small business from any requirement imposed by statute. Tax liability described in this rule is reported to the department upon the real estate excise tax return. Records required to be kept are those necessary to reasonably determine actual tax liability or those which establish a persons right to a deduction, credit, or exemption. There are no other compliance requirements imposed by this rule.

Hearing Location: Revenue Conference Room #205, Evergreen Plaza Building, 711 Capitol Way South, Olympia, WA 98504, on November 7, 1989, at 9:30 a.m.

Submit Written Comments to: Mark Pree, Administrative Law Judge, Department of Revenue, Interpretation and Appeals, 415 General Administration Building, AX-02, Olympia, WA 98504, by November 7, 1989.

Date of Intended Adoption: November 14, 1989.

October 4, 1989
Edward L. Faker
Assistant Director

AMENDATORY SECTION (Amending Order PT 86-3, filed 8/6/86)

WAC 458-61-230 BANKRUPTCY. A conveyance of real property by a trustee in bankruptcy is ~~((taxable under))~~ subject to the real estate excise tax ~~((when))~~ whether made by a trustee conducting the business of the bankrupt or by a trustee liquidating the bankrupt's estate. ~~((However, such a conveyance is not taxable when made by a trustee authorized only to liquidate the bankrupt's entire estate. For such tax exemption to be approved, the trustee must attach to the affidavit a supplemental statement as provided in WAC 458-61-150 which affirms that the trustee is authorized only to liquidate the bankrupt's entire estate.))~~

WSR 89-20-077

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Filed October 4, 1989, 4:27 p.m.]

Date of Adoption: October 4, 1989.

Purpose: To detect, identify, eradicate and control noxious weeds which pose a serious threat to

Washington agricultural industry, the public and the environment.

Statutory Authority for Adoption: Chapter 17.10 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Sites are so seriously infested-as to require quarantine, movement of contaminated materials from these sites presents an immediate threat of infestation to the rest of the county agricultural and nonagricultural areas, and restriction of such spread is critical to control efforts.

Effective Date of Rule: Immediately.

October 4, 1989

C. Alan Pettibone

Director

RULES RELATING TO YELLOW NUTSEDGE QUARANTINE

NEW SECTION

WAC 16-752-300 ESTABLISHING QUARANTINE. Yellow nutsedge (*Cyperus esculentus* L.) is a herbaceous perennial that is one of the most serious noxious weeds of agronomic crops. It propagates by seed, rhizomes, bulbs and nutlets. Soil containing nutlets is the primary mode of spread in cultivated land. It is highly invasive and its unchecked spread would entail great economic loss to the agricultural industries of the state. It is a class B noxious weed designated for control in Cowlitz county [WAC 16-752-011(27)]. Yellow nutsedge has infested two dredging spoils sites at the Port of Kalama in Kalama, Washington. Movement of material from these sites has initiated additional infestations. RCW 17.10.210 provides that either the director or the county noxious weed control board or a weed district may issue an order for quarantine and restriction or denial of access to land determined to be so seriously infested that control measures cannot be undertaken without quarantine of the land. The director has determined:

(1) That the identified sites are so seriously infested as to require quarantine, and

(2) That the movement of contaminated materials from these sites presents an immediate threat of infestation to the rest of the county agricultural and non-agricultural areas, and

(3) That the restriction of such spread is critical to control efforts.

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

NEW SECTION

WAC 16-752-305 QUARANTINE AREA. The quarantine area shall encompass two dredge spoil sites at and owned by the Port of Kalama, Kalama, Washington

designated as "KS-1" and "KS-2", Sec. 21, T6N, R1W WM.

NEW SECTION

WAC 16-752-310 **ARTICLES WHOSE MOVEMENT IS RESTRICTED.** The movement of all plants and parts of plants of yellow nutsedge and soil contaminated with propagules (nutlets or seeds) of the plant, is covered by this quarantine.

NEW SECTION

WAC 16-752-315 **REGULATIONS.** Use of the properties identified in WAC 16-752-305 is restricted as follows:

(1) All removal of sand or soil from the quarantine locations is prohibited without a permit from the Cowlitz County Noxious Weed Control Board that details the end use and exact geographic destination.

(2) All land disturbing operations including excavation, utilities work, and similar activities requires a one time, no fee permit from the weed board that obligates the operator to thoroughly hose down all equipment before leaving the quarantine area and record the next two areas where the equipment is used after leaving the quarantine area.

(3) All off road vehicles are banned in the quarantine area without the written permission of the Cowlitz County Noxious Weed Control Board.

(4) All weed control measures in the quarantine area are to be undertaken in consultation with the Cowlitz County Noxious Weed Control Board.

(5) Yellow nutsedge control shall take precedent over all other land uses in the quarantine area.

NEW SECTION

WAC 16-752-320 **COSTS OF QUARANTINE.** The costs of serving the notice required by RCW 17.10.210(2) shall be borne by the department. The costs of control work shall be borne by the landowner unless otherwise determined by the Cowlitz County Noxious Weed Control Board or the director in consultation with the Washington State Noxious Weed Control Board.

NEW SECTION

WAC 16-752-325 **DURATION.** This quarantine shall be effective until October 15, 1990 and shall expire unless renewed by the director.

NEW SECTION

WAC 16-752-330 **VIOLATION AND PENALTY.** Any person who violates this quarantine shall have committed a civil infraction and shall be subject to the provisions of RCW 17.10.350 and WAC 16-750-900(3) which provides a monetary penalty of up to one thousand dollars per infraction.

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
- PREP = Preproposal comments
- 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
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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1-12-045	REP	89-12-028	1-12-950	REP	89-12-028	1-13-170	REP	89-12-028
1-12-050	REP-P	89-09-068	1-13-005	REP-P	89-09-068	1-13-180	REP-P	89-09-068
1-12-050	REP	89-12-028	1-13-005	REP	89-12-028	1-13-180	REP	89-12-028
1-12-060	REP-P	89-09-068	1-13-010	REP-P	89-09-068	1-13-190	REP-P	89-09-068
1-12-060	REP	89-12-028	1-13-010	REP	89-12-028	1-13-190	REP	89-12-028
1-12-070	REP-P	89-09-068	1-13-020	REP-P	89-09-068	1-13-200	REP-P	89-09-068
1-12-070	REP	89-12-028	1-13-020	REP	89-12-028	1-13-200	REP	89-12-028
1-12-080	REP-P	89-09-068	1-13-030	REP-P	89-09-068	1-13-210	REP-P	89-09-068
1-12-080	REP	89-12-028	1-13-030	REP	89-12-028	1-13-210	REP	89-12-028
1-12-090	REP-P	89-09-068	1-13-032	REP-P	89-09-068	1-13-230	REP-P	89-09-068
1-12-090	REP	89-12-028	1-13-032	REP	89-12-028	1-13-230	REP	89-12-028
1-12-100	REP-P	89-09-068	1-13-033	REP-P	89-09-068	1-13-240	REP-P	89-09-068
1-12-100	REP	89-12-028	1-13-033	REP	89-12-028	1-13-240	REP	89-12-028
1-12-110	REP-P	89-09-068	1-13-034	REP-P	89-09-068	1-13-910	REP-P	89-09-068
1-12-110	REP	89-12-028	1-13-034	REP	89-12-028	1-13-910	REP	89-12-028
1-12-120	REP-P	89-09-068	1-13-035	REP-P	89-09-068	1-13-930	REP-P	89-09-068
1-12-120	REP	89-12-028	1-13-035	REP	89-12-028	1-13-930	REP	89-12-028
1-12-125	REP-P	89-09-068	1-13-040	REP-P	89-09-068	1-13-940	REP-P	89-09-068
1-12-125	REP	89-12-028	1-13-040	REP	89-12-028	1-13-940	REP	89-12-028
1-12-130	REP-P	89-09-068	1-13-045	REP-P	89-09-068	1-13-950	REP-P	89-09-068
1-12-130	REP	89-12-028	1-13-045	REP	89-12-028	1-13-950	REP	89-12-028
1-12-140	REP-P	89-09-068	1-13-050	REP-P	89-09-068	1-21-005	NEW-P	89-09-068
1-12-140	REP	89-12-028	1-13-050	REP	89-12-028	1-21-005	NEW	89-12-028
1-12-150	REP-P	89-09-068	1-13-060	REP-P	89-09-068	1-21-010	NEW-P	89-09-068
1-12-150	REP	89-12-028	1-13-060	REP	89-12-028	1-21-010	NEW	89-12-028
1-12-155	REP-P	89-09-068	1-13-070	REP-P	89-09-068	1-21-020	NEW-P	89-09-068
1-12-155	REP	89-12-028	1-13-070	REP	89-12-028	1-21-020	NEW	89-12-028
1-12-160	REP-P	89-09-068	1-13-080	REP-P	89-09-068	1-21-030	NEW-P	89-09-068
1-12-160	REP	89-12-028	1-13-080	REP	89-12-028	1-21-030	NEW	89-12-028
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1-21-150	NEW 89-12-028	16-30-010	AMD 89-06-014	16-228-420	NEW-E 89-09-012
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1-21-170	NEW 89-12-028	16-30-025	NEW 89-06-014	16-228-460	NEW-E 89-09-012
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10-04-020	AMD-P 89-10-035	16-30-070	AMD 89-06-014	16-228-521	NEW-E 89-09-017
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10-04-060	AMD 89-13-036	16-30-100	AMD-P 89-02-056	16-228-615	NEW-E 89-12-002
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10-08-020	REP-P 89-10-035	16-156-001	AMD-P 89-20-035	16-228-625	NEW-E 89-18-008
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10-08-110	AMD 89-13-036	16-225-001	REP-P 89-08-019	16-230-815	NEW-P 89-03-065
10-08-120	AMD-P 89-10-035	16-225-001	REP 89-11-092	16-230-815	NEW-P 89-11-093
10-08-120	AMD 89-13-036	16-225-010	REP-P 89-08-019	16-230-815	NEW 89-16-073
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10-08-140	AMD-P 89-10-035	16-225-020	REP 89-11-092	16-230-820	NEW 89-16-073
10-08-140	AMD 89-13-036	16-225-030	REP-P 89-08-019	16-230-825	NEW-P 89-03-065
10-08-150	AMD-P 89-10-035	16-225-030	REP 89-11-092	16-230-825	NEW-P 89-11-093
10-08-150	AMD 89-13-036	16-225-040	REP-P 89-08-019	16-230-825	NEW 89-16-073
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10-08-160	AMD 89-13-036	16-225-050	REP-P 89-08-019	16-230-830	NEW-P 89-11-093
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51-06-090	REP-P	89-17-138	98-20-010	REP-P	89-05-054	131-28-045	AMD	89-14-037
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51-12-220	AMD-P	89-17-138	98-40-040	AMD	89-08-043	132D-08-015	REP-P	89-07-061
51-12-223	AMD	89-04-043	98-40-050	AMD-P	89-05-054	132D-08-015	REP	89-11-023
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132D-20-040	REP-W	89-05-046	132D-20-230	REP-P	89-07-070	132D-276-140	NEW	89-11-024
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132D-20-060	REP-W	89-05-046	132D-20-250	REP-P	89-07-070	132D-280-030	NEW	89-11-044
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132D-20-170	REP	89-11-025	132D-276-030	NEW-P	89-07-062	132I-136-050	REP-P	89-08-015
132D-20-180	REP-P	89-05-012	132D-276-030	NEW	89-11-024	132I-136-050	REP	89-11-091
132D-20-180	REP-W	89-05-046	132D-276-040	NEW-P	89-07-062	132I-136-060	REP-P	89-08-015
132D-20-180	REP-P	89-07-070	132D-276-040	NEW	89-11-024	132I-136-060	REP	89-11-091
132D-20-180	REP	89-11-025	132D-276-050	NEW-P	89-07-062	132I-136-070	REP-P	89-08-015
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132D-20-190	REP-W	89-05-046	132D-276-060	NEW-P	89-07-062	132I-136-080	REP-P	89-08-015
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132I-136-110	NEW-P	89-08-015	132Y-320-070	NEW	89-12-057	137-56-090	AMD-P	89-02-058
132I-136-110	NEW	89-11-091	132Y-320-080	NEW-P	89-08-022	137-56-090	AMD-C	89-07-083
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132I-136-170	NEW	89-11-091	132Y-320-990	NEW-P	89-08-022	137-56-150	AMD-C	89-07-083
132N-276-070	AMD-P	89-04-035	132Y-320-990	NEW	89-12-057	137-56-160	AMD-P	89-02-058
132N-276-070	AMD	89-12-024	137-25-010	NEW-P	89-04-031	137-56-160	AMD-C	89-07-083
132N-276-080	AMD-P	89-04-035	137-25-010	NEW-E	89-06-010	137-56-170	AMD-P	89-02-058
132N-276-080	AMD	89-12-024	137-25-020	NEW-P	89-04-031	137-56-170	AMD-C	89-07-083
132N-276-110	AMD-P	89-04-035	137-25-020	NEW-E	89-06-010	137-56-180	AMD-P	89-02-058
132N-276-110	AMD	89-12-024	137-25-030	NEW-P	89-04-031	137-56-180	AMD-C	89-07-083
132N-276-130	AMD-P	89-04-035	137-25-030	NEW-E	89-06-010	137-56-190	AMD-P	89-02-058
132N-276-130	AMD	89-12-024	137-25-040	NEW-P	89-04-031	137-56-190	AMD-C	89-07-083
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132N-276-150	AMD	89-12-024	137-28-006	AMD	89-04-032	137-56-200	AMD-C	89-07-083
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132Q-04-035	AMD-C	89-06-023	137-28-030	AMD	89-04-032	137-56-210	AMD-C	89-07-083
132Q-04-035	AMD	89-07-068	137-28-035	AMD	89-04-032	137-56-220	AMD-P	89-02-058
132V-15	NEW-C	89-17-005	137-28-080	AMD	89-04-032	137-56-220	AMD-C	89-07-083
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132V-15-010	NEW	89-20-013	137-28-094	NEW	89-04-032	137-56-230	AMD-C	89-07-083
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132V-15-020	NEW	89-20-013	137-28-107	NEW	89-04-032	137-56-240	AMD-C	89-07-083
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132Y-310-010	NEW	89-12-056	137-44-230	NEW-P	89-11-029	154-04-040	REP-E	89-11-008
132Y-310-020	NEW-P	89-08-023	137-44-240	NEW-P	89-11-029	154-04-040	REP	89-11-010
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132Y-310-030	NEW	89-12-056	137-56-010	AMD-P	89-02-058	154-04-060	REP	89-11-010
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132Y-310-040	NEW	89-12-056	137-56-015	AMD-P	89-02-058	154-04-065	NEW-E	89-11-008
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132Y-320-010	NEW	89-12-057	137-56-030	AMD-P	89-02-058	154-04-090	REP-P	89-07-090
132Y-320-020	NEW-P	89-08-022	137-56-040	AMD-C	89-07-083	154-04-090	REP-E	89-11-008
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154-12-070	AMD-E 89-11-008	162-08-041	RE-AD-P 89-17-098	173-19-2503	AMD 89-20-016
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173-50-210	NEW-P	89-04-052	173-224-030	NEW-P	89-07-088	173-313-030	NEW-E	89-06-060
173-50-210	NEW	89-10-001	173-224-030	NEW	89-12-027	173-313-030	NEW-P	89-11-086
173-98-010	NEW-P	89-11-082	173-224-040	NEW-P	89-07-088	173-313-030	NEW-E	89-12-021
173-98-010	NEW	89-18-019	173-224-040	NEW	89-12-027	173-313-030	NEW	89-17-073
173-98-020	NEW-P	89-11-082	173-224-050	NEW-P	89-07-088	173-313-040	NEW-E	89-06-060
173-98-020	NEW	89-18-019	173-224-050	NEW	89-12-027	173-313-040	NEW-P	89-11-086
173-98-030	NEW-P	89-11-082	173-224-060	NEW-P	89-07-088	173-313-040	NEW-E	89-12-021
173-98-030	NEW	89-18-019	173-224-060	NEW	89-12-027	173-313-040	NEW	89-17-073
173-98-040	NEW-P	89-11-082	173-224-070	NEW-P	89-07-088	173-313-050	NEW-E	89-06-060
173-98-040	NEW	89-18-019	173-224-070	NEW	89-12-027	173-313-050	NEW-P	89-11-086
173-98-050	NEW-P	89-11-082	173-224-080	NEW-P	89-07-088	173-313-050	NEW-E	89-12-021
173-98-050	NEW	89-18-019	173-224-080	NEW	89-12-027	173-313-050	NEW	89-17-073
173-98-060	NEW-P	89-11-082	173-224-090	NEW-P	89-07-088	173-314-010	NEW	89-03-047
173-98-060	NEW	89-18-019	173-224-090	NEW	89-12-027	173-314-100	NEW	89-03-047
173-98-070	NEW-P	89-11-082	173-224-100	NEW-P	89-07-088	173-314-200	NEW	89-03-047
173-98-070	NEW	89-18-019	173-224-100	NEW	89-12-027	173-314-210	NEW	89-03-047
173-98-080	NEW-P	89-11-082	173-224-110	NEW-P	89-07-088	173-314-220	NEW	89-03-047
173-98-080	NEW	89-18-019	173-224-110	NEW	89-12-027	173-314-300	NEW	89-03-047
173-98-090	NEW-P	89-11-082	173-224-120	NEW-P	89-07-088	173-314-310	NEW	89-03-047
173-98-090	NEW	89-18-019	173-224-120	NEW	89-12-027	173-314-320	NEW	89-03-047
173-98-100	NEW-P	89-11-082	173-303-040	AMD	89-02-059	173-314-330	NEW	89-03-047
173-98-100	NEW	89-18-019	173-303-045	AMD	89-02-059	173-314-340	NEW	89-03-047
173-98-110	NEW-P	89-11-082	173-303-070	AMD	89-02-059	173-315-010	NEW-E	89-06-061
173-98-110	NEW	89-18-019	173-303-071	AMD	89-02-059	173-315-010	NEW-P	89-11-087
173-98-120	NEW-P	89-11-082	173-303-080	AMD	89-02-059	173-315-010	NEW-E	89-12-020
173-98-120	NEW	89-18-019	173-303-110	AMD	89-02-059	173-315-010	NEW	89-17-072
173-158-030	AMD-C	89-05-003	173-303-161	AMD	89-02-059	173-315-020	NEW-E	89-06-061
173-158-030	AMD	89-07-022	173-303-200	AMD	89-02-059	173-315-020	NEW-P	89-11-087
173-158-060	AMD-C	89-05-003	173-303-202	NEW	89-02-059	173-315-020	NEW-E	89-12-020
173-158-060	AMD	89-07-022	173-303-400	AMD	89-02-059	173-315-020	NEW	89-17-072
173-160-215	AMD-E	89-03-046	173-303-505	AMD	89-02-059	173-315-030	NEW-E	89-06-061
173-160-215	AMD-P	89-12-058	173-303-515	AMD	89-02-059	173-315-030	NEW-P	89-11-087
173-160-215	AMD	89-15-017	173-303-550	AMD	89-02-059	173-315-030	NEW-E	89-12-020
173-216-125	NEW-P	89-04-051	173-303-610	AMD	89-02-059	173-315-030	NEW	89-17-072
173-216-125	NEW-W	89-09-015	173-303-620	AMD	89-02-059	173-315-040	NEW-E	89-06-061
173-220-210	AMD-P	89-04-051	173-303-640	AMD	89-02-059	173-315-040	NEW-P	89-11-087
173-220-210	AMD-W	89-09-015	173-303-645	AMD	89-02-059	173-315-040	NEW-E	89-12-020
173-223	REP-C	89-12-016	173-303-805	AMD	89-02-059	173-315-040	NEW	89-17-072
173-223-015	AMD	89-05-026	173-303-806	AMD	89-02-059	173-315-050	NEW-E	89-06-061
173-223-015	AMD-E	89-06-053	173-303-830	AMD	89-02-059	173-315-050	NEW-P	89-11-087
173-223-015	REP-P	89-07-088	173-303-902	NEW-P	89-15-047	173-315-050	NEW-E	89-12-020
173-223-015	REP	89-12-027	173-303-902	NEW-E	89-19-030	173-315-050	NEW	89-17-072
173-223-020	REP-P	89-07-088	173-303-9903	AMD	89-02-059	173-315-060	NEW-E	89-06-061
173-223-020	REP	89-12-027	173-303-9904	AMD	89-02-059	173-315-060	NEW-P	89-11-087
173-223-030	AMD	89-05-026	173-303-9905	AMD	89-02-059	173-315-060	NEW-E	89-12-020
173-223-030	AMD-E	89-06-053	173-306-010	NEW-P	89-19-069	173-315-060	NEW	89-17-072
173-223-030	REP-P	89-07-088	173-306-050	NEW-P	89-19-069	173-315-070	NEW-E	89-06-061
173-223-030	REP	89-12-027	173-306-100	NEW-P	89-19-069	173-315-070	NEW-P	89-11-087
173-223-040	AMD	89-05-026	173-306-150	NEW-P	89-19-069	173-315-070	NEW-E	89-12-020
173-223-040	AMD-E	89-06-053	173-306-200	NEW-P	89-19-069	173-315-070	NEW	89-17-072
173-223-040	REP-P	89-07-088	173-306-300	NEW-P	89-19-069	173-315-080	NEW-E	89-06-061
173-223-040	REP	89-12-027	173-306-310	NEW-P	89-19-069	173-315-090	NEW-E	89-06-061
173-223-050	AMD	89-05-026	173-306-320	NEW-P	89-19-069	173-318	NEW-C	89-16-102
173-223-050	AMD-E	89-06-053	173-306-330	NEW-P	89-19-069	173-318-010	NEW-E	89-09-005
173-223-050	REP-P	89-07-088	173-306-340	NEW-P	89-19-069	173-318-010	NEW-P	89-12-065
173-223-050	REP	89-12-027	173-306-345	NEW-P	89-19-069	173-318-010	NEW	89-18-070
173-223-060	REP-P	89-07-088	173-306-350	NEW-P	89-19-069	173-318-020	NEW-E	89-09-005
173-223-060	REP	89-12-027	173-306-400	NEW-P	89-19-069	173-318-020	NEW-P	89-12-065
173-223-070	AMD	89-05-026	173-306-405	NEW-P	89-19-069	173-318-020	NEW	89-18-070
173-223-070	AMD-E	89-06-053	173-306-410	NEW-P	89-19-069	173-318-030	NEW-E	89-09-005
173-223-070	REP-P	89-07-088	173-306-440	NEW-P	89-19-069	173-318-030	NEW-P	89-12-065
173-223-070	REP	89-12-027	173-306-450	NEW-P	89-19-069	173-318-030	NEW	89-18-070
173-223-080	REP-P	89-07-088	173-306-470	NEW-P	89-19-069	173-318-040	NEW-E	89-09-005
173-223-080	REP	89-12-027	173-306-480	NEW-P	89-19-069	173-318-040	NEW-P	89-12-065
173-223-090	AMD	89-05-026	173-306-490	NEW-P	89-19-069	173-318-040	NEW	89-18-070
173-223-090	AMD-E	89-06-053	173-306-495	NEW-P	89-19-069	173-318-050	NEW-E	89-09-005
173-223-090	REP-P	89-07-088	173-306-500	NEW-P	89-19-069	173-318-050	NEW-P	89-12-065
173-223-090	REP	89-12-027	173-306-900	NEW-P	89-19-069	173-318-050	NEW	89-18-070
173-223-100	REP-P	89-07-088	173-306-9901	NEW-P	89-19-069	173-318-060	NEW-E	89-09-005
173-223-100	REP	89-12-027	173-313-010	NEW-E	89-06-060	173-318-060	NEW-P	89-12-065
173-223-110	REP-P	89-07-088	173-313-010	NEW-P	89-11-086	173-318-060	NEW	89-18-070
173-223-110	REP	89-12-027	173-313-010	NEW-E	89-12-021	173-318-070	NEW-E	89-09-005
173-224	NEW-C	89-12-016	173-313-010	NEW	89-17-073	173-318-070	NEW-P	89-12-065
173-224-015	NEW-P	89-07-088	173-313-020	NEW-E	89-06-060	173-318-070	NEW	89-18-070

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-318-080	NEW-E	89-09-005	173-425-036	NEW	89-02-055	180-59-047	NEW	89-09-044
173-318-080	NEW-P	89-12-065	173-425-045	AMD	89-02-055	180-59-050	NEW	89-09-044
173-318-080	NEW	89-18-070	173-425-065	AMD	89-02-055	180-59-055	NEW	89-09-044
173-321-010	NEW-P	89-15-046	173-425-075	AMD	89-02-055	180-59-060	NEW	89-09-044
173-321-020	NEW-P	89-15-046	173-425-085	AMD	89-02-055	180-59-065	NEW	89-09-044
173-321-030	NEW-P	89-15-046	173-425-095	AMD	89-02-055	180-59-070	NEW	89-09-044
173-321-040	NEW-P	89-15-046	173-425-130	AMD	89-02-055	180-59-075	NEW	89-09-044
173-321-050	NEW-P	89-15-046	173-433-030	AMD	89-02-054	180-59-080	NEW	89-09-044
173-321-060	NEW-P	89-15-046	173-433-100	AMD	89-02-054	180-59-090	NEW	89-09-044
173-321-070	NEW-P	89-15-046	173-433-120	AMD	89-02-054	180-59-095	NEW	89-09-044
173-321-080	NEW-P	89-15-046	173-433-130	NEW	89-02-054	180-59-100	NEW	89-09-044
173-336-010	REP-P	89-20-059	173-433-170	NEW	89-02-054	180-59-105	NEW	89-09-044
173-336-020	REP-P	89-20-059	173-434-050	AMD	89-02-055	180-59-110	NEW	89-09-044
173-336-030	REP-P	89-20-059	173-434-200	AMD	89-02-055	180-59-115	NEW	89-09-044
173-338-010	REP-P	89-20-059	173-435-010	AMD	89-02-055	180-59-120	NEW	89-09-044
173-338-020	REP-P	89-20-059	173-435-015	NEW	89-02-055	180-59-125	NEW	89-09-044
173-338-030	REP-P	89-20-059	173-435-020	AMD	89-02-055	180-59-130	NEW	89-09-044
173-338-040	REP-P	89-20-059	173-435-030	AMD	89-02-055	180-59-135	NEW	89-09-044
173-338-050	REP-P	89-20-059	173-435-040	AMD	89-02-055	180-59-140	NEW	89-09-044
173-340	AMD-P	89-20-059	173-435-050	AMD	89-02-055	180-59-145	NEW	89-09-044
173-340-010	REP-P	89-20-059	173-435-060	AMD	89-02-055	180-59-150	NEW	89-09-044
173-340-020	REP-P	89-20-059	173-435-070	AMD	89-02-055	180-59-155	NEW	89-09-044
173-340-030	REP-P	89-20-059	173-470-030	AMD	89-02-055	180-59-160	NEW	89-09-044
173-340-040	REP-P	89-20-059	173-470-100	AMD	89-02-055	180-59-165	NEW	89-09-044
173-340-050	REP-P	89-20-059	173-802-050	AMD-P	89-08-078	180-75-003	RE-AD-E	89-16-076
173-340-100	NEW-P	89-20-059	173-802-050	AMD-E	89-08-079	180-75-003	RE-AD-P	89-17-107
173-340-110	NEW-P	89-20-059	173-802-050	AMD	89-11-021	180-75-005	RE-AD-E	89-16-076
173-340-120	NEW-P	89-20-059	174-120-010	AMD-P	89-18-089	180-75-005	RE-AD-P	89-17-107
173-340-130	NEW-P	89-20-059	174-120-020	REP-P	89-18-089	180-75-017	RE-AD-E	89-16-076
173-340-140	NEW-P	89-20-059	174-120-030	AMD-P	89-18-089	180-75-017	RE-AD-P	89-17-107
173-340-200	NEW-P	89-20-059	174-120-040	AMD-P	89-18-089	180-75-018	RE-AD-E	89-16-076
173-340-210	NEW-P	89-20-059	174-120-050	AMD-P	89-18-089	180-75-018	RE-AD-P	89-17-107
173-340-300	NEW-P	89-20-059	174-120-060	AMD-P	89-18-089	180-75-019	RE-AD-E	89-16-076
173-340-310	NEW-P	89-20-059	174-120-070	AMD-P	89-18-089	180-75-019	RE-AD-P	89-17-107
173-340-320	NEW-P	89-20-059	174-120-080	AMD-P	89-18-089	180-75-020	RE-AD-E	89-16-076
173-340-330	NEW-P	89-20-059	174-121-010	NEW-P	89-18-089	180-75-020	RE-AD-P	89-17-107
173-340-340	NEW-P	89-20-059	180-08-003	RE-AD-E	89-16-076	180-75-025	RE-AD-E	89-16-076
173-340-350	NEW-P	89-20-059	180-08-003	RE-AD-P	89-17-107	180-75-025	RE-AD-P	89-17-107
173-340-360	NEW-P	89-20-059	180-08-005	RE-AD-E	89-16-076	180-75-026	RE-AD-E	89-16-076
173-340-400	NEW-P	89-20-059	180-08-005	RE-AD-P	89-17-107	180-75-026	RE-AD-P	89-17-107
173-340-410	NEW-P	89-20-059	180-24-205	NEW-E	89-16-039	180-75-027	RE-AD-E	89-16-076
173-340-420	NEW-P	89-20-059	180-24-205	NEW-P	89-17-100	180-75-027	RE-AD-P	89-17-107
173-340-430	NEW-P	89-20-059	180-25-300	NEW-P	89-05-066	180-75-030	RE-AD-E	89-16-076
173-340-500	NEW-P	89-20-059	180-25-300	NEW-E	89-06-018	180-75-030	RE-AD-P	89-17-107
173-340-510	NEW-P	89-20-059	180-25-300	NEW	89-08-086	180-75-033	RE-AD-E	89-16-076
173-340-520	NEW-P	89-20-059	180-25-300	AMD-E	89-13-011	180-75-033	RE-AD-P	89-17-107
173-340-530	NEW-P	89-20-059	180-25-300	AMD-E	89-16-040	180-75-034	RE-AD-E	89-16-076
173-340-540	NEW-P	89-20-059	180-25-300	AMD-P	89-17-102	180-75-034	RE-AD-P	89-17-107
173-340-550	NEW-P	89-20-059	180-26-055	AMD-P	89-05-065	180-75-035	RE-AD-E	89-16-076
173-340-560	NEW-P	89-20-059	180-26-055	AMD-E	89-06-017	180-75-035	RE-AD-P	89-17-107
173-340-600	NEW-P	89-20-059	180-26-055	AMD	89-08-085	180-75-037	RE-AD-E	89-16-076
173-340-610	NEW-P	89-20-059	180-27-057	AMD-E	89-13-015	180-75-037	RE-AD-P	89-17-107
173-340-700	NEW-P	89-20-059	180-27-057	AMD-E	89-16-041	180-75-038	RE-AD-E	89-16-076
173-340-800	NEW-P	89-20-059	180-27-057	AMD-P	89-17-101	180-75-038	RE-AD-P	89-17-107
173-340-810	NEW-P	89-20-059	180-29-108	AMD-E	89-16-042	180-75-039	RE-AD-E	89-16-076
173-340-820	NEW-P	89-20-059	180-29-108	AMD-P	89-17-104	180-75-039	RE-AD-P	89-17-107
173-340-830	NEW-P	89-20-059	180-29-300	NEW-P	89-05-067	180-75-040	RE-AD-E	89-16-076
173-340-840	NEW-P	89-20-059	180-29-300	NEW-E	89-06-019	180-75-040	RE-AD-P	89-17-107
173-340-850	NEW-P	89-20-059	180-29-300	NEW	89-08-087	180-75-042	RE-AD-E	89-16-076
173-340-860	NEW-P	89-20-059	180-29-300	AMD-E	89-13-014	180-75-042	RE-AD-P	89-17-107
173-340-870	NEW-P	89-20-059	180-29-300	AMD-E	89-16-043	180-75-043	RE-AD-E	89-16-076
173-340-880	NEW-P	89-20-059	180-29-300	AMD-P	89-17-103	180-75-043	RE-AD-P	89-17-107
173-340-890	NEW-P	89-20-059	180-51-025	AMD-P	89-05-060	180-75-044	RE-AD-E	89-16-076
173-342-010	NEW-P	89-20-060	180-51-025	AMD-C	89-08-080	180-75-044	RE-AD-P	89-17-107
173-342-020	NEW-P	89-20-060	180-51-025	AMD	89-12-061	180-75-045	RE-AD-E	89-16-076
173-342-030	NEW-P	89-20-060	180-59	NEW-C	89-05-061	180-75-045	RE-AD-P	89-17-107
173-342-040	NEW-P	89-20-060	180-59-005	NEW	89-09-044	180-75-047	RE-AD-E	89-16-076
173-342-050	NEW-P	89-20-060	180-59-010	NEW	89-09-044	180-75-047	RE-AD-P	89-17-107
173-400-120	AMD	89-02-055	180-59-015	NEW	89-09-044	180-75-048	RE-AD-E	89-16-076
173-403-030	AMD	89-02-055	180-59-020	NEW	89-09-044	180-75-048	RE-AD-P	89-17-107
173-403-050	AMD	89-02-055	180-59-025	NEW	89-09-044	180-75-050	RE-AD-E	89-16-076
173-403-080	AMD	89-02-055	180-59-030	NEW	89-09-044	180-75-050	RE-AD-P	89-17-107
173-405-078	AMD	89-02-055	180-59-032	NEW	89-09-044	180-75-055	RE-AD-E	89-16-076
173-410-071	AMD	89-02-055	180-59-035	NEW	89-09-044	180-75-055	RE-AD-P	89-17-107
173-415-080	AMD	89-02-055	180-59-037	NEW	89-09-044	180-75-060	RE-AD-E	89-16-076
173-425-030	AMD	89-02-055	180-59-040	NEW	89-09-044	180-75-060	RE-AD-P	89-17-107
173-425-035	REP	89-02-055	180-59-045	NEW	89-09-044	180-75-061	RE-AD-E	89-16-076

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180-75-061	RE-AD-P 89-17-107	192-04-020	NEW-P 89-19-079	192-09-450	REP-P 89-19-079
180-75-065	RE-AD-E 89-16-076	192-04-030	NEW-P 89-19-079	192-09-455	REP-P 89-19-079
180-75-065	RE-AD-P 89-17-107	192-04-040	NEW-P 89-17-086	192-09-460	REP-P 89-19-079
180-75-070	RE-AD-E 89-16-076	192-04-040	NEW 89-20-064	192-12-025	AMD 89-03-068
180-75-070	RE-AD-P 89-17-107	192-04-050	NEW-P 89-19-079	192-12-180	AMD 89-03-069
180-75-080	RE-AD-E 89-16-076	192-04-060	NEW-P 89-19-079	192-12-182	AMD 89-03-069
180-75-080	RE-AD-P 89-17-107	192-04-070	NEW-P 89-19-079	192-12-300	NEW-P 89-17-086
180-75-081	RE-AD-E 89-16-076	192-04-080	NEW-P 89-19-079	192-12-300	NEW 89-20-064
180-75-081	RE-AD-P 89-17-107	192-04-090	NEW-P 89-19-079	192-12-305	NEW-P 89-17-086
180-75-082	RE-AD-E 89-16-076	192-04-100	NEW-P 89-19-079	192-12-305	NEW 89-20-064
180-75-082	RE-AD-P 89-17-107	192-04-110	NEW-P 89-19-079	192-12-310	NEW-P 89-17-086
180-75-083	RE-AD-E 89-16-076	192-04-120	NEW-P 89-19-079	192-12-310	NEW 89-20-064
180-75-083	RE-AD-P 89-17-107	192-04-130	NEW-P 89-19-079	192-12-320	NEW-P 89-17-086
180-75-084	RE-AD-E 89-16-076	192-04-140	NEW-P 89-19-079	192-12-320	NEW 89-20-064
180-75-084	RE-AD-P 89-17-107	192-04-150	NEW-P 89-19-079	192-12-330	NEW-P 89-17-086
180-75-085	AMD-P 89-08-082	192-04-160	NEW-P 89-19-079	192-12-330	NEW 89-20-064
180-75-085	AMD-E 89-08-084	192-04-170	NEW-P 89-19-079	192-12-340	NEW-P 89-17-086
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248-16-090	AMD	89-09-034	248-19-230	REP-P	89-14-077	248-27-135	NEW-P	89-07-023
248-16-105	AMD	89-09-034	248-19-230	REP-E	89-14-087	248-27-135	NEW	89-12-077
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248-16-228	REP	89-09-034	248-27-002	REP-P	89-07-023	248-31-010	REP	89-12-077
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248-17-260	AMD-P	89-10-069	248-27-035	NEW	89-12-077	248-31-045	NEW	89-12-077
248-17-260	AMD-E	89-10-071	248-27-035	AMD-E	89-15-057	248-31-045	AMD-E	89-15-057
248-17-260	AMD-E	89-16-070	248-27-040	REP-P	89-07-023	248-31-050	REP-P	89-07-023
248-17-260	AMD-P	89-17-128	248-27-040	REP	89-12-077	248-31-050	REP	89-12-077
248-17-261	NEW-E	89-16-070	248-27-045	NEW-P	89-07-023	248-31-055	NEW-P	89-07-023
248-17-261	NEW-P	89-17-128	248-27-045	NEW	89-12-077	248-31-055	NEW	89-12-077
248-18-001	AMD-P	89-17-124	248-27-045	AMD-E	89-15-057	248-31-055	AMD-E	89-15-057
248-18-015	AMD-E	89-14-095	248-27-050	REP-P	89-07-023	248-31-060	REP-P	89-07-023
248-18-035	AMD-P	89-17-006	248-27-050	REP	89-12-077	248-31-060	REP	89-12-077
248-18-215	REP-P	89-17-124	248-27-055	NEW-P	89-07-023	248-31-065	NEW-P	89-07-023
248-18-216	NEW-P	89-17-124	248-27-055	NEW	89-12-077	248-31-065	NEW	89-12-077
248-18-220	REP-P	89-17-124	248-27-055	AMD-E	89-15-057	248-31-070	REP-P	89-07-023
248-18-221	NEW-P	89-17-124	248-27-060	REP-P	89-07-023	248-31-070	REP	89-12-077
248-18-222	REP-P	89-17-124	248-27-060	REP	89-12-077	248-31-075	REP-P	89-07-023
248-18-223	REP-P	89-17-124	248-27-065	NEW-P	89-07-023	248-31-075	REP	89-12-077
248-18-224	NEW-P	89-17-124	248-27-065	NEW	89-12-077	248-31-075	NEW-P	89-07-023
248-18-310	REP-P	89-17-126	248-27-070	REP-P	89-07-023	248-31-077	NEW	89-12-077
248-18-311	NEW-P	89-17-126	248-27-070	REP	89-12-077	248-31-080	REP-P	89-07-023
248-18-515	AMD-P	89-17-125	248-27-077	NEW-P	89-07-023	248-31-080	REP	89-12-077
248-18-539	REP-P	89-17-124	248-27-077	NEW	89-12-077	248-31-085	NEW-P	89-07-023
248-18-541	NEW-P	89-17-124	248-27-080	REP-P	89-07-023	248-31-085	NEW	89-12-077

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248-31-090	REP	89-12-077	248-52-010	NEW	89-20-020	248-100-207	AMD-E	89-16-026
248-31-095	NEW-P	89-07-023	248-52-020	NEW-P	89-16-103	248-100-207	AMD-P	89-16-059
248-31-095	NEW	89-12-077	248-52-020	NEW	89-20-020	248-100-207	AMD-C	89-17-133
248-31-100	REP-P	89-07-023	248-52-030	NEW-P	89-16-103	248-100-207	AMD	89-20-006
248-31-100	REP	89-12-077	248-52-030	NEW	89-20-020	248-105-010	AMD-P	89-13-079
248-31-105	NEW-P	89-07-023	248-52-040	NEW-P	89-16-103	248-105-010	AMD-P	89-20-019
248-31-105	NEW	89-12-077	248-52-040	NEW	89-20-020	248-105-020	AMD-P	89-13-079
248-31-110	REP-P	89-07-023	248-52-050	NEW-P	89-16-103	248-105-020	AMD-P	89-20-019
248-31-110	REP	89-12-077	248-52-050	NEW	89-20-020	248-105-030	AMD-P	89-13-079
248-31-115	NEW-P	89-07-023	248-52-060	NEW-P	89-16-103	248-105-030	AMD-P	89-20-019
248-31-115	NEW	89-12-077	248-52-060	NEW	89-20-020	248-105-040	REP-P	89-13-079
248-31-120	REP-P	89-07-023	248-52-070	NEW-P	89-16-103	248-105-040	REP-P	89-20-019
248-31-120	REP	89-12-077	248-52-070	NEW	89-20-020	248-105-050	REP-P	89-13-079
248-31-125	NEW-P	89-07-023	248-52-080	NEW-P	89-16-103	248-105-050	REP-P	89-20-019
248-31-125	NEW	89-12-077	248-52-080	NEW	89-20-020	248-105-060	REP-P	89-13-079
248-31-130	REP-P	89-07-023	248-54	AMD-C	89-17-130	248-105-060	REP-P	89-20-019
248-31-130	REP	89-12-077	248-54-005	AMD-P	89-14-079	248-105-070	AMD-P	89-13-079
248-31-135	NEW-P	89-07-023	248-54-006	NEW-P	89-14-079	248-105-070	AMD-P	89-20-019
248-31-135	NEW	89-12-077	248-54-015	AMD-P	89-14-079	248-105-080	AMD-P	89-13-079
248-31-140	REP-P	89-07-023	248-54-025	AMD-P	89-14-079	248-105-080	AMD-P	89-20-019
248-31-140	REP	89-12-077	248-54-035	AMD-P	89-14-079	248-105-090	AMD-P	89-13-079
248-31-150	REP-P	89-07-023	248-54-045	AMD-P	89-14-079	248-105-090	AMD-P	89-20-019
248-31-150	REP	89-12-077	248-54-055	AMD-P	89-14-079	248-105-100	AMD-P	89-13-079
248-31-155	NEW-P	89-07-023	248-54-086	AMD-P	89-14-079	248-105-100	AMD-P	89-20-019
248-31-155	NEW	89-12-077	248-54-097	AMD-P	89-14-079	248-106-001	NEW-E	89-20-005
248-31-160	REP-P	89-07-023	248-54-098	NEW-P	89-14-079	248-106-010	NEW-E	89-20-005
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248-31-165	NEW-P	89-07-023	248-54-175	AMD-P	89-14-079	248-124-990	REP-P	89-06-047
248-31-165	NEW	89-12-077	248-54-185	AMD-P	89-14-079	248-124-990	REP	89-10-023
248-31-175	NEW-P	89-07-023	248-54-187	NEW-P	89-14-079	248-124-99001	REP-P	89-06-047
248-31-175	NEW	89-12-077	248-54-196	AMD-P	89-14-079	248-124-99001	REP	89-10-023
248-31-185	NEW-P	89-07-023	248-54-201	AMD-P	89-14-079	248-124-99002	REP-P	89-06-047
248-31-185	NEW	89-12-077	248-54-255	REP-P	89-14-079	248-124-99002	REP	89-10-023
248-33-040	AMD-P	89-14-097	248-54-265	AMD-P	89-14-079	248-124-99003	REP-P	89-06-047
248-33-060	REP-P	89-14-097	248-54-285	AMD-P	89-14-079	248-124-99003	REP	89-10-023
248-33-080	REP-P	89-14-097	248-55-220	AMD-E	89-14-095	248-124-99004	REP-P	89-06-047
248-33-090	NEW-P	89-17-007	248-55-235	REP-E	89-14-095	248-124-99004	REP	89-10-023
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248-36-015	NEW	89-12-077	248-55-260	REP-E	89-14-095	248-144-010	AMD	89-11-058
248-36-025	NEW-P	89-07-023	248-56-500	AMD-P	89-11-055	248-144-020	AMD-P	89-08-098
248-36-025	NEW	89-12-077	248-56-500	AMD	89-16-065	248-144-020	AMD	89-11-058
248-36-025	AMD-E	89-15-057	248-56-510	AMD-P	89-11-055	248-144-030	REP-P	89-08-098
248-36-035	NEW-P	89-07-023	248-57-500	AMD-P	89-11-055	248-144-030	REP	89-11-058
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248-36-035	AMD-E	89-15-057	248-58-085	NEW-E	89-14-097	248-144-031	NEW	89-11-058
248-36-045	NEW-P	89-07-023	248-59-030	AMD-E	89-14-095	248-144-031	AMD-E	89-14-097
248-36-045	NEW	89-12-077	248-59-040	REP-E	89-14-095	248-144-035	REP-P	89-08-098
248-36-045	AMD-E	89-15-057	248-59-050	REP-E	89-14-095	248-144-035	REP	89-11-058
248-36-055	NEW-P	89-07-023	248-59-060	REP-E	89-14-095	248-144-040	REP-P	89-08-098
248-36-055	NEW	89-12-077	248-59-070	REP-E	89-14-095	248-144-040	REP	89-11-058
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248-36-065	NEW-P	89-07-023	248-64-240	AMD-P	89-16-104	248-144-041	NEW	89-11-058
248-36-065	NEW	89-12-077	248-64-240	AMD-C	89-17-132	248-144-050	REP-P	89-08-098
248-36-077	NEW-P	89-07-023	248-64-240	AMD	89-20-026	248-144-050	REP	89-11-058
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248-36-085	NEW-P	89-07-023	248-64-320	AMD-C	89-17-132	248-144-051	NEW	89-11-058
248-36-085	NEW	89-12-077	248-64-320	AMD	89-20-026	248-144-060	REP-P	89-08-098
248-36-095	NEW-P	89-07-023	248-91-060	AMD-E	89-14-095	248-144-060	REP	89-11-058
248-36-095	NEW	89-12-077	248-96	AMD-C	89-17-055	248-144-061	NEW-P	89-08-098
248-36-105	NEW-P	89-07-023	248-96-020	AMD-P	89-14-126	248-144-061	NEW	89-11-058
248-36-105	NEW	89-12-077	248-96-040	AMD-P	89-14-126	248-144-070	REP-P	89-08-098
248-36-115	NEW-P	89-07-023	248-96-046	AMD-P	89-14-126	248-144-070	REP	89-11-058
248-36-115	NEW	89-12-077	248-96-060	AMD-P	89-14-126	248-144-071	NEW-P	89-08-098
248-36-125	NEW-P	89-07-023	248-96-110	AMD-P	89-14-126	248-144-071	NEW	89-11-058
248-36-125	NEW	89-12-077	248-96-120	NEW-P	89-14-126	248-144-080	REP-P	89-08-098
248-36-135	NEW-P	89-07-023	248-96-125	NEW-P	89-14-126	248-144-080	REP	89-11-058
248-36-135	NEW	89-12-077	248-97-130	AMD-E	89-14-097	248-144-081	NEW-P	89-08-098
248-36-165	NEW-P	89-07-023	248-97-135	NEW-E	89-14-097	248-144-081	NEW	89-11-058
248-36-165	NEW	89-12-077	248-100-011	AMD-P	89-04-055	248-144-090	REP-P	89-08-098
248-52	NEW-C	89-17-131	248-100-011	AMD	89-07-095	248-144-090	REP	89-11-058
248-52-001	NEW-P	89-16-103	248-100-206	AMD-P	89-04-055	248-144-091	NEW-P	89-08-098
248-52-001	NEW	89-20-020	248-100-206	AMD	89-07-095	248-144-091	NEW	89-11-058
248-52-005	NEW-P	89-16-103	248-100-207	AMD-P	89-10-021	248-144-100	REP-P	89-08-098
248-52-005	NEW	89-20-020	248-100-207	AMD-E	89-10-022	248-144-100	REP	89-11-058

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248-144-101	NEW	89-11-058	250-68-035	NEW	89-20-014	251-12-100	AMD-E	89-17-009
248-144-110	REP-P	89-08-098	250-68-040	NEW-P	89-16-072	251-12-100	AMD-P	89-17-120
248-144-110	REP	89-11-058	250-68-040	NEW	89-20-014	251-12-101	RE-AD-E	89-17-009
248-144-111	NEW-P	89-08-098	250-68-050	NEW-P	89-16-072	251-12-101	RE-AD-P	89-17-120
248-144-111	NEW	89-11-058	250-68-050	NEW	89-20-014	251-12-102	RE-AD-E	89-17-009
248-144-120	REP-P	89-08-098	250-68-060	NEW-P	89-16-072	251-12-102	RE-AD-P	89-17-120
248-144-120	REP	89-11-058	250-68-060	NEW	89-20-014	251-12-170	RE-AD-E	89-17-009
248-144-121	NEW-P	89-08-098	250-68-070	NEW-P	89-16-072	251-12-170	RE-AD-P	89-17-120
248-144-121	NEW	89-11-058	250-68-070	NEW	89-20-014	251-12-180	RE-AD-E	89-17-009
248-144-130	REP-P	89-08-098	251-01-077	NEW-P	89-06-044	251-12-180	RE-AD-P	89-17-120
248-144-130	REP	89-11-058	251-01-077	NEW-P	89-06-045	251-12-190	RE-AD-E	89-17-009
248-144-131	NEW-P	89-08-098	251-01-077	NEW-W	89-09-060	251-12-190	RE-AD-P	89-17-120
248-144-131	NEW	89-11-058	251-01-077	NEW-C	89-09-061	251-12-200	RE-AD-E	89-17-009
248-144-140	REP-P	89-08-098	251-01-077	NEW	89-13-074	251-12-200	RE-AD-P	89-17-120
248-144-140	REP	89-11-058	251-01-078	NEW	89-06-044	251-12-210	RE-AD-E	89-17-009
248-144-141	NEW-P	89-08-098	251-01-078	NEW-P	89-06-045	251-12-210	RE-AD-P	89-17-120
248-144-141	NEW	89-11-058	251-01-078	NEW-W	89-09-060	251-12-231	NEW-E	89-17-009
248-144-150	REP-P	89-08-098	251-01-078	NEW-C	89-09-061	251-12-231	NEW-P	89-17-120
248-144-150	REP	89-11-058	251-01-415	AMD-P	89-06-044	251-12-232	NEW-E	89-17-009
248-144-151	NEW-P	89-08-098	251-01-415	AMD-P	89-06-045	251-12-232	NEW-P	89-17-120
248-144-151	NEW	89-11-058	251-01-415	AMD-W	89-09-060	251-12-250	RE-AD-E	89-17-009
248-144-160	REP-P	89-08-098	251-01-415	AMD-C	89-09-061	251-12-250	RE-AD-P	89-17-120
248-144-160	REP	89-11-058	251-01-415	AMD-P	89-09-063	251-12-600	AMD-P	89-06-044
248-144-161	NEW-P	89-08-098	251-01-415	AMD	89-13-074	251-12-600	AMD-P	89-06-045
248-144-161	NEW	89-11-058	251-01-415	AMD-E	89-19-017	251-12-600	AMD-W	89-09-060
248-144-170	REP-P	89-08-098	251-01-416	NEW-P	89-09-063	251-12-600	AMD-C	89-09-061
248-144-170	REP	89-11-058	251-01-417	NEW-P	89-09-063	251-12-600	AMD-P	89-09-063
248-144-171	NEW-P	89-08-098	251-04-040	AMD-P	89-06-044	251-12-600	AMD	89-13-074
248-144-171	NEW	89-11-058	251-04-040	AMD-P	89-06-045	251-12-600	AMD-E	89-19-017
248-144-180	REP-P	89-08-098	251-04-040	AMD-W	89-09-060	251-14-110	AMD-C	89-05-043
248-144-180	REP	89-11-058	251-04-040	AMD-C	89-09-061	251-14-110	AMD	89-08-003
248-144-181	NEW-P	89-08-098	251-04-040	AMD-P	89-09-063	251-17-090	AMD-C	89-05-043
248-144-181	NEW	89-11-058	251-04-040	AMD	89-13-074	251-17-090	AMD	89-08-003
248-144-190	REP-P	89-08-098	251-04-040	AMD-E	89-19-017	251-18-180	AMD-C	89-05-043
248-144-190	REP	89-11-058	251-04-105	RE-AD-E	89-17-009	251-18-180	AMD	89-08-003
248-144-191	NEW-P	89-08-098	251-04-105	RE-AD-P	89-17-120	251-19-030	REP-P	89-06-044
248-144-191	NEW	89-11-058	251-04-110	RE-AD-E	89-17-009	251-19-030	REP-P	89-06-045
248-144-200	REP-P	89-08-098	251-04-110	RE-AD-P	89-17-120	251-19-030	REP-W	89-09-060
248-144-200	REP	89-11-058	251-07-100	NEW-P	89-06-044	251-19-030	REP-C	89-09-061
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248-144-201	NEW	89-11-058	251-07-100	NEW-W	89-09-060	251-19-030	REP-P	89-06-044
248-144-210	REP-P	89-08-098	251-07-100	NEW-C	89-09-061	251-19-040	REP-P	89-06-045
248-144-210	REP	89-11-058	251-07-100	NEW	89-13-074	251-19-040	REP-W	89-09-060
248-144-211	NEW-P	89-08-098	251-08-110	AMD-C	89-05-043	251-19-040	REP-C	89-09-061
248-144-211	NEW	89-11-058	251-08-110	AMD	89-08-003	251-19-040	REP	89-13-074
248-144-220	REP-P	89-08-098	251-10	AMD	89-08-003	251-19-100	AMD-P	89-09-063
248-144-220	REP	89-11-058	251-10-070	NEW-C	89-05-043	251-19-100	AMD	89-13-075
248-144-230	REP-P	89-08-098	251-10-070	NEW	89-08-003	251-19-105	NEW-P	89-09-063
248-144-230	REP	89-11-058	251-10-080	NEW-C	89-05-043	251-19-105	NEW	89-13-075
248-144-240	REP-P	89-08-098	251-10-080	NEW	89-08-003	251-19-120	AMD-P	89-06-044
248-144-240	REP	89-11-058	251-10-090	NEW-C	89-05-043	251-19-120	AMD-P	89-06-045
248-180-010	NEW-P	89-20-032	251-10-090	NEW	89-08-003	251-19-120	AMD-C	89-09-061
248-180-020	NEW-P	89-20-032	251-11-100	AMD-C	89-05-043	251-19-120	AMD-P	89-09-063
248-320-340	NEW-E	89-14-096	251-11-100	AMD	89-08-003	251-19-120	AMD	89-13-074
248-320-350	NEW-E	89-14-096	251-12-073	RE-AD-E	89-17-009	251-19-120	AMD-E	89-19-017
248-320-360	NEW-E	89-14-096	251-12-073	RE-AD-P	89-17-120	251-19-122	NEW-P	89-06-044
248-320-370	NEW-E	89-14-096	251-12-075	AMD-C	89-05-043	251-19-122	NEW-P	89-06-045
248-320-400	NEW-E	89-14-096	251-12-075	AMD	89-08-003	251-19-122	NEW-C	89-09-061
248-320-410	NEW-E	89-14-096	251-12-075	RE-AD-E	89-17-009	251-19-122	NEW	89-13-074
248-320-500	NEW-E	89-14-096	251-12-075	RE-AD-P	89-17-120	251-19-122	AMD-P	89-17-118
248-554-030	AMD-E	89-14-098	251-12-076	RE-AD-E	89-17-009	251-22-170	AMD-P	89-17-118
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250-44-050	AMD	89-08-056	251-12-080	RE-AD-E	89-17-009	251-22-250	NEW-P	89-13-073
250-44-050	AMD-E	89-08-057	251-12-080	RE-AD-P	89-17-120	251-22-250	NEW-P	89-17-119
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250-44-110	AMD	89-08-056	251-12-085	AMD-P	89-17-120	251-22-260	NEW-E	89-12-060
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308-26-055	NEW-P	89-10-077	308-50-010	AMD	89-08-096	308-53-151	AMD	89-10-030
308-26-055	NEW	89-14-092	308-50-020	AMD	89-04-017	308-53-165	AMD-P	89-06-070
308-26-065	NEW-P	89-10-077	308-50-035	AMD	89-04-017	308-53-165	AMD	89-10-030
308-26-065	NEW	89-14-092	308-50-035	AMD-P	89-09-026	308-53-170	AMD-P	89-06-070
308-26-075	NEW-P	89-10-077	308-50-035	AMD	89-14-007	308-53-170	AMD	89-10-030
308-26-075	NEW	89-14-092	308-50-130	AMD	89-04-017	308-53-175	NEW-P	89-06-070
308-26-085	NEW-P	89-10-077	308-50-350	AMD	89-04-017	308-53-175	NEW	89-10-030
308-26-085	NEW	89-14-092	308-50-420	AMD	89-04-017	308-53-180	AMD-P	89-06-070
308-26-095	NEW-P	89-10-077	308-51-230	NEW-P	89-10-077	308-53-180	AMD	89-10-030
308-26-095	NEW	89-14-092	308-51-230	NEW	89-14-092	308-53-330	NEW-P	89-13-062
308-26-105	NEW-P	89-10-077	308-51-240	NEW-P	89-10-077	308-53-330	NEW	89-17-040
308-26-105	NEW	89-14-092	308-51-240	NEW	89-14-092	308-53-340	NEW-P	89-13-062
308-26-115	NEW-P	89-10-077	308-51-250	NEW-P	89-10-077	308-53-340	NEW	89-17-040
308-26-115	NEW	89-14-092	308-51-250	NEW	89-14-092	308-53-350	NEW-P	89-18-083
308-26-125	NEW-P	89-10-077	308-51-260	NEW-P	89-10-077	308-53-400	NEW-C	89-06-066
308-26-125	NEW	89-14-092	308-51-260	NEW	89-14-092	308-53-400	NEW	89-09-027
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308-31-055	AMD-P	89-14-103	308-51-280	NEW	89-14-092	308-55-045	NEW	89-14-092
308-31-055	AMD	89-17-156	308-51-290	NEW-P	89-10-077	308-55-055	NEW-P	89-10-077
308-34-010	REP	89-02-051	308-51-290	NEW	89-14-092	308-55-055	NEW	89-14-092
308-34-020	REP	89-02-051	308-51-300	NEW-P	89-10-077	308-55-065	NEW-P	89-10-077
308-34-030	REP	89-02-051	308-51-300	NEW	89-14-092	308-55-065	NEW	89-14-092
308-34-040	REP	89-02-051	308-51-310	NEW-P	89-10-077	308-55-075	NEW-P	89-10-077
308-34-050	REP	89-02-051	308-51-310	NEW	89-14-092	308-55-075	NEW	89-14-092
308-34-060	REP	89-02-051	308-52-139	AMD	89-06-077	308-55-085	NEW-P	89-10-077
308-34-070	REP	89-02-051	308-52-165	NEW-P	89-16-097	308-55-085	NEW	89-14-092
308-34-080	REP	89-02-051	308-52-165	NEW	89-20-023	308-55-095	NEW-P	89-10-077
308-34-090	REP	89-02-051	308-52-190	NEW-P	89-05-056	308-55-095	NEW	89-14-092
308-34-310	NEW	89-02-051	308-52-190	NEW	89-08-063	308-55-105	NEW-P	89-10-077
308-34-320	NEW	89-02-051	308-52-255	AMD-P	89-09-067	308-55-105	NEW	89-14-092
308-34-330	NEW	89-02-051	308-52-255	AMD	89-12-053	308-55-115	NEW-P	89-10-077
308-34-410	NEW	89-02-051	308-52-260	AMD	89-06-077	308-55-115	NEW	89-14-092
308-34-420	NEW	89-02-051	308-52-265	NEW-P	89-09-067	308-56A-610	NEW-E	89-10-045
308-34-430	NEW	89-02-051	308-52-265	NEW	89-12-053	308-56A-610	NEW-P	89-11-019
308-34-440	NEW	89-02-051	308-52-405	AMD-P	89-09-067	308-56A-610	NEW	89-16-074
308-34-450	NEW	89-02-051	308-52-405	AMD	89-12-053	308-56A-610	NEW-E	89-16-075
308-34-460	NEW	89-02-051	308-52-415	AMD-P	89-09-067	308-56A-620	NEW-E	89-10-045
308-34-470	NEW	89-02-051	308-52-415	AMD	89-12-053	308-56A-620	NEW-P	89-11-019
308-34-480	NEW	89-02-051	308-52-590	AMD-E	89-14-008	308-56A-620	NEW	89-16-074
308-37-190	AMD-P	89-02-064	308-52-590	AMD-P	89-14-030	308-56A-620	NEW-E	89-16-075
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308-56A-630	NEW	89-16-074	308-100-110	NEW-P	89-15-040	308-122-390	AMD-P	89-14-090
308-56A-630	NEW-E	89-16-075	308-100-110	NEW	89-18-003	308-122-390	AMD	89-19-053
308-56A-640	NEW-E	89-10-045	308-100-120	NEW-P	89-15-040	308-122-400	AMD-P	89-14-090
308-56A-640	NEW-P	89-11-019	308-100-120	NEW	89-18-003	308-122-400	AMD	89-19-053
308-56A-640	NEW	89-16-074	308-100-130	NEW-P	89-15-040	308-122-410	AMD-P	89-14-090
308-56A-640	NEW-E	89-16-075	308-100-130	NEW	89-18-003	308-122-410	AMD	89-19-053
308-56A-650	NEW-E	89-10-045	308-100-140	NEW-P	89-15-040	308-122-420	AMD-P	89-14-090
308-56A-650	NEW-P	89-11-019	308-100-140	NEW	89-18-003	308-122-420	AMD	89-19-053
308-56A-650	NEW	89-16-074	308-100-150	NEW-P	89-15-040	308-122-430	AMD-P	89-14-090
308-56A-650	NEW-E	89-16-075	308-100-150	NEW	89-18-003	308-122-430	AMD	89-19-053
308-56A-660	NEW-E	89-10-045	308-100-160	NEW-P	89-15-040	308-122-440	AMD-P	89-14-090
308-56A-660	NEW-P	89-11-019	308-100-160	NEW	89-18-003	308-122-440	AMD	89-19-053
308-56A-660	NEW	89-16-074	308-100-170	NEW-P	89-15-040	308-122-450	AMD-P	89-14-090
308-56A-660	NEW-E	89-16-075	308-100-170	NEW	89-18-003	308-122-450	AMD	89-19-053
308-56A-670	NEW-E	89-10-045	308-100-180	NEW-P	89-15-040	308-122-500	AMD-P	89-14-090
308-56A-670	NEW-P	89-11-019	308-100-180	NEW	89-18-003	308-122-500	AMD	89-19-053
308-56A-670	NEW	89-16-074	308-100-190	NEW-P	89-15-040	308-122-503	NEW-P	89-14-090
308-56A-670	NEW-E	89-16-075	308-100-190	NEW	89-18-003	308-122-503	NEW	89-19-053
308-56A-680	NEW-E	89-10-045	308-100-200	NEW-P	89-15-040	308-122-550	NEW-P	89-14-090
308-56A-680	NEW-P	89-11-019	308-100-200	NEW	89-18-003	308-122-550	NEW	89-19-053
308-56A-680	NEW	89-16-074	308-104-025	AMD-P	89-15-040	308-122-555	NEW-P	89-14-090
308-56A-680	NEW-E	89-16-075	308-104-025	AMD	89-18-003	308-122-555	NEW	89-19-053
308-56A-690	NEW-E	89-10-045	308-104-035	NEW-P	89-15-040	308-122-560	NEW-P	89-14-090
308-56A-690	NEW-P	89-11-019	308-104-035	NEW	89-18-003	308-122-560	NEW	89-19-053
308-56A-690	NEW	89-16-074	308-104-100	AMD-P	89-15-040	308-122-565	NEW-P	89-14-090
308-56A-690	NEW-E	89-16-075	308-104-100	AMD	89-18-003	308-122-565	NEW	89-19-053
308-61-108	AMD-P	89-20-010	308-104-105	AMD-P	89-15-040	308-122-570	NEW-P	89-14-090
308-61-108	AMD-E	89-20-011	308-104-105	AMD	89-18-003	308-122-570	NEW	89-19-053
308-61-135	AMD-P	89-20-010	308-106-010	NEW-P	89-19-052	308-122-575	NEW-P	89-14-090
308-61-135	AMD-E	89-20-011	308-106-020	NEW-P	89-19-052	308-122-575	NEW	89-19-053
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308-61-185	AMD-E	89-20-011	308-106-030	NEW	89-16-037	308-122-580	NEW	89-19-053
308-61-190	AMD-P	89-20-010	308-115-065	NEW	89-10-077	308-124A-025	AMD-P	89-05-057
308-61-190	AMD-E	89-20-011	308-115-260	NEW-P	89-14-092	308-124A-025	AMD-E	89-07-004
308-61-230	AMD-P	89-20-010	308-115-270	NEW-P	89-10-077	308-124A-025	AMD	89-08-009
308-61-230	AMD-E	89-20-011	308-115-270	NEW	89-14-092	308-124A-460	AMD-P	89-05-057
308-77-030	AMD	89-03-005	308-115-280	NEW-P	89-10-077	308-124A-460	AMD-E	89-07-004
308-77-034	AMD	89-03-005	308-115-280	NEW	89-14-092	308-124A-460	AMD	89-08-009
308-77-040	AMD	89-03-005	308-115-290	NEW-P	89-10-077	308-124D-060	REP-P	89-07-091
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308-77-044	NEW	89-03-034	308-115-310	NEW-P	89-10-077	308-124D-065	REP-P	89-07-091
308-77-060	AMD	89-03-005	308-115-310	NEW	89-14-092	308-124D-065	REP	89-11-032
308-89-040	AMD-P	89-08-091	308-115-320	NEW-P	89-10-077	308-124H-030	AMD-P	89-07-091
308-89-040	AMD-E	89-08-094	308-115-320	NEW	89-14-092	308-124H-030	AMD	89-11-032
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308-90-080	AMD-P	89-15-049	308-115-330	NEW	89-14-092	308-126A-030	AMD	89-18-038
308-90-080	AMD	89-18-028	308-115-340	NEW-P	89-10-077	308-128E-010	REP-P	89-04-001
308-91	AMD-P	89-02-063	308-115-340	NEW	89-14-092	308-128E-010	REP	89-07-077
308-91	AMD	89-07-035	308-115-350	NEW-P	89-10-077	308-128E-011	NEW-P	89-04-001
308-91-030	AMD-P	89-02-062	308-115-350	NEW	89-14-092	308-128E-011	NEW	89-07-077
308-91-030	AMD	89-07-036	308-115-405	AMD-P	89-05-018	308-130-320	NEW-P	89-10-077
308-91-040	AMD-P	89-02-063	308-115-405	AMD	89-08-008	308-130-320	NEW	89-14-092
308-91-040	AMD	89-07-035	308-117-080	AMD-P	89-06-071	308-130-330	NEW-P	89-10-077
308-91-050	AMD-P	89-02-063	308-117-080	AMD	89-10-075	308-130-330	NEW	89-14-092
308-91-050	AMD	89-07-035	308-117-450	NEW-P	89-02-065	308-130-340	NEW-P	89-10-077
308-91-140	AMD-P	89-02-063	308-117-460	NEW-P	89-02-065	308-130-340	NEW	89-14-092
308-91-140	AMD	89-07-035	308-117-460	NEW	89-07-005	308-130-350	NEW-P	89-10-077
308-96A-260	AMD-P	89-08-091	308-117-470	NEW-P	89-02-065	308-130-350	NEW	89-14-092
308-96A-260	AMD-E	89-08-094	308-117-470	NEW	89-07-005	308-130-360	NEW-P	89-10-077
308-99-025	AMD-P	89-17-065	308-117-480	NEW-P	89-02-065	308-130-360	NEW	89-14-092
308-99-025	AMD	89-20-043	308-117-480	NEW	89-07-005	308-130-370	NEW-P	89-10-077
308-99-050	NEW-P	89-17-065	308-120-168	AMD-P	89-08-093	308-130-370	NEW	89-14-092
308-99-050	NEW	89-20-043	308-120-168	AMD	89-12-032	308-130-380	NEW-P	89-10-077
308-100-010	AMD-P	89-15-040	308-120-170	AMD-P	89-06-072	308-130-380	NEW	89-14-092
308-100-010	AMD	89-18-003	308-120-170	AMD	89-12-033	308-130-390	NEW-P	89-10-077
308-100-020	AMD-P	89-15-040	308-120-305	AMD-P	89-06-072	308-130-390	NEW	89-14-092
308-100-020	AMD	89-18-003	308-120-305	AMD	89-12-033	308-130-400	NEW-P	89-10-077
308-100-030	AMD-P	89-15-040	308-120-810	NEW-P	89-06-072	308-130-400	NEW	89-14-092
308-100-030	AMD	89-18-003	308-120-810	NEW	89-12-033	308-138A-020	AMD-P	89-13-051
308-100-040	AMD-P	89-15-040	308-122-211	NEW-P	89-08-092	308-138A-025	AMD-P	89-19-054
308-100-040	AMD	89-18-003	308-122-211	NEW	89-11-054	308-138A-070	NEW-P	89-13-051
308-100-050	AMD-P	89-15-040	308-122-360	AMD-P	89-14-090	308-138A-080	NEW-P	89-13-051
308-100-050	AMD	89-18-003	308-122-360	AMD	89-19-053	308-138A-090	NEW-P	89-13-051
308-100-080	REP-P	89-15-040	308-122-370	AMD-P	89-14-090	308-150-014	AMD-P	89-06-073
308-100-080	REP	89-18-003	308-122-370	AMD	89-19-053	308-150-014	AMD	89-10-076
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308-173-020	NEW-P 89-10-077	308-183-030	NEW-P 89-10-077	308-210-080	NEW 89-14-092
308-173-020	NEW 89-14-092	308-183-030	NEW 89-14-092	308-210-090	NEW-P 89-10-077
308-173-070	NEW-P 89-10-077	308-183-040	NEW-P 89-10-077	308-210-090	NEW 89-14-092
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308-177-040	NEW-P 89-10-077	308-190-040	AMD-P 89-07-081	308-210-150	NEW 89-14-092
308-177-040	NEW 89-14-092	308-190-040	AMD 89-14-070	308-210-160	NEW-P 89-10-077
308-177-050	NEW-P 89-10-077	308-190-041	NEW-P 89-07-081	308-210-160	NEW 89-14-092
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308-177-130	AMD-E 89-14-009	308-195-030	AMD-P 89-05-058	308-230-060	NEW 89-14-092
308-177-130	AMD-P 89-14-104	308-195-030	AMD 89-09-006	308-230-070	NEW-P 89-10-077
308-177-130	AMD 89-17-071	308-195-120	NEW-P 89-10-077	308-230-070	NEW 89-14-092
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390-16-012	NEW-P 89-17-139	391-25-140	RE-AD-E 89-17-011	391-45-431	RE-AD-E 89-17-013
390-16-012	NEW 89-20-068	391-25-150	RE-AD-E 89-17-011	391-45-550	RE-AD-E 89-17-013
390-16-031	AMD-P 89-17-139	391-25-170	RE-AD-E 89-17-011	391-45-552	RE-AD-E 89-17-013
390-16-031	AMD 89-20-068	391-25-190	RE-AD-E 89-17-011	391-95-001	AMD-E 89-17-014
390-16-032	NEW-P 89-17-139	391-25-210	RE-AD-E 89-17-011	391-95-010	RE-AD-E 89-17-014
390-16-032	NEW 89-20-068	391-25-220	NEW-E 89-17-011	391-95-030	RE-AD-E 89-17-014
390-16-033	AMD-P 89-17-139	391-25-230	RE-AD-E 89-17-011	391-95-050	RE-AD-E 89-17-014
390-16-033	AMD 89-20-068	391-25-250	RE-AD-E 89-17-011	391-95-070	RE-AD-E 89-17-014
390-16-036	REP-P 89-17-139	391-25-252	RE-AD-E 89-17-011	391-95-090	RE-AD-E 89-17-014
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390-16-041	AMD-P 89-17-139	391-25-270	RE-AD-E 89-17-011	391-95-130	RE-AD-E 89-17-014
390-16-041	AMD 89-20-068	391-25-290	RE-AD-E 89-17-011	391-95-150	RE-AD-E 89-17-014
390-16-042	NEW-P 89-17-139	391-25-299	RE-AD-E 89-17-011	391-95-170	AMD-E 89-17-014
390-16-042	NEW 89-20-068	391-25-310	RE-AD-E 89-17-011	391-95-190	RE-AD-E 89-17-014
390-16-050	AMD-P 89-17-139	391-25-350	AMD-E 89-17-011	391-95-230	AMD-E 89-17-014
390-16-050	AMD 89-20-068	391-25-370	RE-AD-E 89-17-011	391-95-250	RE-AD-E 89-17-014
390-16-055	AMD-P 89-17-139	391-25-390	RE-AD-E 89-17-011	391-95-260	RE-AD-E 89-17-014
390-16-055	AMD 89-20-068	391-25-391	RE-AD-E 89-17-011	391-95-270	RE-AD-E 89-17-014
390-16-060	AMD-P 89-17-139	391-25-410	RE-AD-E 89-17-011	391-95-280	RE-AD-E 89-17-014
390-16-060	AMD 89-20-068	391-25-412	RE-AD-E 89-17-011	391-95-290	RE-AD-E 89-17-014
390-16-111	AMD-P 89-17-139	391-25-413	RE-AD-E 89-17-011	391-95-310	RE-AD-E 89-17-014
390-16-111	AMD 89-20-068	391-25-430	RE-AD-E 89-17-011	392-101-001	RE-AD-P 89-16-012
390-16-115	AMD-P 89-17-139	391-25-450	RE-AD-E 89-17-011	392-101-001	RE-AD-E 89-16-016
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390-16-120	AMD 89-20-068	391-25-510	RE-AD-E 89-17-011	392-101-010	AMD-E 89-13-010
390-16-121	NEW-P 89-17-139	391-25-530	RE-AD-E 89-17-011	392-101-010	AMD-P 89-14-032
390-16-121	NEW 89-20-068	391-25-531	RE-AD-E 89-17-011	392-101-010	RE-AD-P 89-16-012
390-16-125	AMD-P 89-17-139	391-25-550	RE-AD-E 89-17-011	392-101-010	RE-AD-E 89-16-016
390-16-125	AMD 89-20-068	391-25-570	RE-AD-E 89-17-011	392-101-010	AMD 89-17-067
390-16-155	AMD-P 89-17-139	391-25-590	RE-AD-E 89-17-011	392-121-260	AMD-P 89-10-002
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390-16-302	REP-P 89-17-139	391-25-630	RE-AD-E 89-17-011	392-121-415	AMD-P 89-12-039
390-16-302	REP 89-20-068	391-25-650	RE-AD-E 89-17-011	392-121-415	AMD 89-16-015
390-16-306	REP-P 89-17-139	391-25-670	RE-AD-E 89-17-011	392-126-100	REP-P 89-14-033
390-16-306	REP 89-20-068	391-35-001	AMD-E 89-17-012	392-126-100	REP 89-17-069
391-08-001	AMD-E 89-17-010	391-35-002	RE-AD-E 89-17-012	392-126-105	REP-P 89-14-033
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391-08-200	REP-E 89-17-010	391-35-190	RE-AD-E 89-17-012	392-126-135	REP-P 89-14-033
391-08-210	REP-E 89-17-010	391-35-210	RE-AD-E 89-17-012	392-126-135	REP 89-17-069
391-08-230	RE-AD-E 89-17-010	391-35-230	RE-AD-E 89-17-012	392-126-200	REP-P 89-14-033
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391-08-920	REP-E 89-17-010	391-45-210	RE-AD-E 89-17-013	392-126-235	REP-P 89-14-033
391-08-930	REP-E 89-17-010	391-45-230	RE-AD-E 89-17-013	392-126-235	REP 89-17-069
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391-25-002	RE-AD-E 89-17-011	391-45-260	AMD-E 89-17-013	392-126-240	REP 89-17-069
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392-191-045	NEW-E	89-18-044	392-202-095	AMD	89-19-032	434-04-090	NEW-P	89-15-036
392-191-045	NEW-P	89-19-080	392-202-110	AMD-P	89-16-014	434-04-090	NEW	89-20-031
392-191-060	NEW-E	89-18-044	392-202-110	AMD	89-19-032	440-44-023	AMD-P	89-12-076
392-191-060	NEW-P	89-19-080	392-202-115	AMD-P	89-16-014	440-44-023	AMD-E	89-14-061
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392-191-065	NEW-P	89-19-080	399-30-020	AMD-P	89-02-057	440-44-030	AMD-P	89-17-051
392-191-070	NEW-E	89-18-044	399-30-020	AMD-C	89-06-057	440-44-030	AMD-E	89-17-052
392-191-070	NEW-P	89-19-080	399-30-020	AMD	89-10-041	440-44-040	AMD-P	89-12-076
392-191-075	NEW-E	89-18-044	399-30-045	NEW-P	89-02-057	440-44-040	AMD-E	89-14-061
392-191-075	NEW-P	89-19-080	399-30-045	NEW-C	89-06-057	440-44-040	AMD	89-16-064
392-191-080	NEW-E	89-18-044	399-30-045	NEW	89-10-041	440-44-041	NEW-P	89-12-076
392-191-080	NEW-P	89-19-080	399-30-050	AMD-P	89-02-057	440-44-041	NEW-E	89-14-061
392-191-085	NEW-E	89-18-044	399-30-050	AMD-C	89-06-057	440-44-041	NEW	89-16-064
392-191-085	NEW-P	89-19-080	399-30-050	AMD	89-10-041	440-44-042	NEW-P	89-12-076
392-191-090	NEW-E	89-18-044	399-30-060	AMD-P	89-02-057	440-44-042	NEW-E	89-14-061
392-191-090	NEW-P	89-19-080	399-30-065	NEW-P	89-06-057	440-44-042	NEW-P	89-17-026
392-191-095	NEW-E	89-18-044	399-30-065	NEW	89-10-041	440-44-042	NEW-E	89-17-027
392-191-095	NEW-P	89-19-080	419-64-010	NEW	89-04-050	440-44-043	NEW-P	89-12-076
392-196-011	AMD-P	89-16-013	419-64-020	NEW	89-04-050	440-44-043	NEW-E	89-14-061
392-196-011	AMD-E	89-16-017	419-64-030	NEW	89-04-050	440-44-043	NEW	89-16-064
392-196-015	AMD-P	89-16-013	419-64-040	NEW	89-04-050	440-44-050	AMD-P	89-12-076
392-196-015	AMD-E	89-16-017	419-64-050	NEW	89-04-050	440-44-050	AMD-E	89-14-061
392-196-020	AMD-P	89-16-013	419-64-060	NEW	89-04-050	440-44-050	AMD	89-16-064
392-196-020	AMD-E	89-16-017	419-64-070	NEW	89-04-050	446-20-285	AMD-E	89-14-038
392-196-025	AMD-P	89-16-013	419-64-080	NEW	89-04-050	446-20-285	AMD-P	89-19-045
392-196-025	AMD-E	89-16-017	419-64-090	NEW	89-04-050	446-20-285	AMD-E	89-19-046
392-196-030	AMD-P	89-16-013	419-70-010	NEW-P	89-11-094	446-40-020	AMD-E	89-10-011
392-196-030	AMD-E	89-16-017	419-70-010	NEW	89-16-083	446-40-020	AMD	89-10-015
392-196-035	AMD-P	89-16-013	419-70-020	NEW-P	89-11-094	446-40-025	NEW-E	89-10-011
392-196-035	AMD-E	89-16-017	419-70-020	NEW	89-16-083	446-40-025	NEW	89-10-015
392-196-040	AMD-P	89-16-013	419-70-030	NEW-P	89-11-094	456-08-001	REP-P	89-06-062
392-196-040	AMD-E	89-16-017	419-70-030	NEW	89-16-083	456-08-001	REP	89-10-055
392-196-045	AMD-P	89-16-013	419-70-040	NEW-P	89-11-094	456-08-002	REP-P	89-06-062
392-196-045	AMD-E	89-16-017	419-70-040	NEW	89-16-083	456-08-002	REP	89-10-055
392-196-050	AMD-P	89-16-013	419-70-050	NEW-P	89-11-094	456-08-003	REP-P	89-06-062
392-196-050	AMD-E	89-16-017	419-70-050	NEW	89-16-083	456-08-003	REP-E	89-07-031
392-196-055	AMD-P	89-16-013	419-72	NEW-C	89-16-084	456-08-003	REP	89-10-055
392-196-055	AMD-E	89-16-017	419-72	NEW-C	89-19-034	456-08-004	REP-P	89-06-062
392-196-060	AMD-P	89-16-013	419-72-010	NEW-P	89-11-095	456-08-004	REP-E	89-07-031
392-196-060	AMD-E	89-16-017	419-72-015	NEW-P	89-11-095	456-08-004	REP	89-10-055
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392-196-066	NEW-E	89-16-017	419-72-025	NEW-P	89-11-095	456-08-005	REP	89-10-055
392-196-070	AMD-P	89-16-013	419-72-030	NEW-P	89-11-095	456-08-006	REP-P	89-06-062
392-196-070	AMD-E	89-16-017	419-72-035	NEW-P	89-11-095	456-08-006	REP	89-10-055
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392-196-085	AMD-P	89-16-013	419-72-060	NEW-P	89-11-095	456-08-040	REP-P	89-06-062
392-196-085	AMD-E	89-16-017	419-72-065	NEW-P	89-11-095	456-08-040	REP	89-10-055
392-196-090	AMD-P	89-16-013	419-72-070	NEW-P	89-11-095	456-08-045	REP-P	89-06-062
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392-196-100	NEW-E	89-16-017	434-04-010	NEW-P	89-15-036	456-08-080	REP	89-10-055
392-196-105	NEW-P	89-16-013	434-04-010	NEW	89-20-031	456-08-090	REP-P	89-06-062
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392-196-110	NEW-P	89-16-013	434-04-015	NEW	89-20-031	456-08-092	REP-P	89-06-062
392-196-110	NEW-E	89-16-017	434-04-017	NEW-P	89-15-036	456-08-092	REP	89-10-055
392-202-003	AMD-P	89-16-014	434-04-017	NEW	89-20-031	456-08-150	REP-P	89-06-062
392-202-003	AMD	89-19-032	434-04-020	NEW-P	89-15-036	456-08-150	REP	89-10-055
392-202-005	AMD-P	89-16-014	434-04-020	NEW	89-20-031	456-08-160	REP-P	89-06-062
392-202-005	AMD	89-19-032	434-04-030	NEW-P	89-15-036	456-08-160	REP	89-10-055
392-202-010	AMD-P	89-16-014	434-04-030	NEW	89-20-031	456-08-170	REP-P	89-06-062
392-202-010	AMD	89-19-032	434-04-040	NEW-P	89-15-036	456-08-170	REP	89-10-055
392-202-015	AMD-P	89-16-014	434-04-040	NEW	89-20-031	456-08-180	REP-P	89-06-062
392-202-015	AMD	89-19-032	434-04-050	NEW-P	89-15-036	456-08-180	REP	89-10-055
392-202-070	AMD-P	89-16-014	434-04-050	NEW	89-20-031	456-08-190	REP-P	89-06-062
392-202-070	AMD	89-19-032	434-04-060	NEW-P	89-15-036	456-08-190	REP	89-10-055
392-202-075	AMD-P	89-16-014	434-04-060	NEW	89-20-031	456-08-200	REP-P	89-06-062
392-202-075	AMD	89-19-032	434-04-070	NEW-P	89-15-036	456-08-200	REP	89-10-055
392-202-080	AMD-P	89-16-014	434-04-070	NEW	89-20-031	456-08-220	REP-P	89-06-062
392-202-080	AMD	89-19-032	434-04-075	NEW-P	89-15-036	456-08-220	REP	89-10-055
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456-10-010	NEW 89-10-057	456-10-565	NEW 89-10-057	458-14-065	REP-P 89-07-087
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456-10-120	NEW-P 89-06-064	456-10-710	NEW-P 89-06-064	458-14-080	REP-P 89-07-087
456-10-120	NEW 89-10-057	456-10-710	NEW 89-10-057	458-14-085	REP-P 89-07-087
456-10-130	NEW-P 89-06-064	456-10-715	NEW-P 89-06-064	458-14-086	REP-P 89-07-087
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456-10-220	NEW 89-10-057	456-10-750	NEW 89-10-057	458-14-135	REP-P 89-07-087
456-10-230	NEW-P 89-06-064	456-10-755	NEW-P 89-06-064	458-14-140	REP-P 89-07-087
456-10-230	NEW 89-10-057	456-10-755	NEW 89-10-057	458-14-145	REP-P 89-07-087
456-10-310	NEW-P 89-06-064	456-10-970	NEW-P 89-06-064	458-14-150	REP-P 89-07-087
456-10-310	NEW 89-10-057	456-10-970	NEW 89-10-057	458-14-152	REP-P 89-07-087
456-10-315	NEW-P 89-06-064	456-12-010	NEW-P 89-06-065	458-14-155	REP-P 89-07-087
456-10-315	NEW 89-10-057	456-12-010	NEW 89-10-058	458-14-160	NEW-P 89-07-087
456-10-320	NEW-P 89-06-064	456-12-020	NEW-P 89-06-065	458-16-115	NEW-P 89-05-052
456-10-320	NEW 89-10-057	456-12-020	NEW 89-10-058	458-16-115	NEW-W 89-08-036
456-10-325	NEW-P 89-06-064	456-12-030	NEW-P 89-06-065	458-16-115	NEW-E 89-08-037
456-10-325	NEW 89-10-057	456-12-030	NEW 89-10-058	458-16-115	NEW-P 89-09-074
456-10-330	NEW-P 89-06-064	456-12-040	NEW-P 89-06-065	458-16-115	NEW 89-12-013
456-10-330	NEW 89-10-057	456-12-040	NEW 89-10-058	458-18-220	AMD 89-10-067
456-10-335	NEW-P 89-06-064	456-12-050	NEW-P 89-06-065	458-19-005	NEW-P 89-18-092
456-10-335	NEW 89-10-057	456-12-050	NEW 89-10-058	458-19-005	NEW-W 89-18-024
456-10-340	NEW-P 89-06-064	456-12-060	NEW-P 89-06-065	458-19-010	NEW-W 89-18-024
456-10-340	NEW 89-10-057	456-12-060	NEW 89-10-058	458-19-015	NEW-W 89-18-024
456-10-345	NEW-P 89-06-064	456-12-070	NEW-P 89-06-065	458-19-020	NEW-W 89-18-024
456-10-345	NEW 89-10-057	456-12-070	NEW 89-10-058	458-19-025	NEW-W 89-18-024
456-10-350	NEW-P 89-06-064	456-12-080	NEW-P 89-06-065	458-19-030	NEW-W 89-18-024
456-10-355	NEW-P 89-06-064	456-12-080	NEW 89-10-058	458-19-040	NEW-W 89-18-024
456-10-355	NEW 89-10-057	456-12-090	NEW-P 89-06-065	458-19-045	NEW-P 89-18-092
456-10-360	NEW-P 89-06-064	456-12-090	NEW 89-10-058	458-19-045	NEW-W 89-18-024
456-10-360	NEW 89-10-057	456-12-100	NEW-P 89-06-065	458-19-050	NEW-P 89-18-092
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456-10-440	NEW 89-10-057	456-12-140	NEW-P 89-06-065	458-19-100	NEW-P 89-18-092
456-10-505	NEW-P 89-06-064	456-12-140	NEW 89-10-058	458-19-100	NEW-W 89-18-024
456-10-505	NEW 89-10-057	458-14-005	NEW-P 89-07-087	458-19-105	NEW-P 89-18-092
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456-10-515	NEW-P 89-06-064	458-14-014	NEW-P 89-07-087	458-20-105	AMD-P 89-13-043
456-10-515	NEW 89-10-057	458-14-015	NEW-P 89-07-087	458-20-105	AMD 89-16-080
456-10-520	NEW-P 89-06-064	458-14-016	NEW-P 89-07-087	458-20-127	AMD-P 89-17-063
456-10-520	NEW 89-10-057	458-14-017	NEW-P 89-07-087	458-20-193B	AMD-C 89-02-052
456-10-525	NEW-P 89-06-064	458-14-019	NEW-P 89-07-087	458-20-193B	AMD 89-06-015
456-10-525	NEW 89-10-057	458-14-020	REP-P 89-07-087	458-20-221	AMD-C 89-02-052
456-10-530	NEW-P 89-06-064	458-14-021	NEW-P 89-07-087	458-20-221	AMD 89-06-016
456-10-530	NEW 89-10-057	458-14-023	NEW-P 89-07-087	458-20-250	AMD-P 89-13-087
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456-10-535	NEW 89-10-057	458-14-027	NEW-P 89-07-087	458-20-250	AMD 89-16-090
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456-10-550	NEW-P 89-06-064	458-14-042	NEW-P 89-07-087	458-20-252	AMD 89-10-051
456-10-550	NEW 89-10-057	458-14-045	REP-P 89-07-087	458-20-252	AMD-E 89-10-052
456-10-555	NEW-P 89-06-064	458-14-050	REP-P 89-07-087	458-20-252	AMD-P 89-13-086
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456-10-560	NEW-P 89-06-064	458-14-055	REP-P 89-07-087	458-20-252	AMD 89-16-091
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458-20-255	NEW-P	89-13-041	460-44A-506	AMD	89-17-076	468-16-090	NEW-P	89-16-086
458-20-255	NEW-E	89-13-042	460-44A-508	NEW-P	89-13-070	468-16-090	NEW-W	89-19-013
458-20-255	NEW	89-17-001	460-44A-508	NEW	89-17-076	468-16-100	NEW-P	89-07-034
458-30-260	AMD	89-05-009	460-46A-010	AMD-P	89-03-044	468-16-100	NEW-W	89-08-064
458-30-261	NEW	89-05-008	460-46A-010	AMD	89-07-042	468-16-100	NEW-P	89-16-086
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458-40-660	AMD-E	89-14-050	460-46A-060	AMD	89-07-042	468-16-110	NEW-W	89-16-086
458-40-660	AMD	89-14-051	460-46A-060	REP-P	89-03-044	468-16-110	NEW-P	89-08-064
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458-40-670	AMD	89-14-051	460-46A-070	REP	89-07-042	468-16-120	NEW-P	89-07-034
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458-53-070	AMD-P	89-05-053	460-46A-090	AMD-P	89-03-044	468-16-130	NEW-W	89-08-064
458-53-070	AMD	89-09-021	460-46A-090	AMD	89-07-042	468-16-130	NEW-P	89-16-086
458-53-100	AMD-P	89-05-053	460-46A-092	NEW-P	89-03-044	468-16-130	NEW-W	89-19-013
458-53-100	AMD	89-09-021	460-46A-092	NEW	89-07-042	468-16-140	NEW-P	89-07-034
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458-53-110	AMD	89-09-021	460-46A-095	AMD	89-07-042	468-16-140	NEW-P	89-16-086
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458-53-163	AMD	89-09-021	460-46A-120	REP-P	89-03-044	468-16-150	NEW-W	89-19-013
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460-20A-008	NEW	89-17-079	460-46A-150	AMD-P	89-03-044	468-16-160	NEW-P	89-07-034
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460-33A-105	AMD	89-17-078	468-16-040	NEW-W	89-19-013	468-34-140	AMD	89-05-022
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468-100-103	NEW	89-17-048	468-320-020	NEW-E	89-18-088	478-116-586	AMD-P	89-09-043
468-100-104	NEW-P	89-14-039	468-320-030	NEW-P	89-18-087	478-116-586	AMD	89-15-023
468-100-104	NEW	89-17-048	468-320-030	NEW-E	89-18-088	478-116-600	AMD-P	89-09-043
468-100-105	NEW-P	89-14-039	468-320-040	NEW-P	89-18-087	478-116-600	AMD	89-15-023
468-100-105	NEW	89-17-048	468-320-040	NEW-E	89-18-088	478-116-600	AMD-P	89-20-041
468-100-106	NEW-P	89-14-039	468-320-050	NEW-P	89-18-087	478-138-030	AMD-P	89-20-042
468-100-106	NEW	89-17-048	468-320-050	NEW-E	89-18-088	478-138-040	AMD-P	89-20-042
468-100-201	NEW-P	89-14-039	468-320-060	NEW-P	89-18-087	478-138-050	AMD-P	89-20-042
468-100-201	NEW	89-17-048	468-320-060	NEW-E	89-18-088	479-112-005	NEW-P	89-10-053
468-100-202	NEW-P	89-14-039	468-320-070	NEW-P	89-18-087	479-112-005	NEW-E	89-10-054
468-100-202	NEW	89-17-048	468-320-070	NEW-E	89-18-088	479-112-005	NEW	89-14-005
468-100-203	NEW-P	89-14-039	468-320-080	NEW-P	89-18-087	479-112-007	NEW-P	89-10-053
468-100-203	NEW	89-17-048	468-320-080	NEW-E	89-18-088	479-112-007	NEW-E	89-10-054
468-100-204	NEW-P	89-14-039	468-320-090	NEW-P	89-18-087	479-112-007	NEW	89-14-005
468-100-204	NEW	89-17-048	468-320-090	NEW-E	89-18-088	479-112-008	NEW-P	89-10-053
468-100-205	NEW-P	89-14-039	468-320-100	NEW-P	89-18-087	479-112-008	NEW-E	89-10-054
468-100-205	NEW	89-17-048	468-320-100	NEW-E	89-18-088	479-112-008	NEW	89-14-005
468-100-206	NEW-P	89-14-039	478-116-020	AMD-P	89-09-043	479-112-009	NEW-P	89-10-053
468-100-206	NEW	89-17-048	478-116-020	AMD	89-15-023	479-112-009	NEW-E	89-10-054
468-100-207	NEW-P	89-14-039	478-116-030	AMD-P	89-09-043	479-112-009	NEW	89-14-005
468-100-207	NEW	89-17-048	478-116-030	AMD	89-15-023	479-112-010	NEW-P	89-10-053
468-100-208	NEW-P	89-14-039	478-116-055	AMD-P	89-09-043	479-112-010	NEW-E	89-10-054
468-100-208	NEW	89-17-048	478-116-055	AMD	89-15-023	479-112-010	NEW	89-14-005
468-100-301	NEW-P	89-14-039	478-116-060	AMD-P	89-09-043	479-112-017	NEW-P	89-10-053
468-100-301	NEW	89-17-048	478-116-060	AMD	89-15-023	479-112-017	NEW-E	89-10-054
468-100-302	NEW-P	89-14-039	478-116-095	AMD-P	89-09-043	479-112-017	NEW	89-14-005
468-100-302	NEW	89-17-048	478-116-095	AMD	89-15-023	479-112-018	NEW-P	89-10-053
468-100-303	NEW-P	89-14-039	478-116-100	AMD-P	89-09-043	479-112-018	NEW-E	89-10-054
468-100-303	NEW	89-17-048	478-116-100	AMD	89-15-023	479-112-018	NEW	89-14-005
468-100-304	NEW-P	89-14-039	478-116-110	AMD-P	89-09-043	479-112-020	NEW-P	89-10-053
468-100-304	NEW	89-17-048	478-116-110	AMD	89-15-023	479-112-020	NEW-E	89-10-054
468-100-305	NEW-P	89-14-039	478-116-210	AMD-P	89-09-043	479-112-020	NEW	89-14-005
468-100-305	NEW	89-17-048	478-116-210	AMD	89-15-023	479-113-010	NEW-P	89-10-053
468-100-306	NEW-P	89-14-039	478-116-240	AMD-P	89-09-043	479-113-010	NEW-E	89-10-054
468-100-306	NEW	89-17-048	478-116-240	AMD	89-15-023	479-113-010	NEW	89-14-005
468-100-401	NEW-P	89-14-039	478-116-250	AMD-P	89-09-043	479-113-011	NEW-P	89-10-053
468-100-401	NEW	89-17-048	478-116-250	AMD	89-15-023	479-113-011	NEW-E	89-10-054
468-100-402	NEW-P	89-14-039	478-116-250	AMD-P	89-09-043	479-113-011	NEW	89-14-005
468-100-402	NEW	89-17-048	478-116-260	AMD-P	89-20-041	479-113-029	NEW-P	89-10-053
468-100-403	NEW-P	89-14-039	478-116-270	AMD-P	89-09-043	479-113-029	NEW-E	89-10-054

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
479-113-029	NEW	89-14-005	480-08-160	REP-C	89-17-049	480-09-220	NEW-C	89-17-049
479-113-031	NEW-P	89-10-053	480-08-160	REP-E	89-17-050	480-09-220	NEW-E	89-17-050
479-113-031	NEW-E	89-10-054	480-08-170	REP-C	89-17-049	480-09-300	NEW-P	89-13-090
479-113-031	NEW	89-14-005	480-08-170	REP-E	89-17-050	480-09-300	NEW-C	89-17-049
479-113-032	NEW-P	89-10-053	480-08-180	REP-C	89-17-049	480-09-300	NEW-E	89-17-050
479-113-032	NEW-E	89-10-054	480-08-180	REP-E	89-17-050	480-09-310	NEW-P	89-13-090
479-113-032	NEW	89-14-005	480-08-190	REP-C	89-17-049	480-09-310	NEW-C	89-17-049
479-113-035	NEW-P	89-10-053	480-08-190	REP-E	89-17-050	480-09-310	NEW-E	89-17-050
479-113-035	NEW-E	89-10-054	480-08-200	REP-C	89-17-049	480-09-320	NEW-P	89-13-090
479-113-035	NEW	89-14-005	480-08-200	REP-E	89-17-050	480-09-320	NEW-C	89-17-049
479-116-015	NEW-P	89-10-053	480-08-208	NEW-E	89-08-004	480-09-320	NEW-E	89-17-050
479-116-015	NEW-E	89-10-054	480-08-208	NEW-P	89-08-109	480-09-330	NEW-P	89-13-090
479-116-015	NEW	89-14-005	480-08-208	REP-E	89-11-006	480-09-330	NEW-C	89-17-049
479-116-016	NEW-P	89-10-053	480-08-208	NEW-C	89-11-085	480-09-330	NEW-E	89-17-050
479-116-016	NEW-E	89-10-054	480-08-208	NEW-C	89-13-028	480-09-340	NEW-P	89-13-090
479-116-016	NEW	89-14-005	480-08-208	NEW-P	89-15-041	480-09-340	NEW-C	89-17-049
479-116-020	NEW-P	89-10-053	480-08-210	REP-C	89-17-049	480-09-340	NEW-E	89-17-050
479-116-020	NEW-E	89-10-054	480-08-210	REP-E	89-17-050	480-09-400	NEW-P	89-13-090
479-116-020	NEW	89-14-005	480-08-220	REP-C	89-17-049	480-09-400	NEW-C	89-17-049
479-116-030	NEW-P	89-10-053	480-08-220	REP-E	89-17-050	480-09-400	NEW-E	89-17-050
479-116-030	NEW-E	89-10-054	480-08-230	REP-C	89-17-049	480-09-410	NEW-P	89-13-090
479-116-030	NEW	89-14-005	480-08-230	REP-E	89-17-050	480-09-410	NEW-C	89-17-049
479-116-035	NEW-P	89-10-053	480-08-240	REP-C	89-17-049	480-09-410	NEW-E	89-17-050
479-116-035	NEW-E	89-10-054	480-08-240	REP-E	89-17-050	480-09-420	NEW-P	89-13-090
479-116-035	NEW	89-14-005	480-08-240	REP-C	89-17-049	480-09-420	NEW-C	89-17-049
479-116-040	NEW-P	89-10-053	480-08-250	REP-E	89-17-050	480-09-420	NEW-E	89-17-050
479-116-040	NEW-E	89-10-054	480-08-260	REP-C	89-17-049	480-09-425	NEW-P	89-13-090
479-116-040	NEW	89-14-005	480-08-260	REP-E	89-17-050	480-09-425	NEW-C	89-17-049
479-116-045	NEW-P	89-10-053	480-08-270	REP-C	89-17-049	480-09-425	NEW-E	89-17-050
479-116-045	NEW-E	89-10-054	480-08-270	REP-E	89-17-050	480-09-430	NEW-P	89-13-090
479-116-045	NEW	89-14-005	480-08-280	REP-C	89-17-049	480-09-430	NEW-C	89-17-049
479-116-050	NEW-P	89-10-053	480-08-280	REP-E	89-17-050	480-09-430	NEW-E	89-17-050
479-116-050	NEW-E	89-10-054	480-08-290	REP-C	89-17-049	480-09-440	NEW-P	89-13-090
479-116-050	NEW	89-14-005	480-08-290	REP-E	89-17-050	480-09-440	NEW-C	89-17-049
479-116-060	NEW-P	89-10-053	480-08-300	REP-C	89-17-049	480-09-440	NEW-E	89-17-050
479-116-060	NEW-E	89-10-054	480-08-300	REP-E	89-17-050	480-09-450	NEW-P	89-13-090
479-116-060	NEW	89-14-005	480-08-310	REP-C	89-17-049	480-09-450	NEW-C	89-17-049
479-120-020	NEW-P	89-10-053	480-08-310	REP-E	89-17-050	480-09-450	NEW-E	89-17-050
479-120-020	NEW-E	89-10-054	480-08-320	REP-C	89-17-049	480-09-460	NEW-P	89-13-090
479-120-020	NEW	89-14-005	480-08-320	REP-E	89-17-050	480-09-460	NEW-C	89-17-049
479-120-033	NEW-P	89-10-053	480-08-330	REP-C	89-17-049	480-09-460	NEW-E	89-17-050
479-120-033	NEW-E	89-10-054	480-08-330	REP-E	89-17-050	480-09-465	NEW-P	89-13-090
479-120-033	NEW	89-14-005	480-09	NEW-C	89-16-048	480-09-465	NEW-C	89-17-049
480-08-010	REP-C	89-17-049	480-09	NEW-C	89-17-049	480-09-465	NEW-E	89-17-050
480-08-010	REP-E	89-17-050	480-09	NEW-E	89-17-050	480-09-470	NEW-P	89-13-090
480-08-015	REP-C	89-17-049	480-09-010	NEW-P	89-13-090	480-09-470	NEW-C	89-17-049
480-08-015	REP-E	89-17-050	480-09-010	NEW-C	89-17-049	480-09-470	NEW-E	89-17-050
480-08-020	REP-C	89-17-049	480-09-010	NEW-E	89-17-050	480-09-475	NEW-P	89-13-090
480-08-020	REP-E	89-17-050	480-09-015	NEW-P	89-17-049	480-09-475	NEW-C	89-17-049
480-08-030	REP-C	89-17-049	480-09-015	NEW-E	89-17-050	480-09-475	NEW-E	89-17-050
480-08-030	REP-E	89-17-050	480-09-100	NEW-P	89-13-090	480-09-480	NEW-P	89-13-090
480-08-040	REP-C	89-17-049	480-09-100	NEW-C	89-17-049	480-09-480	NEW-C	89-17-049
480-08-040	REP-E	89-17-050	480-09-100	NEW-E	89-17-050	480-09-480	NEW-E	89-17-050
480-08-050	REP-C	89-17-049	480-09-110	NEW-P	89-13-090	480-09-480	NEW	89-18-009
480-08-050	REP-E	89-17-050	480-09-110	NEW-C	89-17-049	480-09-500	NEW-P	89-13-090
480-08-055	REP-C	89-17-049	480-09-110	NEW-E	89-17-050	480-09-500	NEW-C	89-17-049
480-08-055	REP-E	89-17-050	480-09-120	NEW-P	89-13-090	480-09-500	NEW-E	89-17-050
480-08-060	REP-C	89-17-049	480-09-120	NEW-C	89-17-049	480-09-510	NEW-P	89-13-090
480-08-060	REP-E	89-17-050	480-09-120	NEW-E	89-17-050	480-09-510	NEW-C	89-17-049
480-08-070	REP-C	89-17-049	480-09-130	NEW-P	89-13-090	480-09-510	NEW-E	89-17-050
480-08-070	REP-E	89-17-050	480-09-130	NEW-C	89-17-049	480-09-600	NEW-P	89-13-090
480-08-080	REP-C	89-17-049	480-09-130	NEW-E	89-17-050	480-09-600	NEW-C	89-17-049
480-08-080	REP-E	89-17-050	480-09-135	NEW-P	89-17-049	480-09-600	NEW-E	89-17-050
480-08-090	REP-C	89-17-049	480-09-135	NEW-E	89-17-050	480-09-610	NEW-P	89-13-090
480-08-090	REP-E	89-17-050	480-09-140	NEW-P	89-13-090	480-09-610	NEW-C	89-17-049
480-08-100	REP-C	89-17-049	480-09-140	NEW-C	89-17-049	480-09-610	NEW-E	89-17-050
480-08-100	REP-E	89-17-050	480-09-140	NEW-E	89-17-050	480-09-620	NEW-P	89-13-090
480-08-110	REP-C	89-17-049	480-09-150	NEW-P	89-13-090	480-09-620	NEW-C	89-17-049
480-08-110	REP-E	89-17-050	480-09-150	NEW-C	89-17-049	480-09-620	NEW-E	89-17-050
480-08-120	REP-C	89-17-049	480-09-150	NEW-E	89-17-050	480-09-700	NEW-P	89-13-090
480-08-120	REP-E	89-17-050	480-09-200	NEW-P	89-13-090	480-09-700	NEW-C	89-17-049
480-08-130	REP-C	89-17-049	480-09-200	NEW-C	89-17-049	480-09-700	NEW-E	89-17-050
480-08-130	REP-E	89-17-050	480-09-200	NEW-E	89-17-050	480-09-705	NEW-P	89-13-090
480-08-140	REP-C	89-17-049	480-09-210	NEW-P	89-13-090	480-09-705	NEW-C	89-17-049
480-08-140	REP-E	89-17-050	480-09-210	NEW-C	89-17-049	480-09-705	NEW-E	89-17-050
480-08-150	REP-C	89-17-049	480-09-210	NEW-E	89-17-050	480-09-710	NEW-P	89-13-090
480-08-150	REP-E	89-17-050	480-09-220	NEW-P	89-13-090	480-09-710	NEW-C	89-17-049

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
480-09-710	NEW-E 89-17-050	480-35-090	NEW-P 89-20-049	480-105-010	REP-P 89-12-068
480-09-720	NEW-P 89-13-090	480-35-090	NEW-E 89-20-051	480-105-010	REP 89-15-043
480-09-720	NEW-C 89-17-049	480-35-100	NEW-P 89-20-049	480-105-020	REP-P 89-08-111
480-09-720	NEW-E 89-17-050	480-35-100	NEW-E 89-20-051	480-105-020	REP-W 89-12-067
480-09-730	NEW-P 89-13-090	480-35-110	NEW-P 89-20-049	480-105-020	REP-P 89-12-068
480-09-730	NEW-C 89-17-049	480-35-110	NEW-E 89-20-051	480-105-020	REP 89-15-043
480-09-730	NEW-E 89-17-050	480-35-120	NEW-P 89-20-049	480-105-030	REP-P 89-08-111
480-09-735	NEW-P 89-13-090	480-35-120	NEW-E 89-20-051	480-105-030	REP-W 89-12-067
480-09-735	NEW-C 89-17-049	480-50-090	AMD-P 89-19-048	480-105-030	REP-P 89-12-068
480-09-735	NEW-E 89-17-050	480-62-085	NEW-P 89-19-048	480-105-030	REP 89-15-043
480-09-736	NEW-P 89-13-090	480-70-330	AMD 89-06-021	480-105-040	REP-P 89-08-111
480-09-736	NEW-C 89-17-049	480-70-350	AMD-P 89-19-048	480-105-040	REP-W 89-12-067
480-09-736	NEW-E 89-17-050	480-70-400	AMD 89-06-021	480-105-040	REP-P 89-12-068
480-09-740	NEW-P 89-13-090	480-70-405	AMD 89-06-021	480-105-040	REP 89-15-043
480-09-740	NEW-C 89-17-049	480-75-010	NEW-P 89-19-048	480-105-050	REP-P 89-08-111
480-09-740	NEW-E 89-17-050	480-80-070	AMD-P 89-12-072	480-105-050	REP-W 89-12-067
480-09-745	NEW-P 89-13-090	480-80-070	AMD 89-15-042	480-105-050	REP-P 89-12-068
480-09-745	NEW-C 89-17-049	480-80-330	AMD-P 89-08-110	480-105-050	REP 89-15-043
480-09-745	NEW-E 89-17-050	480-80-330	AMD 89-12-038	480-105-060	REP-P 89-08-111
480-09-750	NEW-P 89-13-090	480-80-390	NEW-P 89-12-069	480-105-060	REP-W 89-12-067
480-09-750	NEW-C 89-17-049	480-80-390	NEW-C 89-17-041	480-105-060	REP-P 89-12-068
480-09-750	NEW-E 89-17-050	480-80-390	NEW 89-19-038	480-105-060	REP 89-15-043
480-09-760	NEW-P 89-13-090	480-90-031	AMD-P 89-09-070	480-105-070	REP-P 89-08-111
480-09-760	NEW-C 89-17-049	480-90-031	AMD-C 89-11-084	480-105-070	REP-W 89-12-067
480-09-760	NEW-E 89-17-050	480-90-031	AMD 89-12-070	480-105-070	REP-P 89-12-068
480-09-770	NEW-P 89-13-090	480-90-031	AMD-W 89-19-047	480-105-070	REP 89-15-043
480-09-770	NEW-C 89-17-049	480-90-031	AMD-P 89-19-048	480-105-080	REP-P 89-08-111
480-09-770	NEW-E 89-17-050	480-90-071	AMD-P 89-13-071	480-105-080	REP-W 89-12-067
480-09-780	NEW-P 89-13-090	480-90-071	AMD-C 89-16-047	480-105-080	REP-P 89-12-068
480-09-780	NEW-C 89-17-049	480-90-071	AMD 89-17-034	480-105-080	REP 89-15-043
480-09-780	NEW-E 89-17-050	480-90-201	REP-P 89-05-042	480-107-001	NEW-P 89-08-111
480-09-800	NEW-P 89-13-090	480-90-201	REP 89-08-030	480-107-001	NEW-W 89-12-067
480-09-800	NEW-C 89-17-049	480-90-206	REP-P 89-05-042	480-107-001	NEW-P 89-12-068
480-09-800	NEW-E 89-17-050	480-90-206	REP 89-08-030	480-107-001	NEW 89-15-043
480-09-810	NEW-P 89-13-090	480-90-216	REP-P 89-05-042	480-107-005	NEW-P 89-08-111
480-09-810	NEW-C 89-17-049	480-90-216	REP 89-08-030	480-107-005	NEW-W 89-12-067
480-09-810	NEW-E 89-17-050	480-90-221	REP-P 89-05-042	480-107-005	NEW-P 89-12-068
480-09-815	NEW-P 89-13-090	480-90-221	REP 89-08-030	480-107-005	NEW 89-15-043
480-09-815	NEW-C 89-17-049	480-90-226	REP-P 89-05-042	480-107-010	NEW-P 89-08-111
480-09-815	NEW-E 89-17-050	480-90-226	REP 89-08-030	480-107-010	NEW-W 89-12-067
480-09-820	NEW-P 89-13-090	480-90-231	REP-P 89-05-042	480-107-010	NEW-P 89-12-068
480-09-820	NEW-C 89-17-049	480-90-231	REP 89-08-030	480-107-010	NEW 89-15-043
480-09-820	NEW-E 89-17-050	480-90-241	REP-P 89-05-042	480-107-020	NEW-P 89-08-111
480-09-830	NEW-P 89-13-090	480-90-241	REP 89-08-030	480-107-020	NEW-W 89-12-067
480-09-830	NEW-C 89-17-049	480-90-246	REP-P 89-05-042	480-107-020	NEW-P 89-12-068
480-09-830	NEW-E 89-17-050	480-90-246	REP 89-08-030	480-107-020	NEW 89-15-043
480-12-100	REP-W 89-20-048	480-90-251	REP-P 89-05-042	480-107-030	NEW-P 89-08-111
480-12-180	AMD 89-06-021	480-90-251	REP 89-08-030	480-107-030	NEW-W 89-12-067
480-12-190	AMD 89-06-021	480-90-256	REP-P 89-05-042	480-107-030	NEW-P 89-12-068
480-12-195	AMD 89-06-021	480-90-256	REP 89-08-030	480-107-030	NEW 89-15-043
480-12-250	AMD-W 89-19-047	480-90-261	REP-P 89-05-042	480-107-040	NEW-P 89-08-111
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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 November 1989 pursuant to RCW 19.52.020 is twelve point three six percent (12.36%).

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 fourteen point two five percent (14.25%) for the fourth calendar quarter of 1989.

The maximum allowable retail installment contract service charge for the purchase of a vessel pursuant to RCW 63.14.130(3)(a) is fourteen point two five percent (14.25%) for the fourth calendar quarter of 1989.

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

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

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.05 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 34.05.395 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 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 normally 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 or advanced and such an 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 unless a later date is provided by the agency. They remain effective for a maximum of one-hundred-twenty days from the date of filing.
- (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.