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IN THIS ISSUE

Agriculture, Department of
Architects, Board of Registration for
Attorney General's Office
Basic Health Plan
Blind, Department of Services for the
Building Code Council
Chiropractic Examiners, Board of
Columbia River Gorge Commission
Convention and Trade Center
County Road Administration Board
Dental Examiners, Board of
Eastern Washington University
Ecology, Department of
Edmonds Community College
Employment Security Department
Evergreen State College, The
Fisheries, Department of
Gambling Commission
General Administration, Department of
Health, Board of
Health, Department of
Higher Education Coordinating Board
Highline Community College
Human Rights Commission
Industrial Insurance Appeals, Board of
Labor and Industries, Department of
Licensing, Department of
Lottery Commission
Medical Examiners, Board of
Optometry Board
Personnel, Department of
Pharmacy, Board of
Professional Licensing Services
Public Instruction, Superintendent of
Public Works Board
Puget Sound Water Quality Authority
Real Estate Commission
Retirement Systems, Department of
Revenue, Department of
Seattle Community Colleges
Social and Health Services, Department of
South Puget Sound Community College
Supreme Court
Tacoma Community College
Tax Appeals, Board of
Transportation Improvement Board
Vocational Education, Board for
Washington Institute of Applied Technology
Washington State Patrol
Washington State University
Whatcom Community College
Wildlife, Department of
Yakima Valley Community College

(Subject/Agency index at back of issue)
This issue contains documents officially
filed not later than May 23, 1990

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 June 1990 pursuant to RCW 19.52.020 is twelve point two eight percent (12.28%).

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 1990 pursuant to RCW 63.14.130(1)(a) is fourteen and one-half percent (14.50%).

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 zero percent (14.0%) for the second calendar quarter of 1990.

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 second calendar quarter of 1990.

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

Raymond W. Haman
Chairman, Statute Law Committee

Dennis W. Cooper
Code Reviser

Gary Reid
Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
Subscription Clerk

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
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
90-11	Apr 25	May 9	May 23	Jun 6	Jun 26
90-12	May 9	May 23	Jun 6	Jun 20	Jul 10
90-13	May 24	Jun 7	Jun 21	Jul 5	Jul 25
90-14	Jun 7	Jun 21	Jul 5	Jul 18	Aug 7
90-15	Jun 20	Jul 5	Jul 18	Aug 1	Aug 21
90-16	Jul 5	Jul 18	Aug 1	Aug 15	Sep 4
90-17	Jul 25	Aug 8	Aug 22	Sep 5	Sep 25
90-18	Aug 8	Aug 22	Sep 5	Sep 19	Oct 9
90-19	Aug 22	Sep 5	Sep 19	Oct 3	Oct 23
90-20	Sep 5	Sep 19	Oct 3	Oct 17	Nov 6
90-21	Sep 26	Oct 10	Oct 24	Nov 7	Nov 27
90-22	Oct 10	Oct 24	Nov 7	Nov 21	Dec 11
90-23	Oct 24	Nov 7	Nov 21	Dec 5	Dec 25
90-24	Nov 7	Nov 21	Dec 5	Dec 19	Jan 2, 1991

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.

WSR 90-11-001**PERMANENT RULES****DEPARTMENT OF AGRICULTURE**

[Order 2038—Filed May 3, 1990, 1:34 p.m.]

Date of Adoption: May 1, 1990.

Purpose: Amend WAC 16-555-010(6) to delete the requirement for 10,000 pound minimum for commercial quantity.

Citation of Existing Rules Affected by this Order: Amending WAC 16-555-010(6).

Statutory Authority for Adoption: RCW 15.65.050.

Pursuant to notice filed as WSR 90-05-059 on February 21, 1990.

Effective Date of Rule: Thirty-one days after filing.

May 1, 1990

Michael V. Schwisow
Deputy Director
for C. Alan Pettibone
Director

AMENDATORY SECTION (Amending Order 1856, filed 5/14/85)**WAC 16-555-010 DEFINITION OF TERMS.**

For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or the director's duly appointed representative.

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

(3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association, or corporation.

(5) "Affected producer" means any person who produces strawberries in commercial quantities in that portion of the state of Washington located west of the summit of the Cascade Mountains for fresh market, for processing, or for sale to processors.

(6) "Commercial quantity" means any strawberries produced for a market (~~(in quantities of ten thousand pounds or more)~~), by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, storing, freezing, or distributing strawberries not produced by him.

(8) "Strawberry commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-555-020.

(9) "Strawberries" means and includes all kinds, varieties, and hybrids of "FRAGARIA-X-ANANASSA" grown and marketed in the state of Washington.

(10) "Marketing season" or "fiscal year" means the twelve-month period beginning with January 1 of any year and ending with the last day of December following, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to strawberries. A producer-handler shall be deemed to be

a producer with respect to the strawberries which he/she handles, including those produced by himself/herself.

(12) "Affected area" means that portion of the state of Washington located west of the summit of the Cascade Mountains.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(14) "Affected unit" means one pound net of strawberries.

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 90-11-002**NOTICE OF PUBLIC MEETINGS****HIGHLINE COMMUNITY COLLEGE**

[Memorandum—April 26, 1990]

The May 10, 1990, Community College 9 board of trustees' meeting has been postponed to May 17, 1990. The time and location of the meeting remain the same.

WSR 90-11-003**PERMANENT RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES****(Public Assistance)**

[Order 2975—Filed May 3, 1990, 3:43 p.m.]

Date of Adoption: May 3, 1990.

Purpose: To implement the Puyallup Tribe of Indians Settlement Act of 1989, Public Law 101-41 and 101-201 establishing a disregard for agent orange settlement; to simplify the programs by adopting current AFDC disregards for GA-U under RCW 74.04.005(ii); and for AFDC disregards income earned taking the census.

Citation of Existing Rules Affected by this Order: Amending WAC 388-28-575 Disregard of income and resources.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 90-07-081 on March 21, 1990.

Changes Other than Editing from Proposed to Adopted Version: On Tuesday, April 24, 1990, the hearing for final adoption was held. Because no one wished to testify, the record was not opened. Nevertheless, the following nonsubstantive change was made to WAC 388-28-575 (2)(n)(i): (~~The purchases of~~) Real or personal property purchased directly with funds from the annuity fund payment up to the amount of the funds from the annuity fund payment hereafter referred to as the initial investments.

Effective Date of Rule: Thirty-one days after filing.

May 3, 1990

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2848, filed 8/8/89, effective 9/8/89)

WAC 388-28-575 **DISREGARD OF INCOME AND RESOURCES.** (1) For aid to families with dependent children (AFDC), the department shall disregard as income and as a resource the following payments:

(a) Grants, loans, or federal work study to an undergraduate student insured by the Secretary of Education, U.S. Department of Education;

(b) ~~((Per capita judgment funds under Public Law (P.L.) 92-254 to members of the:~~

~~(i) Blackfoot Tribe of the Blackfoot Indian Reservation, Montana; and~~

~~(ii) Gros Ventre Tribe of the Fort Belknap Reservation, Montana;~~

~~(c) Indian claim settlement per capita funds or funds held in trust under P.L. 93-134 or P.L. 94-114;~~

~~(d)) The income of a Supplemental Security Income recipient;~~

~~((c) Two thousand dollars per individual per calendar year received under the Alaska Native Claims Settlement Act or under P.L. 98-64;~~

~~(f)) (c) The monthly child support incentive payment from the office of support enforcement;~~

~~(d) AFDC benefits resulting from a court order modifying a department policy((;~~

~~(g) Veterans' Administration educational assistance for the student's educational expenses and child care necessary for school attendance;~~

~~(h) Housing and Urban Development (HUD) community development block grant funds that preclude use for current living costs;~~

~~(i) The monthly child support incentive payment from the office of support enforcement;~~

~~(j) A previous underpayment of assistance under WAC 388-33-195; and~~

~~(k) Restitution funds to individuals of Japanese ancestry interred during World War II under the Wartime Relocation of Civilians Act, P.L. 100-383)); and~~

~~(e) Wages earned during the 1990 Federal Census Demonstration Project by a temporary census worker eligible for the exclusion.~~

(2) For AFDC and general assistance (GA), the department shall disregard as income and as a resource the following payments:

(a) Payment under Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(b) The food coupon allotment under Food Stamp Act of 1977;

(c) Compensation to volunteers in ACTION programs established by Titles I, II, and III of P.L. 93-113;

(d) Benefits under women, infants and children program (WIC);

(e) Food service program for children under the National School Lunch Act; ~~((and))~~

(f) Energy assistance payments;

(g) Per capita judgment funds under Public Law (P.L.) 92-254 to members of the:

(i) Blackfoot Tribe of the Blackfoot Indian Reservation, Montana; and

(ii) Gros Ventre Tribe of the Fort Belknap Reservation, Montana.

(h) Indian claim settlement per capita funds or funds held in trust under P.L. 93-134 or P.L. 94-114;

(i) Two thousand dollars per individual per calendar year received under the Alaska Native Claims Settlement Act or under P.L. 98-64;

(j) Veterans' Administration educational assistance for the student's educational expenses and child care necessary for school attendance;

(k) Housing and Urban Development (HUD) community development block grant funds that preclude use for current living costs;

(l) Restitution payments made under the Wartime Relocation of Civilians Act, P.L. 100-383. The department shall disregard income and resources derived from restitution payments;

(m) A previous underpayment of assistance under WAC 388-33-195;

(n) Payment from the annuity fund established by the Puyallup Tribe of Indians Settlement Act of 1989, P.L. 101-41, made to a Puyallup Tribe member upon reaching twenty-one years of age.

(i) Real or personal property purchased directly with funds from the annuity fund payment up to the amount of the funds from the annuity fund payment hereafter referred to as the initial investments.

(ii) Income derived either from the annuity fund payment or the initial investments shall be treated as newly acquired income per WAC 388-28-482 and 388-28-484.

(iii) When the initial investments are nonexempt resources, appreciation in value shall be applied to the resource ceiling value as specified for the applicable program in WAC 388-28-430 (2)(a) or WAC 388-28-435(1). When appreciation is in excess of the applicable ceiling value, the department shall apply for AFDC WAC 388-28-438(2) and for GA-U WAC 388-28-450(2). The department shall determine appreciation in value at the time of eligibility review.

(iv) Proceeds from the transfer of the initial investments are treated according to WAC 388-28-471. After sixty days, if funds are in excess of the applicable ceiling value, the department shall apply for AFDC WAC 388-28-438(2) and for GA-U WAC 388-28-440 (3) and (4).

(o) Payments from the trust fund established by the P.L. 101-41 made to a Puyallup Tribe member; and

(p) Payments made from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims. Under P.L. 101-201, the effective date of the disregard is retroactive to January 1, 1989.

WSR 90-11-004
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2976—Filed May 3, 1990, 3:44 p.m.]

Date of Adoption: May 3, 1990.

Purpose: To amend food stamp program rules to exclude as resources payments received under the Puyallup Tribe of Indians Settlement Act of 1989, Public Law 101-41.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-410 Resources—Exempt.

Statutory Authority for Adoption: RCW 74.04.510.

Pursuant to notice filed as WSR 90-07-079 on March 21, 1990.

Effective Date of Rule: Thirty-one days after filing.

May 3, 1990

Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2857, filed 8/29/89, effective 9/29/89)

WAC 388-49-410 RESOURCES—EXEMPT. (1) The department shall exempt the following resources:

- (a) An occupied home and surrounding property not separated by intervening property owned by others;
- (b) An unoccupied home and surrounding property if:
 - (i) The household intends to return to the home; and
 - (ii) The house is unoccupied due to:
 - (A) Employment;
 - (B) Training for future employment;
 - (C) Illness; or
 - (D) Uninhabitability due to casualty or natural disaster.
- (c) A piece of land where the household is building or intends to build a permanent home, if the household does not own another home. The land must not be separated by intervening property owned by others;
- (d) Personal effects;
- (e) Household goods;
- (f) One burial plot per household member;
- (g) Cash value of:
 - (i) Life insurance policies; and
 - (ii) Pension funds.
- (h) Vehicles as provided under WAC 388-49-430;
- (i) That portion of real or personal property directly related to the maintenance or use of a vehicle excluded under WAC 388-49-430 (1)(a), (b), and (f);
- (j) Property annually producing income consistent with its fair market value, even if only used on a seasonal basis;
- (k) Rental homes used by household for vacation purposes during the year if the property annually produces income consistent with its fair market value;
- (l) Property essential to the employment or self-employment of a household member. Property excluded

under this provision because the property is used by a self-employed farmer shall retain its exclusion for one year from the date the household member terminates self-employment from farming;

(m) Resources held separately by nonhousehold members, a person disqualified for noncompliance with work registration requirements, or an ineligible student;

(n) Indian lands:

- (i) Held jointly with the tribe; or
- (ii) Sold only with the approval of the Bureau of Indian Affairs.

(o) Resources prorated as income for self-employed persons or eligible students. These funds, if commingled in an account with nonexcluded funds, shall retain their exclusion for the period of time they are prorated as income;

(p) Cash value of resources not accessible to the household;

(q) Funds in a trust and the income produced by that trust, to the extent they are not available;

(r) Resources excluded by express provision of federal law from consideration in the food stamp program;

(s) Installment contracts or agreements for the sale of land or other property when it is producing income consistent with its fair market value;

(t) Value of the property sold under an installment contract;

(u) The value of property held for security if the purchase price is consistent with fair market value;

(v) Real or personal property when:

(i) Secured by a lien as a result of obtaining a business loan; and

(ii) The security or lien agreement prohibits the household from selling the asset or assets.

(w) Governmental payments designated for restoration of a home damaged in a disaster. The household must be subject to legal sanction if the funds are not used as intended;

(x) Energy assistance payments or allowances made under federal, state, or local laws; ~~(and)~~

(y) Resources of persons residing in shelters for battered women and children if:

(i) The resources are jointly owned with members of the former household; and

(ii) Access to the resources depends on the agreement of the joint owner.

(z) Payments received under the Puyallup Tribe of Indians Settlement Act of 1989, P.L. 101-41, as follows:

(i) Payments from the annuity fund established by P.L. 101-41 made to a Puyallup Tribe member upon reaching twenty-one years of age;

(ii) The investments or purchases made directly with the annuity payment up to the amount from the annuity fund payment; and

(iii) Payments from the trust fund established by P.L. 101-41 made to a Puyallup Tribal member.

(2) Exempt funds commingled in an account with nonexempt funds shall continue to be exempt for up to six months from the date they are commingled.

WSR 90-11-005
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 2977—Filed May 3, 1990, 3:45 p.m.]

Date of Adoption: May 3, 1990.

Purpose: To amend and increase asset capitalization from \$500 to \$1,000 per OFM policy. To increase compensation for direct care staff in IMR's as legislature has appropriated funds. To allow discretion in recovery of rate increases during periods when a facility is downsizing to close.

Citation of Existing Rules Affected by this Order: Amending chapter 275-38 WAC.

Statutory Authority for Adoption: RCW 74.09.120.

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 amendment is necessary to: An immediate amendment of WAC 275-38-860 and 275-38-906 are required to preserve public health, safety and general welfare because changes in direct care reimbursement was set forth by the legislature in the supplemental budget. Also, recovery of rate increases from an IMR facility at this time would jeopardize the facility's ability to provide for resident health, safety and welfare. WAC 275-38-770, OFM asset capitalization has been increased from \$500 to \$1,000 this was as amended to conform.

Effective Date of Rule: May 4, 1990, 12:01 a.m.

May 3, 1990

Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2629, filed 6/1/88)

WAC 275-38-770 CAPITALIZATION. The contractor shall capitalize the following costs:

(1) Expenditures and costs for equipment including furniture and furnishings, with historical cost in excess of one hundred fifty dollars per unit and a useful life of more than one year from the date of purchase.

(2) Expenditures and costs for equipment including furniture and furnishings, with historical cost of one hundred fifty dollars or less per unit if either:

(a) The item was acquired in a group purchase where the total cost exceeded one hundred fifty dollars; or

(b) The item was part of the initial equipment or stock of the IMR facility.

(3) Effective January 1, 1981, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1982, and subsequently, subsection (1) of this section shall be applied with the sum ((²))five hundred dollars((²)) replacing the sum ((²))one hundred fifty dollars.((²))

(4) Effective January 1, 1990, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1990, and subsequently, subsection (1) of this section shall be applied with the sum one thousand dollars replacing the sum five hundred dollars.

(5) Expenditures for and costs of building, and other real property items, components, and improvements and leasehold improvements, if required or authorized by the lease agreement, in excess of ((~~five hundred~~)) one thousand dollars and involving one or more of the following:

(a) Increase the interior floor space of the structure;

(b) Increase or renewal of paved areas outside the structure adjacent to or providing access to the structure;

(c) Modification of the exterior or interior walls of the structure;

(d) Installation of additional heating, cooling, electrical water-related, or similar fixed equipment;

(e) Landscaping or redecorating;

(f) Increase the useful life of the structure by two years or more;

(g) For a leasehold improvement, the asset shall be amortized over the asset's useful life in accordance with American hospital association guidelines.

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 2629, filed 6/1/88)

WAC 275-38-860 RESIDENT CARE AND HABILITATION COST CENTER RATE. (1) For C and D level facilities, the resident care and habilitation cost center will reimburse for resident living services, habilitative and training services, recreation services, and nursing services in accordance with applicable federal and state regulation.

(2) For E level facilities, the resident care and habilitation cost center will reimburse for resident living services, habilitative and training services, recreation services, and nursing services in accordance with applicable federal and state regulation. The cost center will also reimburse for resident care and training staff performing administration and operations functions specified in WAC 275-38-870.

(3) A facility's resident care and habilitation cost center rate shall be determined as follows:

(a) The facility's most recent desk-reviewed costs per resident day shall be adjusted for inflation except the costs for resident care and training (RCT) and recreation staff and purchased services,

(b) RCT and recreation reimbursement shall be determined by multiplying the number of reimbursed RCT and recreation staff and purchased services hours reported in the facility's most recent cost report by the greater of ten dollars and seventy-nine cents or the most recent reported cost for RCT and recreation staff and purchased services per reported hour, and

(c) The amounts determined under subsection (3)(a) and (b) of this section shall be summed to establish the facility's rate.

AMENDATORY SECTION (Amending Order X [2629], filed X [6/1/88])

WAC 275-38-906 ADJUSTMENTS TO PROSPECTIVE RATES. (1) Prospective rates shall be maximum payment rates for contractors for the periods to which they apply, except as otherwise provided in WAC 275-38-906. The department shall not grant rate adjustments for cost increases which are or were subject to management control or negotiation including, but not limited to, all lease cost increases, or for cost increases not expressly authorized in subsections (2) and (3) of this section.

(2) The department shall adjust rates for any capitalized additions or replacements made as a condition for licensure or certification.

(3) The department shall adjust rates for increased costs that must be incurred and which cannot be otherwise met through the contractor's prospective rate, for the following:

- (a) Program changes required by the department;
 - (b) Changes in staffing levels or consultants at a facility required by the department; and
 - (c) Changes required by survey.
- (4) Contractors requesting an adjustment shall submit:

(a) A financial analysis showing the increased cost and an estimate of the rate increase, computed according to allowable methods, necessary to fund the cost;

(b) A written justification for granting the rate increase; and

(c) A certification and supporting documentation which shows the changes in staffing, or other improvements, have been commenced or completed.

(5) Contractors receiving prospective rate increases ((pursuant to)) under WAC 275-38-906 ((must)) shall submit quarterly reports, beginning the first day of the month following the date the increase is granted, showing how the additional rate funds were spent. If the funds were not spent for change or improvements approved by the department in granting the adjustment, they ((shall)) may be subject to immediate recovery by the department when the department finds the facility gave written notice of its intent to close by a date certain and recovery jeopardizes the facility's ability to provide for resident health, safety, and welfare. Funds not spent for department-approved changes or improvements shall be subject to the department's immediate recovery.

(6) A contractor requesting an adjustment ((pursuant to)) under subsection (3)(c) of this section shall submit a written plan specifying additional staff to be added and the resident needs the facility has been unable to meet due to lack of sufficient staff.

(7) In reviewing a request made under subsection (3) of this section, the department shall consider:

(a) Whether additional staff requested by a contractor is appropriate in meeting resident needs;

(b) Comparisons of staffing levels of facilities having similar characteristics;

- (c) The physical layout of the facility;
- (d) Supervision and management of current staff;
- (e) Historic trends in under-spending of a facility's resident care and habilitation;
- (f) Numbers and positions of existing staff; and
- (g) Other resources available to the contractor under subsection (3) of this section.

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

WSR 90-11-006
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed May 3, 1990, 3:53 p.m.]

Original Notice.

Title of Rule: Chapter 388-15 WAC, Social services for families.

Purpose: The changes will make personal care definitions uniform for all AASA care services, will eliminate the need to change the WAC for each rate increase, and will make the WAC more easily understood.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Community options program entry system (COPEs) changes make personal care definitions the same as other AASA programs and eliminates specific rates which change each year due to cost of living increases.

Reasons Supporting Proposal: This rule amendment is necessary to bring COPEs personal care services in line with other AASA programs personal care definitions; eliminate specific rates which change yearly; and to clean up the language.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Fran Wilson, Aging and Adult Services, 753-1851.

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 June 27, 1990, 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 June 27, 1990.

Date of Intended Adoption: July 12, 1990.

May 3, 1990
 Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2558, filed 11/18/87)

WAC 388-15-610 COPES—ELIGIBLE PERSONS. (1) Categorically related Medicaid recipients (i.e., aged, blind, and disabled persons) eighteen years of age and over shall be eligible for COPES services when ~~((they))~~ the recipients:

(a) Have gross monthly income ~~((which is))~~ less than three hundred percent of the federal Supplemental Security Income (SSI) benefit level, excluding the state supplement ~~((see))~~ as described under WAC 388-95-320 (1)(a)(i); and

(b) Have resources at or below the Medicaid standard as described under WAC 388-95-337 and 388-95-340(1); and

(c) Are assessed by the department as eligible for ~~((skilled))~~ nursing facility care ~~((or intermediate nursing care));~~ and

(d) ~~((Will likely))~~ Require institutionalization in the absence of home and community-based waiver services; and

(e) Choose to ~~((live))~~ reside in their own homes ~~((or)),~~ in congregate care facilities, or in licensed adult family homes within Washington state; and

(f) Have a feasible department-developed and approved written plan of care for COPES services ~~((developed and approved by the department))~~. The plan shall be sufficient to safeguard the recipient's health and safety. The total cost for this plan of care, including the one-person medically needy income level, shall be less than ninety percent of the average state-wide nursing home rate.

(2) ~~((Participation))~~ An eligible person may choose whether to participate in COPES (is the choice of the otherwise eligible recipient) or enter a nursing facility.

AMENDATORY SECTION (Amending Order 2558, filed 11/18/87)

WAC 388-15-620 COPES—SERVICES. (1) The department may authorize the following services ~~((may be authorized))~~ to COPES eligible recipients, based on department assessment of need and feasible plan of care:

(a) Congregate care as defined ~~((in))~~ under WAC 388-15-560 through 388-15-568. In addition, congregate care facilities may provide medication administration to COPES eligible clients when this service is required by the department and performed by a ~~((registered))~~ licensed nurse under the general direction of a licensed physician or dentist. ~~((f))~~ Refer to RCW 18.88.285 and WAC 308-120-100 through 308-120-522(i);

(b) Adult family home care as defined ~~((in))~~ under WAC 388-15-551 through 388-15-555(i);

(c) Adult day health(i);

(d) Home health services as defined ~~((in))~~ under WAC 388-86-045(i);

(e) Direct personal care services (are services provided to a person residing in his or her established residence including meal preparation, dressing/undressing, care of appearance, body care, bed transfer, ambulation, wheelchair transfer, bathing, toileting, and reminding to take medicines. Other forms of household assistance such as house cleaning, telephoning, and laundry are allowed when the recipient is unable to perform these tasks independently. Personal care also includes protective supervision when required due to the recipient's diminished mental capacity or judgment) as defined under WAC 388-15-820(4). Sterile procedures and administration of medications are not authorized personal care tasks, unless the provider is a licensed health practitioner or a member of the recipient's immediate family(i);

(f) Household assistance as defined under WAC 388-15-820(6); and

(g) Case management.

(2) The department shall not authorize additional personal care services ~~((shall not be authorized))~~ to recipients residing in congregate care facilities or adult family homes.

(3) The department shall provide adult day health and home health services ~~((are provided))~~ only when the recipient requires congregate care, adult family home services, or personal care. The department shall include the actual cost for adult day health and home health services ~~((must be included))~~ in the total plan of care cost computation.

AMENDATORY SECTION (Amending Order 2558, filed 11/18/87)

WAC 388-15-630 COPES—PAYMENT—PROCEDURES. The department shall:

(1) Allocate all nonexempt income of a person receiving COPES services ~~((shall be allocated))~~ according to procedures ~~((in))~~ under WAC 388-83-200(i);

(2) ~~((The department shall))~~ Pay ~~((to))~~ the providers of congregate care, home health services, adult day health care, and adult family home care a sum not ~~((to exceed))~~ exceeding the rates set forth in the most recent schedule of rates established and published by the department(i);

(3) ~~((The department shall))~~ Pay for care of recipients ~~((living))~~ residing in the nonrelated provider's established residence at the adult family home rate when the provider's home is a licensed and contracted adult family home(i);

(4) ~~((The department shall))~~ Pay for personal care services provided by a relative, except a spouse. The department shall make payment to a father, mother, son, or daughter ((shall be made)) only when the:

(a) ~~((The))~~ Relative will not provide the care unpaid(i); and

(b) ~~((The))~~ Relative's gross income, including spousal income, is less than the medically needy income level (MNIL) adjusted for household size.

(5) ~~((The department shall))~~ Pay care providers, meeting or exceeding minimum performance standards for personal care of a recipient residing in ~~((his or her))~~ the recipient's established residence ~~((The payment rate shall be at least three dollars and sixty cents to individual and independent providers, but shall not exceed four dollars and twenty-seven cents per hour. When the provider assists the recipient full time, a standby hourly wage shall be paid when the provider must be with the recipient but is not directly assisting the client. This standby wage shall not exceed twenty-seven cents per hour.)),~~ a sum not exceeding the department-established rate;

(6) ~~((The department shall))~~ Pay ~~((to))~~ private and public agencies providing personal care ~~((the same))~~ an hourly unit rate ~~((reimbursement))~~ established by the department ~~((for chore services personal care.));~~ and

(7) ~~((Payments))~~ Pay for COPES services ~~((plus))~~ which, combined with the recipient's income allocated for maintenance in the home ((shall)), does not exceed ninety percent of the average state-wide monthly rate for nursing home care.

~~((f))~~ Income allocated for maintenance needs in the home shall not exceed the medically needy income level.))

WSR 90-11-007
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Filed May 3, 1990, 3:55 p.m.]

Original Notice.

Title of Rule: Chapter 275-38 WAC.

Purpose: To amend and increase asset capitalization from \$500 to \$1,000 per OFM policy. To increase compensation for direct care staff in IMR's as legislature has appropriated funds. To allow discretion in recovery of rate increases during periods when a facility is downsizing to close.

Statutory Authority for Adoption: RCW 74.09.120.

Statute Being Implemented: RCW 74.09.120.

Summary: To change reimbursement methodology from reimbursement based on costs for direct care to reimbursement based on hours of care at benchmark of \$10.79. Department may choose not to recover funds in certain situations where to do so would jeopardize the facility's ability to provide for resident health, safety and welfare. Assets costing more than \$1,000 (rather than \$500) will be capitalized and depreciated over established economic useful lives.

Reasons Supporting Proposal: This rule amendment is necessary to: An immediate amendment of WAC 275-38-860 and 275-38-906 are required to preserve public health, safety and general welfare because changes in

direct care reimbursement was set forth by the legislature in the supplemental budget. Also, recovery of rate increases from an IMR facility at this time would jeopardize the facility's ability to provide for resident health, safety and welfare. WAC 275-38-770, OFM asset capitalization has been increased from \$500 to \$1,000 this was as amended to conform.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jefferson Farmer, Developmental Disabilities, 586-7184.

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 June 27, 1990, 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 June 27, 1990.

Date of Intended Adoption: July 12, 1990.

May 3, 1990
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2629, filed 6/1/88)

WAC 275-38-770 CAPITALIZATION. The contractor shall capitalize the following costs:

(1) Expenditures and costs for equipment including furniture and furnishings, with historical cost in excess of one hundred fifty dollars per unit and a useful life of more than one year from the date of purchase.

(2) Expenditures and costs for equipment including furniture and furnishings, with historical cost of one hundred fifty dollars or less per unit if either:

(a) The item was acquired in a group purchase where the total cost exceeded one hundred fifty dollars; or

(b) The item was part of the initial equipment or stock of the IMR facility.

(3) Effective January 1, 1981, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1982, and subsequently, subsection (1) of this section shall be applied with the sum ~~(([±]))~~five hundred dollars~~(([±]))~~ replacing the sum ~~(([±]))~~one hundred fifty dollars~~(([±]))~~

(4) Effective January 1, 1990, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1990, and subsequently, subsection (1) of this section shall be applied with the sum one thousand dollars replacing the sum five hundred dollars.

(5) Expenditures for and costs of building, and other real property items, components, and improvements and leasehold improvements, if required or authorized by the lease agreement, in excess of ~~((five hundred))~~ one thousand dollars and involving one or more of the following:

(a) Increase the interior floor space of the structure;

(b) Increase or renewal of paved areas outside the structure adjacent to or providing access to the structure;

(c) Modification of the exterior or interior walls of the structure;

(d) Installation of additional heating, cooling, electrical water-related, or similar fixed equipment;

(e) Landscaping or redecorating;

(f) Increase the useful life of the structure by two years or more;

(g) For a leasehold improvement, the asset shall be amortized over the asset's useful life in accordance with American hospital association guidelines.

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 2629, filed 6/1/88)

WAC 275-38-860 RESIDENT CARE AND HABILITATION COST CENTER RATE. (1) For C and D level facilities, the resident care and habilitation cost center will reimburse for resident living services, habilitative and training services, recreation services, and nursing services in accordance with applicable federal and state regulation.

(2) For E level facilities, the resident care and habilitation cost center will reimburse for resident living services, habilitative and training services, recreation services, and nursing services in accordance with applicable federal and state regulation. The cost center will also reimburse for resident care and training staff performing administration and operations functions specified in WAC 275-38-870.

(3) A facility's resident care and habilitation cost center rate shall be determined as follows:

(a) The facility's most recent desk-reviewed costs per resident day shall be adjusted for inflation except the costs for resident care and training (RCT) and recreation staff and purchased services;

(b) RCT and recreation reimbursement shall be determined by multiplying the number of reimbursed RCT and recreation staff and purchased services hours reported in the facility's most recent cost report by the greater of ten dollars and seventy-nine cents or the most recent reported cost for RCT and recreation staff and purchased services per reported hour; and

(c) The amounts determined under subsection (3)(a) and (b) of this section shall be summed to establish the facility's rate.

AMENDATORY SECTION (Amending Order X [2629], filed X [6/1/88])

WAC 275-38-906 ADJUSTMENTS TO PROSPECTIVE RATES. (1) Prospective rates shall be maximum payment rates for contractors for the periods to which they apply, except as otherwise provided in WAC 275-38-906. The department shall not grant rate adjustments for cost increases which are or were subject to management control or negotiation including, but not limited to, all lease cost increases, or for cost increases not expressly authorized in subsections (2) and (3) of this section.

(2) The department shall adjust rates for any capitalized additions or replacements made as a condition for licensure or certification.

(3) The department shall adjust rates for increased costs that must be incurred and which cannot be otherwise met through the contractor's prospective rate, for the following:

(a) Program changes required by the department;

(b) Changes in staffing levels or consultants at a facility required by the department; and

(c) Changes required by survey.

(4) Contractors requesting an adjustment shall submit:

(a) A financial analysis showing the increased cost and an estimate of the rate increase, computed according to allowable methods, necessary to fund the cost;

(b) A written justification for granting the rate increase; and

(c) A certification and supporting documentation which shows the changes in staffing, or other improvements, have been commenced or completed.

(5) Contractors receiving prospective rate increases ~~((pursuant to))~~ under WAC 275-38-906 ((must)) shall submit quarterly reports, beginning the first day of the month following the date the increase is granted, showing how the additional rate funds were spent. If the funds were not spent for change or improvements approved by the department in granting the adjustment, they ((shall)) may be subject to immediate recovery by the department when the department finds the facility gave written notice of its intent to close by a date certain and recovery jeopardizes the facility's ability to provide for resident health, safety, and welfare. Funds not spent for department-approved changes or improvements shall be subject to the department's immediate recovery.

(6) A contractor requesting an adjustment ~~((pursuant to))~~ under subsection (3)(c) of this section shall submit a written plan specifying

additional staff to be added and the resident needs the facility has been unable to meet due to lack of sufficient staff.

(7) In reviewing a request made under subsection (3) of this section, the department shall consider:

(a) Whether additional staff requested by a contractor is appropriate in meeting resident needs;

(b) Comparisons of staffing levels of facilities having similar characteristics;

(c) The physical layout of the facility;

(d) Supervision and management of current staff;

(e) Historic trends in under-spending of a facility's resident care and habilitation;

(f) Numbers and positions of existing staff; and

(g) Other resources available to the contractor under subsection (3) of this section.

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

WSR 90-11-008

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF LICENSING (Real Estate Commission)

[Filed May 4, 1990, 9:53 a.m.]

The Department of Licensing, Real Estate Commission, has requested to withdraw the proposed WAC rules contained in WSR 90-10-075 scheduled for hearing on June 19, 1990, at 9:00 a.m., at Cavanaugh's Inn, Kennewick, Washington.

These proposed rules, with added language to proposed WAC 308-124H-800 Part D, will be refiled and set for hearing on June 26, 1990, at 9:00 a.m. in the Highways-Licenses Building, 4th Floor Executive Conference Room.

Linda M. Moran
Assistant Attorney General

WSR 90-11-009

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF AGRICULTURE

[Filed May 4, 1990, 10:45 a.m.]

I wish to request withdrawal of proposed rule making CR-102 filed in your office on February 21, 1990, WSR 90-05-066.

This withdrawal applies to WAC 16-403-142, 16-403-155, 16-403-190, 16-403-220 and 16-403-280 as proposed on February 21.

J. Allen Stine
Assistant Director

WSR 90-11-010

NOTICE OF PUBLIC MEETINGS CONVENTION AND TRADE CENTER

[Memorandum—May 2, 1990]

The board of directors of the Washington State Convention and Trade Center will meet on Wednesday, May 9,

1990, at 2:00 p.m. in Room 601 of the Convention and Trade Center, 800 Convention Place, Seattle.

WSR 90-11-011 PROPOSED RULES DEPARTMENT OF GENERAL ADMINISTRATION

[Filed May 7, 1990, 9:55 a.m.]

Original Notice.

Title of Rule: WAC 236-48-198 Sale of surplus property to state elected officials or employees.

Purpose: To amend WAC 236-48-198 so that the word "revolver" is replaced by the word "handgun."

Statutory Authority for Adoption: RCW 43.19.190(11) and 43.17.060.

Statute Being Implemented: RCW 43.19.1919.

Summary: In WAC 236-48-198 the term "revolver" would be replaced by the term "handgun."

Reasons Supporting Proposal: The term "revolver" no longer effectively represents the type of career service weapon being issued to state patrol officers and other state-wide law enforcement personnel, since semi-automatics are now being widely issued. The term "handgun" would encompass both revolvers and semi-automatic hand held weapons.

Name of Agency Personnel Responsible for Drafting: Neil House, 2805 C Street S.W., State Surplus, 931-3933; **Implementation:** John Nicholson, 218 General Administration, General Administration Building, 753-4243; and **Enforcement:** George Abrams, 218 General Administration, State Patrol, 753-4453.

Name of Proponent: George Abrams, State Patrol, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: State patrol officers or other state-wide law enforcement personnel are currently given the option to purchase, at fair market value, their career service revolver upon retirement. However, the term "revolver" no longer accurately describes the type of weapon being issued. In many areas, the semi-automatic is becoming the preferred service weapon. The term handgun encompasses both revolvers and semi-automatics and would eliminate confusion over the nature of the weapon being transferred. The proposal is to amend WAC 236-48-198 to read "handgun" instead of "revolver."

Proposal Changes the Following Existing Rules: Change in terminology only "revolver" to handgun."

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

Hearing Location: Department of General Administration, on July 11, 1990, at 12:00 noon.

Submit Written Comments to: Neil House, 2805 C Street S.W., Building 5, Door 49, Auburn, WA 98001, by July 6, 1990.

Date of Intended Adoption: July 18, 1990.

May 1, 1990
 Grant Fredericks
 Deputy Director
 for Wendy Holden
 Director

(2) *It is lawful to possess razor clams for commercial purposes that are lawfully taken from within the boundaries of the Quinalt Indian Reservation.*

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-48-198 SALE OF SURPLUS PROPERTY TO STATE ELECTED OFFICIALS OR EMPLOYEES. Surplus property available for disposal under the provisions of RCW 43.19.1919 shall not be sold to state elected officials, officers or employees, except at public sale: PROVIDED, HOWEVER, An item valued at less than \$400 and declared surplus of a personal nature such as a chair, desk or bookcase, which in some way depicts or represents the office in which he has served, may be sold to an elected official after leaving office at private sale for its fair market value: PROVIDED FURTHER, That a retiring commissioned officer of the Washington state patrol or other state-wide law enforcement activity may purchase his or her career service ((revolver)) handgun at private sale for its current fair market value.

WSR 90-11-012
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Filed May 7, 1990, 2:55 p.m.]

Date of Adoption: May 7, 1990.

Purpose: Commercial regulation.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-52-030.

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: There is an adequate resource available to allow a limited commercial harvest of razor clams in an area which is not readily available to the recreation digger.

Effective Date of Rule: Immediately.

May 7, 1990
 Sharon L. Whitehead
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-52-03000F RAZOR CLAM—COMMERCIAL HARVEST. *Notwithstanding the provisions of WAC 220-52-030, effective immediately until further notice, it is unlawful to fish for or possess razor clams taken for commercial purposes from Washington waters except as provided for in this section:*

(1) *Those waters of Razor Clam Area Number One lying south of the Willapa Bay Ship Channel, west of Ellen Sands, and north of latitude 46 degrees, 39 minutes, 00 seconds north, are open to commercial razor clam digging from 12:01 a.m. May 16 through 11:59 p.m. June 30, 1990.*

WSR 90-11-013
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed May 7, 1990, 4:05 p.m.]

It was decided to withdraw WAC 388-49-470 Income—Exclusions, filed March 30, 1990, pending further substantial changes.

Leslie F. James, Director
 Administrative Services
 by Rosemary Carr

WSR 90-11-014
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed May 7, 1990, 4:06 p.m.]

It was decided to withdraw WAC 388-49-190 Household concept, to change the hearing date from June 5, 1990, to June 27, 1990.

Leslie F. James, Director
 Administrative Services
 by Rosemary Carr

WSR 90-11-015
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 2978—Filed May 7, 1990, 4:10 p.m.]

Date of Adoption: May 7, 1990.

Purpose: To amend food stamp program rules to require a combined food stamp allotment for the first and second months when an eligible household applies on the 16th or after.

Citation of Existing Rules Affected by this Order:
 Amending WAC 388-49-560 Issuance.

Statutory Authority for Adoption: RCW 74.04.050.

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 amendment is necessary to implement provisions of the Hunger Prevention Act of 1988 and the implementing federal regulations in 7 CFR 274.2 and 274.3(e).

Effective Date of Rule: May 16, 1990, 12:01 a.m.

May 7, 1990

Leslie F. James, Director
Administrative Services
by Rosemary Carr

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

WAC 388-49-560 ISSUANCE. (1) The department shall issue food coupons through a:

(a) ~~((A))~~ Food coupon authorization (FCA) system staggered through the tenth of the month, or

(b) ~~((A))~~ Direct coupon mail out system staggered through the tenth of the month.

(2) For FCAs issued after the ~~((twenty-fifth))~~ twentieth of the month, the department shall issue a valid FCA:

(a) Until the end of the month and issue a valid replacement FCA if the household is unable to transact the FCA before the expiration date, or

(b) For the current month's benefits valid in the following month.

(3) For eligible households applying on the sixteenth of the month or after, the department shall issue the prorated allotment for the initial month and the allotment for the first full month at the same time, except for:

(a) Households eligible for expedited services for which missing or postponed verification have not been provided; and

(b) Households ineligible for the initial month, or the second month.

(4) The department shall maintain issuance records for a period of three years from the month of origin.

**WSR 90-11-016
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed May 7, 1990, 4:12 p.m.]

Original Notice.

Title of Rule: WAC 388-49-190 Household concept.

Purpose: To clarify when separate household status can be established for elderly, permanently disabled persons unable to prepare meals.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: Separate household status can be established for an elderly, permanently disabled person, unable to prepare meals, provided the person's spouse is included in the household; and the income of others living with the person and the person's spouse does not exceed 165 percent of poverty level.

Reasons Supporting Proposal: This rule is necessary to implement 7 CFR 273.1 (a)(2)(ii).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, OB-31C, 753-5401.

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

Rule is necessary because of federal law, 7 CFR 273.1 (a)(2)(ii).

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 June 27, 1990, 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 June 27, 1990.

Date of Intended Adoption: June 29, 1990.

May 7, 1990

Leslie F. James, Director
Administrative Services
by Rosemary Carr

AMENDATORY SECTION (Amending Order 2770, filed 3/2/89)

WAC 388-49-190 HOUSEHOLD CONCEPT. (1) The department shall consider the following as households:

(a) A person ~~((who lives))~~ living alone;
(b) A person ~~((who lives))~~ living with others and ~~((who purchases))~~ purchasing and ~~((prepares))~~ preparing meals separate and apart from the others;

(c) A group of persons who live together and purchase and prepare meals together;

(d) A permanently disabled ~~((and))~~, elderly person unable to prepare meals ~~((:))~~ provided the:

(i) ~~((The person must be living with others:~~

~~((ii) The))~~ Person's spouse shall be included in the household ~~((:));~~ and

~~((iii))~~ (ii) ~~((The))~~ Income of ~~((the))~~ other ~~((household members))~~ individuals, except the person's spouse, ~~((cannot))~~ living with the person does not exceed one hundred sixty-five percent of the poverty level.

(e) A person who is the parent of a child ~~((under 18))~~ seventeen years of age or younger, along with that person's child and spouse, if the person and the person's child are:

(i) ~~((Residing))~~ Living with the person's parent or sibling, and

(ii) Purchasing and preparing meals separate from the parent or sibling.

(f) A person who is a parent or sibling living with the person described in WAC 388-49-190 (1)(e) or (h);

(g) A person living with ~~((his or her))~~ the person's natural, adoptive, or ~~((stepchildren))~~ stepchild, or ~~((such children))~~ the child living with parents when one parent is:

(i) Elderly or disabled, and

(ii) Purchasing and preparing meals separate from the child.

(h) A person, living with a sibling, who is:

(i) Elderly or disabled, and

(ii) Purchasing and preparing meals ~~((separately))~~ separate from the sibling.

(2) The department shall not grant separate household status to:

(a) ~~((Children under eighteen))~~ A child seventeen years of age or younger, and under parental control of a member of the household;

(b) ~~((Parents))~~ A parent living with ~~((their))~~ the parent's natural, adoptive, or ~~((stepchildren))~~ stepchild, or ~~((such children))~~ the child living with ~~((parents))~~ the parent unless ~~((they))~~ the child and parent qualify as separate households ~~((per))~~ as described under WAC 388-49-190 (1)(d), (e), (f), or (g);

- (c) A spouse of a household member;
 (d) Siblings unless they qualify as separate households ((per)) as described under WAC 388-49-190 (1)(d), (e), (f), or (h);
 (e) A boarder.
 (3) The department shall consider the following persons ((residing)) living with the household as nonhousehold members who, if otherwise eligible, may qualify as a separate household:
 (a) Roomers,
 (b) Live-in attendants, or
 (c) Persons sharing living quarters with the household who purchase food and prepare meals separately from the household.
 (4) The department shall consider the following persons ((residing)) living with the household as ineligible household members:
 (a) Persons disqualified for intentional program violation;
 (b) Persons disqualified because of noncompliance with work registration requirements;
 (c) Persons who are ineligible aliens;
 (d) Persons disqualified for failure to apply for or provide a Social Security number;
 (e) Persons who are ineligible students; or
 (f) Persons who fail to sign the application attesting to their citizenship or alien status.

WSR 90-11-017

PROPOSED RULES

TRANSPORTATION IMPROVEMENT BOARD

[Filed May 8, 1990, 9:45 a.m.]

Original Notice.

Title of Rule: WAC 479-112-017 Local/private matching funds on transportation improvement account (TIA) programs; and 479-113-035 Value engineering studies for TIA projects.

Purpose: To amend the rules to fit the needs of the transportation improvement account program. The original rule was set up to use the same procedures used in the urban arterial trust account (UATA) program.

Statutory Authority for Adoption: Chapter 47.26 RCW.

Statute Being Implemented: Chapter 47.26 RCW.

Summary: These rules establish the procedures for implementing VE studies on TIA projects and revises the matching requirements for the TIA small city program projects.

Reasons Supporting Proposal: In 1989, the board adopted rules for the TIA program. The board has started to fund new projects and has found a need to revise these two rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jerry M. Fay, Executive Director, Transportation Building, 753-7199.

Name of Proponent: Transportation Improvement Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 479-112-017, the revisions to this rule will reduce the local agency matching requirement for the TIA small city program. This allows more agencies to submit for TIA funds. The effect on the program will be that about 4 or 5 fewer projects will be funded statewide; and WAC 479-113-035, the revisions to this rule will allow agencies to submit their projects to the TIB for fund authorization about 6 to 18 months sooner. Beneficial to both the local agency and the board.

Proposal Changes the Following Existing Rules: WAC 479-112-017, the local match requirements for the TIA small city program is a minimum of 10%. This amendment reduces the match to 5% for cities and towns greater than 500 population and eliminates the match for cities and towns equal to or less than 500 population; and WAC 479-113-035, the existing rule requires that an agency complete a VE study prior to obtaining TIA funds. This amendment allows the board to authorize funding prior to completion of the VE study.

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

Hearing Location: Transportation Building, Commission Board Room, Olympia, Washington 98504, on July 20, 1990, at 9:30 a.m.

Submit Written Comments to: Transportation Improvement Board, Transportation Building, KF-01, Olympia, Washington 98504, by July 13, 1990.

Date of Intended Adoption: July 23, 1990.

May 7, 1990

Jerry M. Fay

Executive Director

AMENDATORY SECTION (Amending Order 89-2, Resolution No. 035, filed 6/22/89)

WAC 479-112-017 LOCAL/PRIVATE MATCHING FUNDS ON TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. (1) TIA moneys for urban program projects authorized by the board shall be matched by an amount not less than twenty percent of the total cost of the transportation project. Matching funds will be considered to be all contributions other than those provided by the board.

(2) TIA moneys for the small cities program projects authorized by the board for cities and towns with population greater than five hundred shall be matched by not less than ((ten)) five percent of the total cost of the transportation project. There is no matching fund requirement for cities and towns with a population equal to or less than five hundred. Matching funds will be considered to be all contributions other than those provided by the board.

AMENDATORY SECTION (Amending Order 89-2, Resolution No. 035, filed 6/22/89)

WAC 479-113-035 VALUE ENGINEERING STUDY REQUIREMENTS FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. ((Value engineering studies will be required on TIA projects in accordance with the requirements of WAC 479-13-035.)) A value engineering assessment shall be performed by the TIB staff to determine which projects will require a VE study.

WSR 90-11-018

EMERGENCY RULES

TRANSPORTATION IMPROVEMENT BOARD

[Filed May 8, 1990, 9:48 a.m.]

Date of Adoption: April 27, 1990.

Purpose: To amend rules to allow the implementation of the transportation improvement account program.

Citation of Existing Rules Affected by this Order: Amending WAC 479-112-017 and 479-113-035.

Statutory Authority for Adoption: Chapter 47.26 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: These amended rules are required in order to have new procedures in place before urban program projects could be funded on April 27, 1990, and before small city program projects can be funded on May 18, 1990.

Effective Date of Rule: Immediately.

May 7, 1990
Jerry M. Fay
Executive Director

AMENDATORY SECTION (Amending Order 89-2, Resolution No. 035, filed 6/22/89)

WAC 479-112-017 LOCAL/PRIVATE MATCHING FUNDS ON TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. (1) TIA moneys for urban program projects authorized by the board shall be matched by an amount not less than twenty percent of the total cost of the transportation project. Matching funds will be considered to be all contributions other than those provided by the board.

(2) TIA moneys for the small cities program projects authorized by the board for cities and towns with population greater than five hundred shall be matched by not less than ~~((ten))~~ five percent of the total cost of the transportation project. There is no matching fund requirement for cities and towns with a population equal to or less than five hundred. Matching funds will be considered to be all contributions other than those provided by the board.

AMENDATORY SECTION (Amending Order 89-2, Resolution No. 035, filed 6/22/89)

WAC 479-113-035 VALUE ENGINEERING STUDY REQUIREMENTS FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. (~~Value engineering studies will be required on TIA projects in accordance with the requirements of WAC 479-13-035.~~) A value engineering assessment shall be performed by the TIB staff to determine which projects will require a VE study.

WSR 90-11-019
PROPOSED RULES
DEPARTMENT OF HEALTH
(Professional Licensing Services)

[Filed May 8, 1990, 1:47 p.m.]

Original Notice.

Title of Rule: WAC 308-175-200 AIDS prevention and information education requirements—Health care assistants.

Purpose: Amendment to WAC 308-175-200 AIDS prevention and information education requirements—

Health care assistants, to allow for waiver of seven hours of required training if applicants have met curriculum requirements.

Statutory Authority for Adoption: RCW 18.135.030.

Statute Being Implemented: RCW 18.135.030.

Summary: The secretary may waive the minimum seven clock hour requirement of AIDS education if evidence is provided which documents compliance with AIDS training curriculum content. Certificates issued under this provision will be effective for only 120 days.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanne Redmond, 1300 Quince Street, Olympia, WA 98504, 586-6898.

Name of Proponent: Professional Licensing Services, Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The secretary may waive the minimum seven clock hour requirement of AIDS education if evidence is provided which documents compliance with AIDS training curriculum content. Certificates issued under this provision will be effective for only 120 days.

Proposal Changes the Following Existing Rules: WAC 308-175-200 is amended to add a waiver of the minimum requirements for AIDS training.

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

Hearing Location: 1102 South Quince Street, Conference Room, 1st Floor, Olympia, WA 98504, on June 26, 1990, at 10:00 a.m.

Submit Written Comments to: Leslie Baldwin, 1300 Quince Street, Olympia, WA 98504, by June 25, 1990.

Date of Intended Adoption: July 3, 1990.

May 4, 1990
Pam Campbell Mead
for Kristine M. Gebbie
Secretary

AMENDATORY SECTION (Amending Order PM 785, filed 11/2/88)

WAC 308-175-200 AIDS PREVENTION AND INFORMATION EDUCATION REQUIREMENTS—HEALTH CARE ASSISTANTS. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for certification. Effective January 1, 1989, persons applying for certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4) of this section.

(3) 1989 renewal of certificate. Effective for the 1989 renewal period beginning January 1, 1989, all persons making application for certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4) of this section. Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of subsection (4) of this section with their renewal application. Those persons who must renew during 1990 shall submit evidence of compliance with subsection (4) of this section on or before December 31, 1989. Persons whose 1989 certificate expires on or before March 31, 1989, will, upon written application, be granted an extension to April

15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for certification, renewal, or reinstatement of any certificate on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of ~~((subsection))~~ (a) of this subsection.

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

(5) Temporary emergency waiver of seven hours training requirement. The secretary may waive the minimum seven clock hour requirement of subsection (4)(a) of this section if evidence is provided which documents compliance with AIDS training curriculum content. Certificates issued under this provision will be effective for one hundred twenty days only.

WSR 90-11-020
PROPOSED RULES
BUILDING CODE COUNCIL
[Filed May 9, 1990, 8:33 a.m.]

Continuance of WSR 90-05-064.

Title of Rule: Washington state energy code.

Other Identifying Information: Chapter 51-12 WAC.

Date of Intended Adoption: June 8, 1990.

May 20, 1990
Marc Sullivan
Chair

WSR 90-11-021
PERMANENT RULES
WASHINGTON STATE PATROL
[Filed May 9, 1990, 9:15 a.m.]

Date of Adoption: May 9, 1990.

Purpose: Establishes safe operating conditions of motor vehicle tires.

Citation of Existing Rules Affected by this Order: Amending chapter 204-48 WAC.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.425.

Pursuant to notice filed as WSR 90-08-023 on March 29, 1990.

Effective Date of Rule: Thirty-one days after filing.

May 9, 1990
George B. Tellevik
Chief

AMENDATORY SECTION (Amending Order 7502, filed 11/18/77, effective 12/21/77)

WAC 204-48-020 STANDARDS. No person shall drive or move, or cause to be driven or moved, any vehicle, the tires of which have contact with the driving surface of the road, subject to registration in this state, upon the public highways of this state unless such vehicle is equipped with tires in safe operating condition. A tire shall be considered unsafe if the defects listed below can be detected by visual observation, with or without simple measurable gauges, while the tire is mounted on the vehicle. A tire is unsafe if:

(1) It has any ply or cord exposed either to the naked eye or when cuts or abrasions on the tire are probed.

(2) It has any bump, bulge or knot, affecting the tire structure.

(3) It has any break repaired with a boot.

(4) It has a tread depth of less than 2/32 of an inch measured in any two major tread grooves at three locations equally spaced around the circumference of the tire ~~((; or for those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two major tread grooves at three locations equally spaced around the circumference of the tire)).~~ The measurement shall not be made where tie bars, humps, fillets or tread wear indicators are located.

Provided that: Any tires on the front wheels of trucks, truck tractors, and buses (including school buses) shall have no less than 4/32 of an inch of tread measured as described above.

(5) It has a legend which indicates the tire is not intended for use on public highways such as "not for highway use," or "for racing purposes only."

(6) It is in such condition as may be reasonably demonstrated to render it unsafe.

(7) Not matched in tire size, designation, construction, and profile to the other tire and/or tires on the same axle. Provided that: Tires meeting federal standards for "emergency" or "temporary use" may be used if installed and operated within manufacturer's guidelines.

WSR 90-11-022
PERMANENT RULES
WASHINGTON STATE PATROL
[Filed May 9, 1990, 9:16 a.m.]

Date of Adoption: May 9, 1990.

Purpose: Repeals obsolete substantive regulations.

Citation of Existing Rules Affected by this Order: Repealing chapter 204-990 WAC, Appendix.

Statutory Authority for Adoption: RCW 46.37.005.

Pursuant to notice filed as WSR 90-08-024 on March 29, 1990.

Effective Date of Rule: Thirty-one days after filing.

May 9, 1990
George B. Tellevik
Chief

REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 204-990 WAC APPENDIX—SUBSTANTIVE REGULATIONS OF THE STATE COMMISSION ON EQUIPMENT

**WSR 90-11-023
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Order 89-19—Filed May 9, 1990, 10:49 a.m., effective July 1, 1990]

Date of Adoption: May 9, 1990.

Purpose: Chapter 296-306 WAC, Safety standards for agriculture code, is being amended to implement statutory requirements through HB 2222 during the 1989 legislative session. These rules changes relate to pesticide posting and record-keeping requirements.

Statutory Authority for Adoption: Chapters 49.17 and 49.70 RCW.

Pursuant to notice filed as WSR 89-23-118 on November 22, 1989; WSR 90-01-148 on December 20, 1989; and WSR 90-05-002 on February 9, 1990.

Changes Other than Editing from Proposed to Adopted Version: The department has made the following changes from "proposed" to "adopted" rule, but general subject matter was not changed.

WAC 296-306-400(1), the following provision allowing the use of the officially adopted sign of the United States Environmental Protection Agency was added: "Sign design may be either the state design as illustrated by figure 1 or the officially adopted sign of the Environmental Protection Agency (reference federal regulation 40 CFR 170.44)." These changes are made as a result of written and oral comments received at public hearings.

WAC 296-306-400 (2)(a) is amended to read: "Labor-intensive agricultural crop" means crops requiring substantial hand-labor for planting, thinning, cultivating, pruning, harvesting or other agricultural activities. Labor-intensive agricultural crops include but are not limited to apples, cherries, peaches, berries, hops, grapes, asparagus, pears, plums, nectarines, potatoes, onions, cucumbers, cauliflower, and squash. By virtue of mechanization, crops such as, but not limited to, wheat, oat, and barley, are excluded unless substantial hand-labor is utilized. These changes are made as a result of written and oral comments received at public hearings.

WAC 296-306-400(4), this subsection changes posting requirements from "within twenty-four hours before scheduled application. . ." to "at least twenty-four hours but not more than 7-days before scheduled application. . ." These changes are made as a result of written and oral comments received at public hearings.

WAC 296-306-400(6), the following was added relating to sign criteria: "(Unless EPA signs are used.)" These changes are made as a result of written and oral comments received at public hearings.

WAC 296-306-400(8), related to the effective date of July 1, 1990. The following sentence has been deleted: "All requirements of this section will be implemented by the effective date." A sentence in this section is removed because it is not necessary.

WAC 296-306-40003(1), has been amended to read: "An employer who applies or stores pesticides in connection with the production of an agricultural crop shall compile and maintain a workplace pesticide list (form AGR 4226 for one-time, single application; form AGR 4235 for repeat applications, or form AGR 4236 applications through an irrigation system), by crop or land area for each pesticide that is applied to a crop or land area, and a (form L&I F413-033-000) for each pesticide stored in a work area." These changes are made to include applicable form numbers required for record-keeping.

WAC 296-306-40003(2), has been amended to read: "The workplace pesticide data shall be kept on the forms prescribed by the department and shall contain at least the following information: (Exception—see subsection (8) following.) These changes are made as a result of written and oral comments received at public hearings.

WAC 296-306-40003 (2)(a), is amended to read: "The address or exact location of the land where the pesticide was applied or the site where the pesticide was stored; Note: If application is made to one acre or more, the field/land location must be shown on the map on the required form for at least the first application." These changes are made as a result of written and oral comments received at public hearings.

WAC 296-306-40003 (2)(b), has been amended to read: "The year, month, day and time the pesticide was applied or stored;" This change is made to include stored pesticides as well as applied, to meet the intent of the standard.

WAC 296-306-40003 (2)(d), has been amended to read: "The crop or site to which the pesticide was applied; (application crop or site.)" These changes are for clarification to meet the intent of the standard.

WAC 296-306-40003 (2)(g), has been amended to read: "The number of acres, or other appropriate measure, to which pesticide was applied; (total area treated.)" These changes are for clarification to meet the intent of the standard.

WAC 296-306-40003 (2)(h)(i), the following sentence has been added: "More than one entry would be feasible if there was a significant change of direction for any length of time during the application." These changes are for clarification to meet the intent of the standard.

WAC 296-306-40003(4), has been amended to read: "An employer subject to this section shall maintain one form for each application to each crop or work area, or workplace as a whole, as appropriate." These changes are for clarification to meet the intent of the standard.

WAC 296-306-40003 (4)(b), is amended to read: "The farm owner/operator shall maintain and preserve the forms required under this section for no less than seven years." These changes are for clarification to meet the intent of the standard.

WAC 296-306-40003(8), is amended to read: "The employer may maintain computerized records as long as the computer that is utilized is programmed and equipped to print complete records in the form and format prescribed by subsection (9) of this section." These changes are made as a result of written and oral comments received at public hearings.

WAC 296-306-40003(9), has been deleted and replaced with the following: "The farm owner/operator shall utilize, maintain and keep record forms as indicated in WAC 296-306-40005 to comply with provisions of this section." These changes are for clarification to meet the intent of the standard.

WAC 296-306-40003(9), Figures 1 through 4 are the prescribed record-keeping forms for the Departments of Agriculture and Labor and Industries. The proposed rules contained Figures 1 through 6. These forms have been revised to meet the requirements of WAC 296-306-40003. These changes are made as a result of written and oral comments received at public hearings.

Effective Date of Rule: July 1, 1990.

May 9, 1990
Joseph A. Dear
Director

NEW SECTION

WAC 296-306-400 POSTING REQUIREMENTS. (1) When a pesticide having a reentry interval greater than twenty-four hours is applied to a labor-intensive agricultural crop, the pesticide-treated area shall be posted with warning signs in accordance with the requirements of this section. Sign design may be either the state design as illustrated by figure 1 or the officially adopted sign of the Environmental Protection Agency (Reference federal regulation 40 CFR 170.44)

(2) Definitions for the purposes of this section are:

(a) "Labor-intensive agricultural crop" means crops requiring substantial hand-labor for planting, thinning, cultivating, pruning, harvesting, or other agricultural activities. Labor-intensive agricultural crops include but are not limited to apples, cherries, peaches, berries, hops, grapes, asparagus, pears, plums, nectarines, potatoes, onions, cucumbers, cauliflower, and squash. By virtue of mechanization, crops such as, but not limited to, wheat, oat, and barley are excluded unless substantial hand-labor is utilized.

(b) "Reentry interval" means the length of time after an application until personnel will be allowed to reenter a treated area for work purposes without personal protective equipment.

(3) Pesticide warning signs required under this section shall be posted in such a manner as to be clearly visible from all usual points of entry to the pesticide-treated area. If there are no usual points of entry or the area is adjacent to an unfenced public right of way, signs shall be posted:

- (a) At each corner of the pesticide-treated area; and
- (b) At intervals not exceeding six hundred feet; and/or
- (c) At other locations approved by the department that provide maximum visibility.

(4) The signs shall be posted at least twenty-four hours but not more than 7-days before scheduled application of the pesticide, and remain posted during application and throughout the applicable reentry interval. Signs shall be removed within two days after the expiration of the applicable reentry interval and before employee reentry is permitted.

(5) Signs shall be legible for the duration of use and wording shall be in English and Spanish.

(6) Signs shall meet the following criteria: (Unless EPA signs are used.)

- (a) The background color shall be white.
- (b) The border at least one-half inch in width shall be red.
- (c) The words "DANGER" and "PELIGRO" shall be at the top. Letters for these words shall be black and at least two and one-half inches in height.

(d) The words "pesticides" and "pesticidas" shall be at the top but below the words "DANGER" and "PELIGRO," respectively. Letters for these words shall be black and at least one inch in height.

(e) The center of the sign shall contain a circle comprised of a one-inch thick red line and contain an upraised hand in black with the white words "STOP" and "ALTO," respectively shown on the palm in the center of the circle. The hand shall be at least six inches in length.

(f) The words "NO ENTRY" and "ENTRADA PROHIBIDA" shall be at the bottom. Letters for these words shall be black and at least one and one-half inches in height.

(g) Sizes of letters and symbols listed are minimum acceptable size posters. Larger posters may be used provided the proportionate size of letters and symbols are maintained.

(7) A small black and white facsimile of the warning sign meeting these requirements is shown in Figure 1.

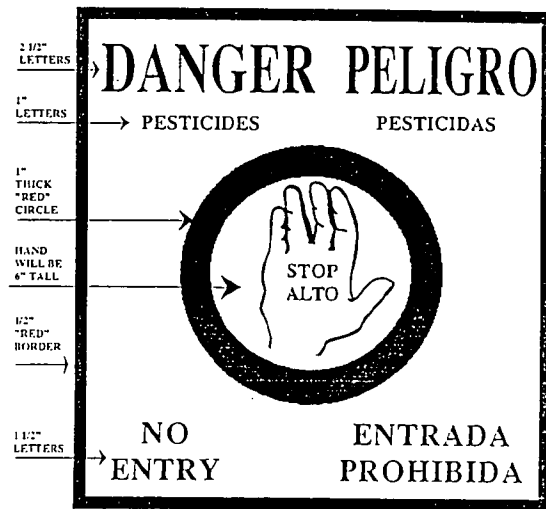


FIGURE 1

(8) The effective date of WAC 296-306-400 through 296-306-40005 is July 1, 1990.

NEW SECTION

WAC 296-306-40003 GENERAL REQUIREMENTS. (1) An employer who applies or stores pesticides in connection with the production of an agricultural crop shall compile and maintain a workplace pesticide list (form AGR 4226 for one-time, single applications; form AGR 4235 for repeat applications; or form AGR 4236 for applications through an irrigation system), by crop or land area for each pesticide that is applied to a crop or land area, and a (form L & I F413-033-000) for each pesticide stored in a work area.

(2) The workplace pesticide data shall be kept on the forms prescribed by the department and shall contain at least the following information: (Exception—see subsection (8) following.)

(a) The address or exact location of the land where the pesticide was applied or the site where the pesticide was stored; (Note: If application is made to one acre or more, the field/land location must be shown on the map on the required form for at least the first application.)

(b) The year, month, day, and time the pesticide was applied or stored;

(c) The product name used on the registered label and the United States Environmental Protection Agency registration number, if applicable, of the pesticide that was applied or stored;

(d) The crop or site to which the pesticide was applied; (Application crop or site.)

(e) The amount of pesticide applied per acre, or other appropriate measure;

(f) The concentration of pesticide that was applied;

(g) The number of acres, or other appropriate measure, to which pesticide was applied; (Total area treated.)

(h) If applicable, the licensed applicator's name, address, and telephone number and the name of the individual or individuals making the application; and

(i) The direction and estimated velocity of the wind at the time the pesticide was applied: PROVIDED, That this subsection (i) shall not apply to applications of baits in bait stations and pesticide applications within structures. More than one entry would be feasible if there was a significant change of direction for any length of time during the application.

(3) The employer shall update the workplace pesticide list on the same day that a pesticide is applied or is first stored in a work area.

(a) The workplace pesticide list may be prepared for the workplace as a whole or for each work area and must be readily available to employees and their designated representatives.

(b) New or newly assigned employees shall be made aware of the pesticide chemical list before working with pesticides or in a work area containing pesticides.

(4) An employer subject to this section shall maintain one form for each application or for each crop or work area, or workplace as a whole, as appropriate.

(a) The forms shall be accessible and available for copying and shall be stored in a location suitable to preserve their physical integrity.

(b) The farm owner/operator shall maintain and preserve the forms required under this section for no less than seven years.

(c) The records shall include an estimation of the total amount of each pesticide listed on the forms.

(5) After the effective date of this section, if an employer has failed to maintain and preserve the forms as required, the employer shall be subject to any applicable penalties authorized under chapter 49.70 or 49.17 RCW.

(6) If activities for which forms are maintained cease at a workplace, the forms shall be filed with the department. If an employer subject to this section is succeeded or replaced in that function by another person, the person who succeeds or replaces the employer shall retain the forms as required by this section but is not liable for violations committed by the former employer under chapter 49.70 RCW or rules adopted under chapter 49.70 RCW, including violations relating to the retention and preservation of forms.

(7) The employer shall provide copies of the forms, on request, to an employee or the employee's designated representative in the case of an industrial insurance claim filed under Title 51 RCW with the department of labor and industries, treating medical personnel, the pesticide incident reporting and tracking review panel, or department representative.

(a) The designated representative or treating medical personnel are not required to identify the employee represented or treated.

(b) The department shall keep the name of any affected employee confidential in accordance with RCW 49.17.080(1).

(c) If an employee, a designated representative, treating medical personnel, or the pesticide incident reporting and tracking review panel requests a copy of a form and the employer refuses to provide a copy, the requester shall notify the department of the request and the employer's refusal.

(d) Within seven working days, the department shall request that the employer provide the department with all pertinent copies, except that in a medical emergency the request shall be made within two working days.

(e) The employer shall provide copies of the form to the department within twenty-four hours after the department's request.

(8) The employer may maintain computerized records as long as the computer that is utilized is programmed and equipped to print complete records in the form and format prescribed by subsection (9) of this section.

(9) The farm owner/operator shall utilize, maintain, and keep record forms as indicated in WAC 296-306-40005 to comply with provisions of this section.

NEW SECTION

WAC 296-306-40005 PESTICIDES RECORD FORM.

State of Washington
Department of Agriculture
Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 1)

NOTE: This form must be completed same day as the application
and it must be retained for 7 years. (Ref. RCW 17.21)

1. Date of Application - Year: Month: Day: Time:
2. Name of person for whom the pesticide was applied:
Firm Name (if applicable):
Street Address: City: State: Zip:
3. Licensed Applicator's Name (if different from #2 above): License No.
Firm Name (if applicable): Tel. No.
Street Address: City: State: Zip:
4. Name of person(s) who applied the pesticide (if different than #3 above):
License No(s), if applicable:
5. Application Crop or Site:
6. Total Area Treated (acre, sq. ft., etc):
7. Was this application made as a result of a WSDA Permit? No Yes (if yes, give Permit No.) #
8. Pesticide Information (please list all information for each pesticide in the tank mix):

a) Product Name	b) EPA Reg. No.	c) Total Amount of Pesticide Applied in Area Treated	d) Pesticide Applied/Acre (or other measure)	e) Concentration Applied
_____	_____	_____	/	_____
_____	_____	_____	/	_____
_____	_____	_____	/	_____
_____	_____	_____	/	_____
_____	_____	_____	/	_____

9. Address or exact location of application. NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form

10. Wind direction and estimated velocity during the application:
11. Temperature during the application:
12. Apparatus license plate number (if applicable):
13. Air Ground Chemigation
14. Miscellaneous Information:

Location of Application (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only):

Township: N

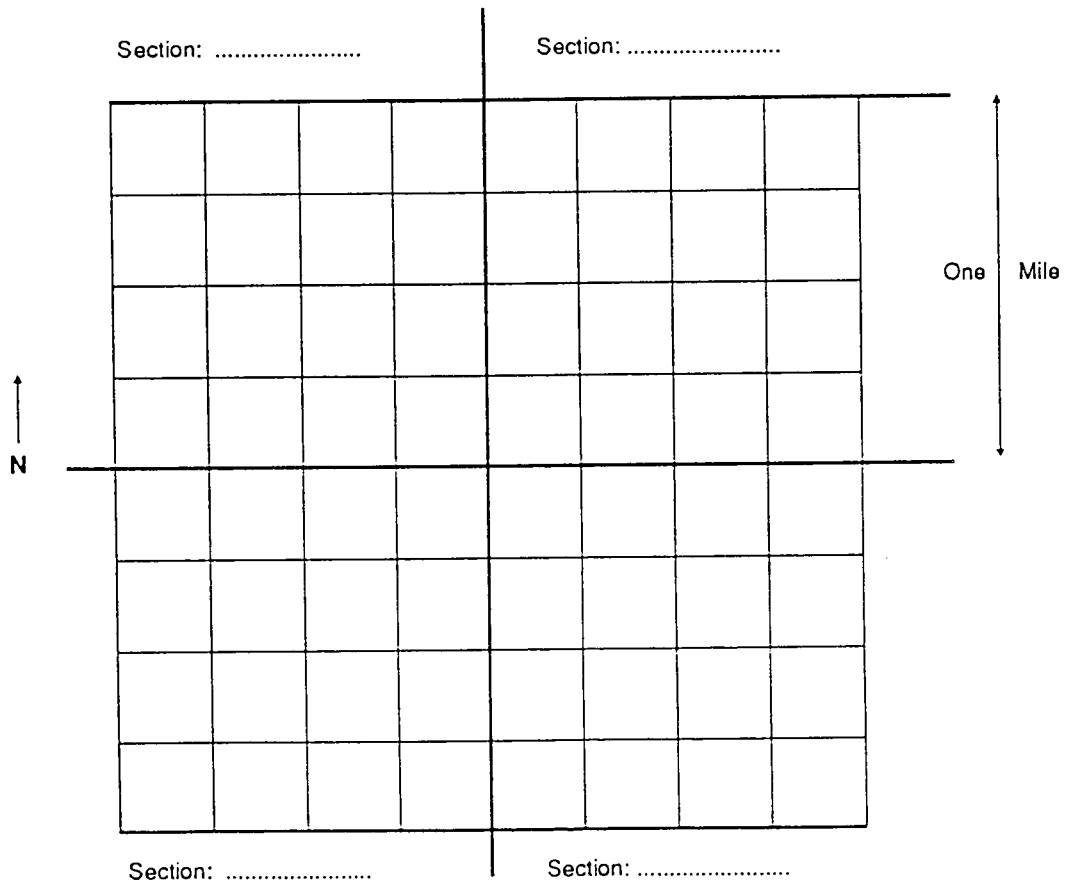
Range: E OR W (please indicate)

Section(s):

County:

PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.



Miscellaneous Information:

PESTICIDE APPLICATION RECORD (Version 2)

NOTE: Application information must be completed on the same day as the application and must be retained for seven years. (Ref. RCW 17.21)

1. Name & Address of Person for Whom Pesticide was Applied:	2. Applicator Name and Address (if different from (1)): Tel. No. Lic. No.
3. Address <i>or exact location</i> of application (NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form)	4. Misc. Info. :

5. Date and Time of Application	6. Crop or Site Treated	7. Acres Treated (or other measure)	8. PRODUCT NAME	9. EPA Registration Number	10. Amount of Product Applied		11. Concentration	12. Weather Conditions, Apparatus License Plate No. and Name and License No. of person(s) who applied pesticide
					Rate per acre (or other measure)	Total Product Applied		
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation						
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation						
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation						
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation						

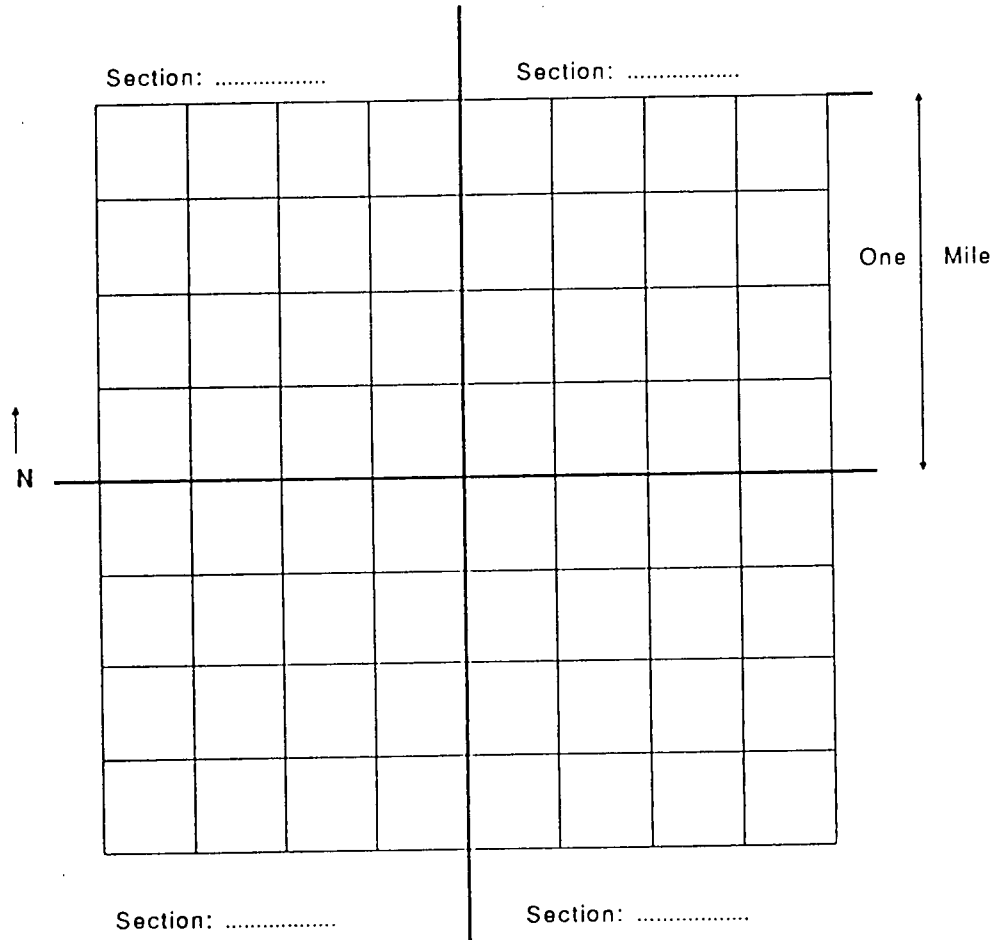
[21]

Location of Application (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only):

TOWNSHIP: N
RANGE: E OR W (please indicate)
SECTION(S):
COUNTY:

PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.



State of Washington
 Department of Agriculture
 Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 3)

NOTE: This form must be completed same day as the application
 and it must be retained for 7 years. (Ref. RCW 17.21)

1. Date of Application - Year: Month: Day(s):
2. Name of person for whom the pesticide was applied:
 Firm Name (if applicable):
 Street Address: City: State: Zip:
3. Licensed Applicator's Name (if different from #2 above): License No.
 Firm Name (if applicable): Tel. No.
 Street Address: City: State: Zip:
4. Air Ground Chemigation
5. Application Crop or Site:
6. Total Area Treated (acre, sq. ft., etc):
7. Was this application made as a result of a WSDA Permit? No Yes (if yes, give Permit No.) #
8. Pesticide Information (please list all information for each pesticide in the tank mix):

a) Product Name	b) EPA Reg. No.	c) Total Amount of Pesticide Applied in Area Treated	d) Pesticide Applied/Acre (or other measure)	e) Concentration Applied
_____	_____	_____	/	_____
_____	_____	_____	/	_____
_____	_____	_____	/	_____
_____	_____	_____	/	_____
_____	_____	_____	/	_____

9. Address *or exact Location* of Application. NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form.

10. Date	11. Name of person(s) making the application	12. License No.	13. Apparatus Lic. Plate No.	14. Time		15. Acres Completed	16. Wind		17. Temp.
				Start	Stop		Dir.	Vel.	

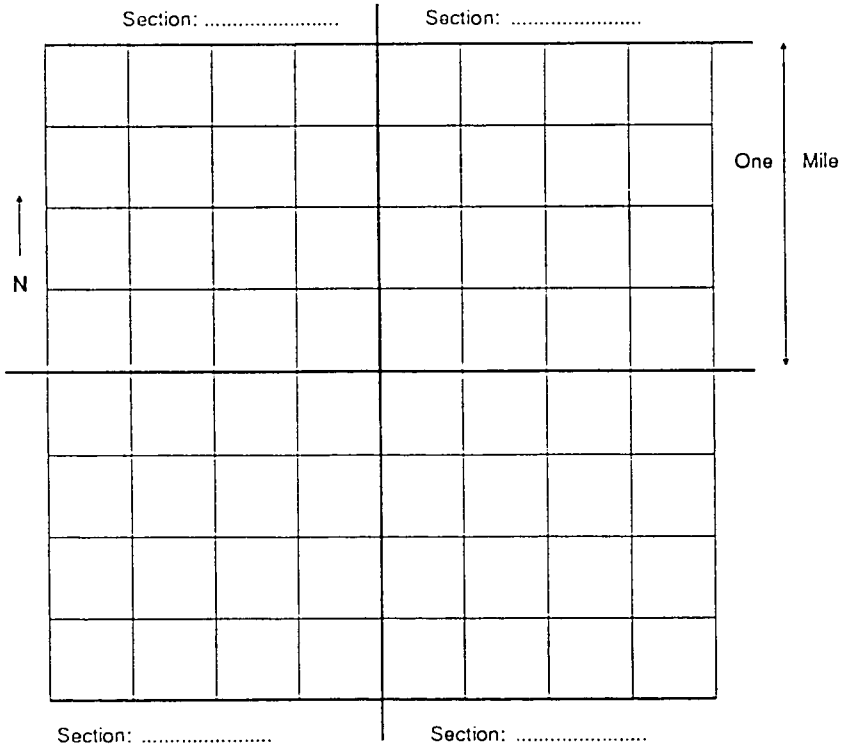
10. Date	11. Name of person(s) making the application	12. License No.	13. Apparatus Lic. Plate No.	14. Time		15. Acres Completed	16. Wind		17. Temp.
				Start	Stop		Dir.	Vel.	

Location of Application (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only):

Township: N
 Range: E OR W (please indicate)
 Section(s):
 County:

PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.



Miscellaneous Information:

Department of Labor & Industries
Division of Industrial Safety & Health
PO Box 207
Olympia WA 98507-0207



PESTICIDE STORAGE RECORD

NOTE: This form must be completed same day as the storage and it must be retained for 7 years.

1. Name of person storing pesticide _____

2. Name of pesticide owner _____ Telephone _____

3. Owner's address _____ City _____ State ZIP _____

4. Pesticide Information				
Date	Product Name	Active Ingredients (common name)	EPA Reg. No.	Amount Stored

6. Location Storage:

a) Street address: _____

b) If a street location is not appropriate, pinpoint the location of the storage and describe the location:

Township _____ N

Range _____ E or W

Section(s) _____

County _____

7. Type or print name of person completing this form _____ Date _____

8. Signature _____

WSR 90-11-024
PERMANENT RULES
DEPARTMENT OF AGRICULTURE
 [Filed May 9, 1990, 11:15 a.m.]

Date of Adoption: May 9, 1990.

Purpose: Record-keeping requirements for pesticide applicators in chapter 16-228 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 16-228-190.

Statutory Authority for Adoption: Chapters 17.21 and 15.58 RCW.

Pursuant to notice filed as WSR 89-23-116 on November 22, 1989; and WSR 90-01-147 on December 20, 1989; and WSR 90-06-014 on February 27, 1990.

Changes Other than Editing from Proposed to Adopted Version: Based on the testimony at the hearings, the following changes were made in the proposed rule filed in notice WSR 89-23-116 on November 22, 1989:

The form was reduced from five to four versions. This change was made in response to redundancy of the form.

Revised the pesticide application version for applications of one acre or more. The revisions included: Removal of the "active ingredient" column. This was done because of testimony stating that this information could be derived from the brand name and EPA Reg. No. also included on the form; the map has been placed on a separate page to allow more room for other information; line 13 has been added, requesting information on application equipment; and line 14 has been added to allow individuals to put additional information on the form if they so desire.

Revised the pesticide application record version for commercial ornamental and lawn applications. The "active ingredient" column was removed for the same reason as stated above.

Created a new version that is "site specific." This form was created because of testimony stating that such a form was needed. The form is modeled very closely to one submitted as part of the hearing testimony.

WAC 16-228-190 (1)(i), of the proposal was removed for the reason given above.

WAC 16-228-190 (1)(m), the commercial pesticide applicator license number and license numbers of individuals making the application were added. This was done to keep the WAC consistent with the form.

WAC 16-228-190(5), this subsection was revised to allow exceptions to the requirement of keeping the information on the form adopted by the department, and to allow the required information to be kept on computerized records. This was done to address testimony regarding inflexibility of the proposed record-keeping system.

WAC 16-228-190(6), is a new subsection describing the criteria that must be met to receive and [an] "exemption" from the department. The department felt that the criteria was necessary to ensure that the intent of RCW 17.21.100 was met.

Effective Date of Rule: Thirty-one days after filing.

May 9, 1990
 Michael V. Schwisow
 Deputy Director
 for C. Alan Pettibone
 Director

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 and address of the person for whom the pesticide was applied.

(b) The address or exact location of the land where the pesticide was applied. If the application is made to one acre or more of agricultural land, the field must be located on the map on the prescribed form.

(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)) (e) 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 pesticide applied such as pounds, gallons, ounces, etc.

(g) The amount of pesticide applied per acre or one thousand square feet or other appropriate measure.

(i) For PCO classification 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. Liquid applications may be recorded as 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)), certified pesticide applicator license number, address, telephone number, and the name and license number(s) if applicable 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) Except as stated in subsection (6) of this section, the information required in subsection (1) of this section shall be kept on the appropriate page of the pesticide record form (figures 1-7): PROVIDED, That computerized records may be maintained as long as the records can be produced in the form and format prescribed by the department.

(6) The department may allow by written permit the information required in subsection (1) of this section to be kept in a different form and format than that described in figures 1-7: PROVIDED, That the following criteria are met:

(a) The pesticide application record keeping system is computerized;

(b) The pesticide application record keeping system was in place and operational prior to July 23, 1989;

(c) The pesticide application record keeping system contains all the information required by subsection (1) of this section, and can be produced in a form and format acceptable to the department.

(7) 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))~~ (8) 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)) or where the apparatus is located.

~~((7))~~ (9) 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))~~ (10) Maintain a uniform mixture at all times in operating apparatus when applying pesticides.

~~((9))~~ (11) 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.

State of Washington
Department of Agriculture
Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 1)

NOTE: This form must be completed same day as the application
and it must be retained for 7 years. (Ref. RCW 17.21)

1. Date of Application - Year: Month: Day: Time:
2. Name of person for whom the pesticide was applied:
Firm Name (if applicable):
Street Address: City: State: Zip:
3. Licensed Applicator's Name (if different from #2 above): License No.
Firm Name (if applicable): Tel. No.
Street Address: City: State: Zip:
4. Name of person(s) who applied the pesticide (if different than #3 above):
..... License No(s), if applicable:
5. Application Crop or Site:
6. Total Area Treated (acre, sq. ft., etc):
7. Was this application made as a result of a WSDA Permit? No Yes (if yes, give Permit No.) #
8. Pesticide Information (please list all information for each pesticide in the tank mix):

a) Product Name	b) EPA Reg. No.	c) Total Amount of Pesticide Applied in Area Treated	d) Pesticide Applied/Acre (or other measure)	e) Concentration Applied
_____	_____	_____	/	_____
_____	_____	_____	/	_____
_____	_____	_____	/	_____
_____	_____	_____	/	_____
_____	_____	_____	/	_____

9. Address **or exact location** of application. NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form

10. Wind direction and estimated velocity during the application:
11. Temperature during the application:
12. Apparatus license plate number (if applicable):
13. Air Ground Chemigation
14. Miscellaneous Information:

Location of Application (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only):

Township: N

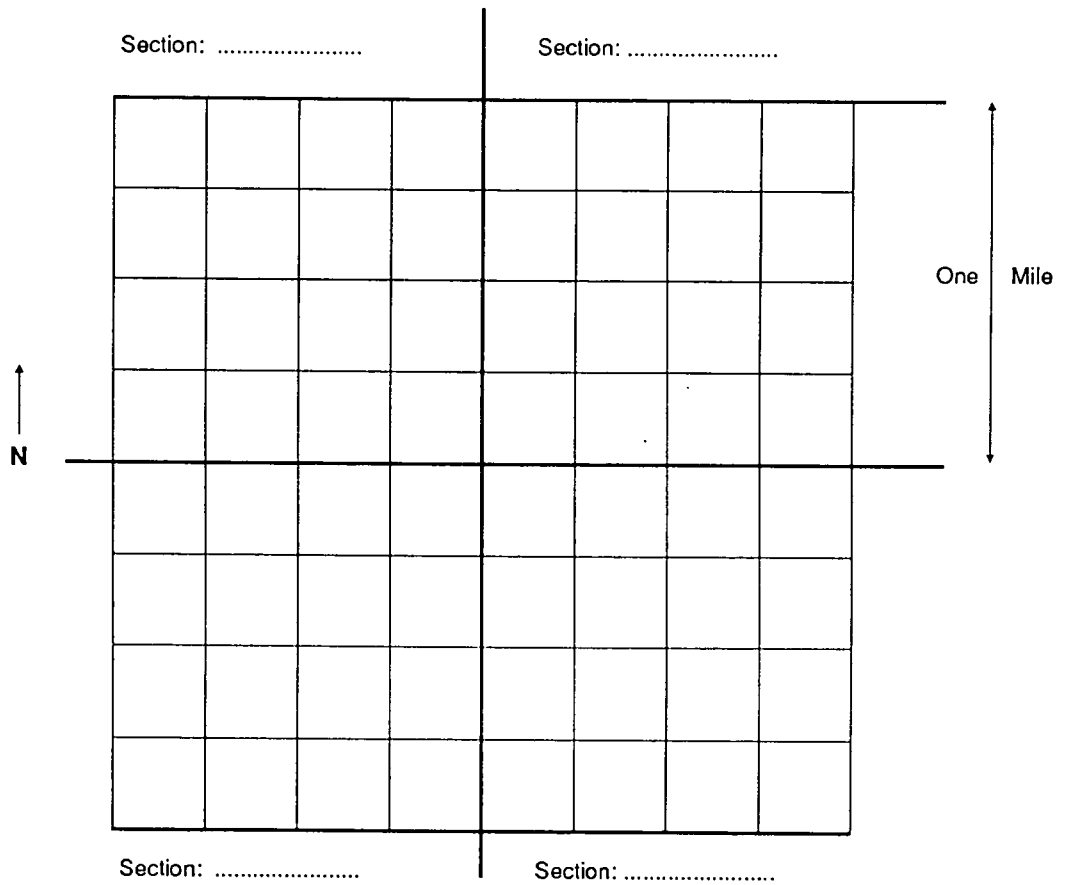
Range: E OR W (please indicate)

Section(s):

County:

PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.



Miscellaneous Information:

PESTICIDE APPLICATION RECORD (Version 2)

NOTE: Application information must be completed on the same day as the application and must be retained for seven years. (Ref. RCW 17.21)

1. Name & Address of Person for Whom Pesticide was Applied:	2. Applicator Name and Address (if different from (1)): Tel. No. Lic. No.
3. Address <i>or exact location</i> of application (NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form)	4. Misc. Info. :

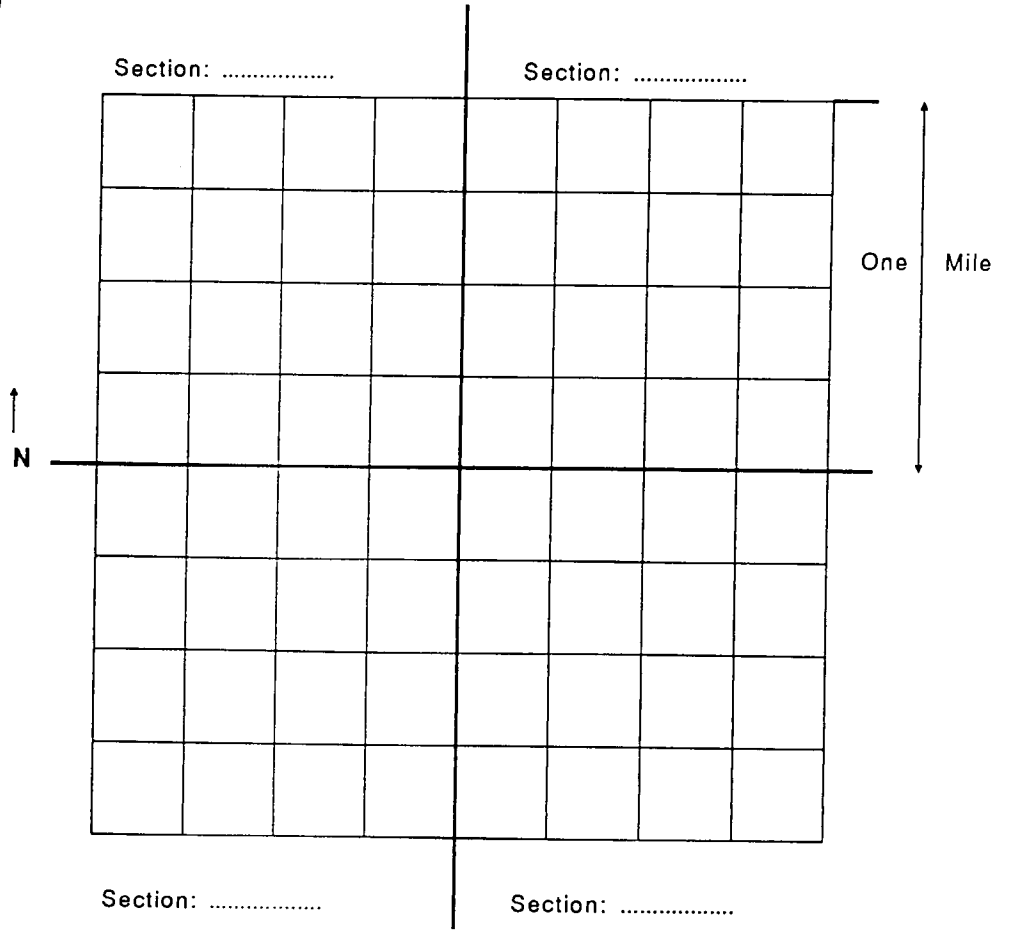
5. Date and Time of Application	6. Crop or Site Treated	7. Acres Treated (or other measure)	8. PRODUCT NAME	9. EPA Registration Number	10. Amount of Product Applied		11. Concentration	12. Weather Conditions, Apparatus License Plate No. and Name and License No. of person(s) who applied pesticide
					Rate per acre (or other measure)	Total Product Applied		
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation						
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation						
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation						
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation						

Location of Application (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only):

TOWNSHIP: N
 RANGE: E OR W (please indicate)
 SECTION(S):
 COUNTY:

PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.



State of Washington
Department of Agriculture
Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 3)

NOTE: This form must be completed same day as the application
and it must be retained for 7 years. (Ref. RCW 17.21)

1. Date of Application - Year: Month: Day(s):
2. Name of person for whom the pesticide was applied:
Firm Name (if applicable):
Street Address: City: State: Zip:
3. Licensed Applicator's Name (if different from #2 above): License No.
Firm Name (if applicable): Tel. No.
Street Address: City: State: Zip:
4. Air Ground Chemigation
5. Application Crop or Site:
6. Total Area Treated (acre, sq. ft., etc):
7. Was this application made as a result of a WSDA Permit? No Yes (if yes, give Permit No.) #
8. Pesticide Information (please list all information for each pesticide in the tank mix):

a) Product Name	b) EPA Reg. No.	c) Total Amount of Pesticide Applied in Area Treated	d) Pesticide Applied/Acre (or other measure)	e) Concentration Applied
_____	_____	_____	/	_____
_____	_____	_____	/	_____
_____	_____	_____	/	_____
_____	_____	_____	/	_____
_____	_____	_____	/	_____

9. Address or exact Location of Application. NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form.

10. Date	11. Name of person(s) making the application	12. License No.	13. Apparatus Lic. Plate No.	14. Time		15. Acres Completed	16. Wind		17. Temp.
				Start	Stop		Dir.	Vel.	

State of Washington
Department of Agriculture
Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 4)
May be used for Commercial Residential Ornamental and Lawn Applications only
NOTE: This form must be completed same day as the application and it must be retained for 7 years.

- A. Date of Application - Year: Month: Day:
- B. Firm name: Telephone No.
Commercial Applicator's Name: License No.
Street Address: City: State: Zip:
- C. Name of person(s) who applied the pesticide:.....
License No(s):
- D. Pesticide Information (please list all information for each pesticide in the tank mix):

<u>Product Name</u>	<u>EPA Reg. No.</u>	<u>Concentration</u>
		Amount - (Lbs., Qts., etc.) of brand per 100 gallons of tank mix. Amount and unit must be specified

- E. Application crop or site: F. Apparatus License Plate No.
- G. Record the following information for the specific conditions during each application:

	<u>CUSTOMER</u>		<u>AMOUNT APPLIED</u> (gals. of mix)	<u>AREA TREATED</u> (sq. ft., etc.)	<u>TIME</u>	<u>TEMP</u> F°	<u>WIND</u>	
	(a) full name	(b) location of application - street address					<u>DIR</u>	<u>VEL</u> (mph)
1. a)								
b)								
2. a)								
b)								
3. a)								
b)								
4. a)								
b)								
5. a)								
b)								
6. a)								
b)								
7. a)								
b)								
8. a)								
b)								
9. a)								
b)								

WSR 90-11-025
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed May 9, 1990, 11:20 a.m.]

After giving consideration to TRI-ACT's proposal on the application of pesticides in Benton County and portions of Franklin and Walla Walla counties, and after reviewing all testimony submitted, the department is withdrawing notice WSR 90-04-109 filed on February 7, 1990.

Art G. Losey
 Assistant Director

WSR 90-11-026
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed May 9, 1990, 11:24 a.m.]

This is to request that you withdraw the proposed amendment to WAC 16-555-040 filed on February 21, 1990, with a file number WSR 90-05-059.

This portion of the proposed rule changes did not obtain the necessary approval.

Arthur C. Scheunemann
 Managing Director
 Market Development Division

WSR 90-11-027
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Order 90-07—Filed May 9, 1990, 4:23 p.m.]

Date of Adoption: May 2, 1990.

Purpose: To establish the definition of common terms used in Title 392 WAC and rules of construction applicable to Title 392 WAC.

Citation of Existing Rules Affected by this Order:
 Amending WAC 392-100-060.

Statutory Authority for Adoption: RCW 28A.03.030.

Pursuant to notice filed as WSR 90-07-043 on March 16, 1990.

Effective Date of Rule: Thirty-one days after filing.

May 8, 1990
 Judith A. Billings
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending Order 87-4, filed 4/28/87)

WAC 392-100-060 OTHER ABBREVIATIONS.
 As used in Title 392 WAC, the abbreviation:

- (1) "FTE" means full-time equivalent;
- (2) ("RAP") "LAP" means ((remediation)) learning assistance program;
- (3) "VTI" means vocational-technical institute.

WSR 90-11-028
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Order 90-08—Filed May 9, 1990, 4:26 p.m.]

Date of Adoption: May 2, 1990.

Purpose: To set forth policies and procedures for the operation of a paraprofessional classroom assistants training program including the allocation of state funds to school districts and ESDs for the implementation of the training program.

Statutory Authority for Adoption: Section 517(5), chapter 19, Laws of 1989 1st ex. sess.

Pursuant to notice filed as WSR 90-07-045 on March 16, 1990.

Effective Date of Rule: Thirty-one days after filing.

May 8, 1990
 Judith A. Billings
 Superintendent of
 Public Instruction

1990-91 PARAPROFESSIONAL CLASSROOM ASSISTANTS TRAINING PROGRAM

NEW SECTION

WAC 392-140-400 1990-91 PARAPROFESSIONAL CLASSROOM ASSISTANTS TRAINING PROGRAM—AUTHORITY. The authority for this chapter is section 517(5), chapter 19, Laws of 1989 1st ex. sess. (uncodified), the 1989-91 Omnibus Appropriations Act, which provides for the training of paraprofessional classroom assistants and the classroom teachers to whom they are assigned.

NEW SECTION

WAC 392-140-401 1990-91 PARAPROFESSIONAL CLASSROOM ASSISTANTS TRAINING PROGRAM—PURPOSE. The purpose of this chapter is to set forth policies and procedures for the operation of a paraprofessional classroom assistants training program including the allocation of state funds to school districts and educational service districts for the implementation of the training program.

NEW SECTION

WAC 392-140-402 1990-91 PARAPROFESSIONAL CLASSROOM ASSISTANTS TRAINING PROGRAM—DEFINITION—PARAPROFESSIONAL CLASSROOM ASSISTANT. As used in this chapter, the term "paraprofessional classroom assistant" means those classified personnel who are employed by a school district to assist the classroom teacher in carrying out classroom supervisory, instructional, clerical, or other duties as assigned by the teacher, and are identified on the superintendent of public instruction Form S-277, Classified Personnel Report, with activity code 27, and duty code 910.

NEW SECTION

WAC 392-140-403 1990-91 PARAPROFES-
SIONAL CLASSROOM ASSISTANTS TRAINING
PROGRAM—DEFINITION—ASSIGNED TEACH-
ER. As used in this chapter, the term "assigned teacher"
means a certificated classroom teacher to whom a class-
fied paraprofessional classroom assistant has been as-
signed by a school district for the 1990-91 academic
year.

NEW SECTION

WAC 392-140-404 1990-91 PARAPROFES-
SIONAL CLASSROOM ASSISTANTS TRAINING
PROGRAM—DEFINITION—TRAINING PRO-
GRAM. As used in this chapter, the term "training pro-
gram" means in-service training sessions sponsored or
approved by a school district or an educational service
district for the purpose of preparing paraprofessional
classroom assistants in the methods and procedures of
performing in the role of paraprofessional classroom as-
sistant, and training classroom teachers to serve in the
role of supervisor of paraprofessional classroom
assistants.

NEW SECTION

WAC 392-140-405 1990-91 PARAPROFES-
SIONAL CLASSROOM ASSISTANTS TRAINING
PROGRAM—DEFINITION—INDIRECT COSTS.
As used in this chapter, "indirect costs" means those
program costs such as support service, fiscal support, and
maintenance of facilities not defined as direct costs.

NEW SECTION

WAC 392-140-406 1990-91 PARAPROFES-
SIONAL CLASSROOM ASSISTANTS TRAINING
PROGRAM—DEFINITION—ONE-DAY TRAIN-
ING PROGRAM. As used in this chapter, "a one-day
training program" means six contact hours of training.

NEW SECTION

WAC 392-140-407 1990-91 PARAPROFES-
SIONAL CLASSROOM ASSISTANTS TRAINING
PROGRAM—DEFINITION—ONE CONTACT
HOUR OR TRAINING. As used in this chapter, "one
contact hour of training" means a minimum of fifty-five
minutes of continuous instruction/training.

NEW SECTION

WAC 392-140-408 1990-91 PARAPROFES-
SIONAL CLASSROOM ASSISTANTS TRAINING
PROGRAM—TASK FORCE. A task force composed
of individuals representing each of the following profes-
sional roles shall make recommendations to the superin-
tendent of public instruction regarding the implementa-
tion of the paraprofessional classroom assistants training
program and the proposal selection process: Teachers,
principals, school district administrators, community

colleges, four-year colleges and universities, school di-
rectors, educational service districts, public school em-
ployees, and public school personnel administrators. The
task force shall meet at least annually.

NEW SECTION

WAC 392-140-409 1990-91 PARAPROFES-
SIONAL CLASSROOM ASSISTANTS TRAINING
PROGRAM—REQUIREMENTS—PROVIDERS.
The training program shall consist of no less than twenty-
five hours of training for paraprofessional classroom
assistants and at least a one-day training program as
defined in WAC 392-140-406 for the assigned teachers.
As a minimum, two assigned teachers as specified in
WAC 392-140-414, for every FTE paraprofessional
classroom assistant as calculated under WAC 392-140-
420, should be trained. The paraprofessional classroom
assistants and the assigned teachers shall participate in
at least one of the training sessions together. Individual
districts or groups of school districts may provide train-
ing utilizing in-district personnel or may contract with
an outside consultant, another school district, an educa-
tional service district, or a two-year or four-year college
or university to conduct the necessary training for the
paraprofessional classroom assistants and the assigned
teachers.

NEW SECTION

WAC 392-140-410 1990-91 PARAPROFES-
SIONAL CLASSROOM ASSISTANTS TRAINING
PROGRAM—DURATION. Training may be conduct-
ed during the summer vacation period prior to the com-
mencement of the 1990-91 school year and/or during
the first half of the 1990-91 school year, and need not
be held on consecutive days. The training sessions may
be held either before, during, or after school hours at the
discretion of the school district or educational service
district.

NEW SECTION

WAC 392-140-411 1990-91 PARAPROFES-
SIONAL CLASSROOM ASSISTANTS TRAINING
PROGRAM—GRANT PROPOSAL—APPLICA-
TION PROCESS. The superintendent of public instruc-
tion shall issue a request for proposals (RFP) to all in-
terested school districts and educational service districts
outlining the requirements to be met in each grant ap-
plication. The application must be received by the su-
perintendent of public instruction by 5:00 p.m., Monday,
April 16, 1990, in order to be considered for review. The
application shall require the superintendent of the school
district or educational service district to provide assur-
ances that all of the conditions specified in WAC 392-
140-421 have been met.

NEW SECTION

WAC 392-140-412 1990-91 PARAPROFES-
SIONAL CLASSROOM ASSISTANTS TRAINING
PROGRAM—GRANT PROPOSAL—SELECTION

PROCESS. Educational service districts and school districts will be selected for funding on the basis of the quality of their grant proposal application as compared to other proposals submitted. Applications selected for funding shall represent a fair distribution across the state in terms of geographic region, size of district to be served, and the training needs of the classroom assistants and teachers. Proposals will be evaluated using criteria specified in WAC 392-140-413. Members of the paraprofessional classroom assistants task force will review, rank order, and recommend proposals for funding according to their rank order standing, until all available funding is awarded.

NEW SECTION

**WAC 392-140-413 1990-91 PARAPROFES-
SIONAL CLASSROOM ASSISTANTS TRAINING
PROGRAM—GRANT PROPOSAL—EVALUA-
TION CRITERIA.** Grant proposals submitted by the school districts and educational service districts will be evaluated by the paraprofessional classroom assistants training program task force members using the following criteria:

- (1) Statement of need.
- (2) Training goals and objectives.
- (3) Training activities.
- (4) Evaluation design.
- (5) Cost effectiveness of budget.

Each criterion will have equal value when being scored by the task force members.

NEW SECTION

**WAC 392-140-414 1990-91 PARAPROFES-
SIONAL CLASSROOM ASSISTANTS TRAINING
PROGRAM—ASSIGNED TEACHERS—SELEC-
TION PROCESS.** Two assigned teachers should be selected for training by the district for every one paraprofessional classroom assistant selected by the district for training. The assigned teachers selected for the training program do not have to be the actual teachers in the district to whom the paraprofessional classroom assistants selected for training are assigned.

NEW SECTION

**WAC 392-140-415 1990-91 PARAPROFES-
SIONAL CLASSROOM ASSISTANTS TRAINING
PROGRAM—SELECTION PROCESS.** Any paraprofessional classroom assistants, regardless of the amount of time they work in a school district, may be selected by the district for the training program. Paraprofessional classroom assistants selected for the training program do not have to be serving as an assistant for one or any of the assigned teachers selected for the training program by the district.

NEW SECTION

**WAC 392-140-416 1990-91 PARAPROFES-
SIONAL CLASSROOM ASSISTANTS TRAINING**

**PROGRAM—REQUIRED TRAINING COMPO-
NENTS.** Training for paraprofessional classroom assistants shall include, as a minimum, instruction in the following five areas:

- (1) Team building skills.
- (2) School building and classroom discipline policies and procedures.
- (3) Rules and procedures of the school.
- (4) Psychology and development of children.
- (5) Operation of equipment.

NEW SECTION

**WAC 392-140-417 1990-91 PARAPROFES-
SIONAL CLASSROOM ASSISTANTS TRAINING
PROGRAM—SUGGESTED TRAINING COMPO-
NENTS.** School districts and educational service districts are encouraged, but not required, to offer training for paraprofessional classroom assistants in at least two additional areas, which may include:

- (1) Individualized instruction.
- (2) Small group instructional techniques.
- (3) Group dynamics.
- (4) Health/safety/first-aid training.
- (5) Human relations skills.
- (6) Communication skills.
- (7) Behavior management.
- (8) Planning and organizational skills.
- (9) Direct instruction.
- (10) Test administration and scoring.
- (11) Recordkeeping.
- (12) Computer skills.
- (13) The handicapped child.

(14) Other components deemed by the school district or educational service district to be relevant and important to the training of paraprofessional classroom assistants.

NEW SECTION

**WAC 392-140-418 1990-91 PARAPROFES-
SIONAL CLASSROOM ASSISTANTS TRAINING
PROGRAM—ASSIGNED TEACHERS—TRAIN-
ING COMPONENTS.** Training for the assigned teachers shall include instruction in one or more of the following areas:

- (1) Team building skills.
- (2) Communication skills.
- (3) Human relations skills.
- (4) Leadership skills.
- (5) Managerial skills.
- (6) Supervision of adults.
- (7) Other areas deemed by the school district or educational service district to be relevant and important to the training of teachers to whom paraprofessional classroom assistants are assigned.

NEW SECTION

**WAC 392-140-419 1990-91 PARAPROFES-
SIONAL CLASSROOM ASSISTANTS TRAINING
PROGRAM—DISTRIBUTION OF STATE MON-
EYS—MAXIMUM AMOUNT.** For the 1990-91 school year the superintendent of public instruction shall

allocate money to qualifying school districts and educational service districts in the form of competitive grant awards for the purpose of training paraprofessional classroom assistants and assigned teachers. The maximum amount of grant money available per proposal shall be determined by multiplying seven hundred dollars times the actual number of FTE paraprofessional classroom assistants to be trained in a district using the calculation process described in WAC 392-140-420. The amount generated by this calculation shall be the maximum amount of grant money available to the school district or educational service district to cover the cost of implementing their training program.

NEW SECTION

WAC 392-140-420 1990-91 PARAPROFES-SIONAL CLASSROOM ASSISTANTS TRAINING PROGRAM—FTE PARAPROFESSIOAL CLASSROOM ASSISTANTS—CALCULATION FOR FUNDING PURPOSES. In order to determine the actual number of full time equivalent (FTE) paraprofessional classroom assistants in a district, the total number of hours worked by all paraprofessional classroom assistants in the school district, identified by activity code 27 and duty code 910 on the most recent superintendent of public instruction Form s-277—Classified Personnel Report, shall be totaled and divided by two thousand eighty hours. The resulting figure, rounded to the nearest whole number, shall represent the total number of actual FTE paraprofessional classroom assistants in the school district, and will be the figure used by the district to calculate the maximum amount available for its grant proposal, as specified in WAC 392-140-419.

NEW SECTION

WAC 392-140-421 1990-91 PARAPROFES-SIONAL CLASSROOM ASSISTANTS TRAINING PROGRAM—ASSURANCES. Each school district that applies for a grant under this chapter shall assure the superintendent of public instruction that:

(1) The school districts and educational service districts shall comply with section 517(5), chapter 19, Laws of 1989 1st ex. sess. (uncodified), and with the terms specified in WAC 392-140-400 through 392-140-423;

(2) The school districts and educational service districts approved for funding under the paraprofessional classroom assistants training program shall keep records and provide information to the superintendent of public instruction regrading the program in such manner as required by the superintendent of public instruction.

NEW SECTION

WAC 392-140-422 1990-91 PARAPROFES-SIONAL CLASSROOM ASSISTANTS TRAINING PROGRAM—CARRYOVER PROHIBITION. State moneys distributed to districts for the paraprofessional classroom assistants training program shall be subject to the carryover prohibition of WAC 392-122-900.

NEW SECTION

WAC 392-140-423 1990-91 PARAPROFES-SIONAL CLASSROOM ASSISTANTS TRAINING PROGRAM—MAXIMUM CONTROL FACTOR—PRORATION. State moneys distributed to districts for the paraprofessional classroom assistants training program shall be subject to the proration provision of WAC 392-122-905 if the current appropriation to the superintendent of public instruction for the paraprofessional classroom assistants training program is adversely affected by action of the legislature after the commencement of the ensuing school year.

WSR 90-11-029

PERMANENT RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 90-09—Filed May 9, 1990, 4:29 p.m.]

Date of Adoption: May 2, 1990.

Purpose: To ensure compliance by the state of Washington with 34 CFR 76.780 through 872, Department of Education regulations governing state-administered federal grant programs, and with the Hatch Amendment.

Citation of Existing Rules Affected by this Order: Amending WAC 392-168-125 through 392-168-170.

Statutory Authority for Adoption: RCW 28A.02.100.

Pursuant to notice filed as WSR 90-07-044 on March 16, 1990.

Effective Date of Rule: Thirty-one days after filing.

May 8, 1990

Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-168-125 DEFINITION—COMPLAINT. As used in this chapter, the term "complaint" means ~~((a-written))~~ an allegation, ~~((signed))~~ by the complainant, that the state, a local school district, an educational service district, or other subgrantee receiving federal funds has systematically violated a federal statute or regulation or a state regulation that applies to a federal program covered under this chapter.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-168-135 RIGHT TO REGISTER A COMPLAINT. Any individual, entity, or organization may register a complaint: PROVIDED, That a complaint filed pursuant to the Hatch Amendment may be filed only by a student or parent or guardian of a student directly affected by the alleged violation: PROVIDED FURTHER, That if a parent or adult student has also filed ~~((an individualized complaint which constitutes the basis in whole or in part for initiation of))~~ a request for a due process special education hearing pursuant to

WAC 392-171-531, regarding the same issues, a citizen complaint by such person regarding ((systemic)) non-compliance shall be held in abeyance until the hearing has been concluded.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-168-140 CONTENTS OF COMPLAINT. A complaint filed under this chapter (~~shall be in writing, signed by the complainant, and~~) shall include:

(1) A statement that the state, a local school district, an educational service district, or other subgrantee has violated one or more requirements of federal statutes or regulations or state regulations that apply to a federal program;

(2) The facts on which the statement is based;

(3) The name and address of the complainant; and

(4) In the case of a complaint alleging a violation by an entity other than the state and filed directly with the superintendent of public instruction, the name and address of the allegedly offending entity.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-168-160 APPEAL TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION OF A LOCAL SCHOOL DISTRICT, EDUCATIONAL SERVICE DISTRICT, OR OTHER SUBGRANTEE DECISION. The complainant shall have the following right of appeal:

(1) In the event a complainant remains aggrieved with the written decision of a local school district, an educational service district, or other subgrantee, or upon failure or refusal of such entity to respond to a properly filed complaint, the complainant may, in writing, appeal the decision to the superintendent of public instruction or, in the case of a failure or refusal to respond, may register the complaint directly with the superintendent: PROVIDED, That upon the refusal of the local school district, educational service district, or other subgrantee to grant a request of the parent (or adult student) for a due process special education hearing made in conformance with WAC 392-171-531, the parent (or adult student) may register the complaint with the superintendent of public instruction.

(2) The ((written)) notice of appeal must be received by the superintendent of public instruction on or before the fifteenth day after the date the complainant received the written response of the local school district, educational service district, or other subgrantee pursuant to WAC 392-168-155; or in the case of a failure or refusal to respond to a complaint, a ((written)) notice registering the complaint must be received by the superintendent of public instruction on or before the thirty-fifth day after the citizen registered the complaint with the entity.

(3) In the case of a local school district, an educational service district, or other subgrantee's refusal to grant a request of a parent (or adult student) for a special education hearing made in conformance with WAC

392-171-531, a ((written)) notice registering the complaint must be received by the superintendent of public instruction on or before either the fifteenth day after the date the parent (or adult student) received notice of such entity's refusal to grant a hearing or on or before the fifteenth day after the expiration of the time period for rendering a final decision pursuant to a request for a hearing (i.e., forty-five days after the date of receipt of a request for a hearing), whichever occurs first.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-168-170 ACTIONS BY SUPERINTENDENT OF PUBLIC INSTRUCTION IN RESPONSE TO NOTICES OF APPEAL AND NOTICES REGISTERING COMPLAINTS. The superintendent of public instruction shall respond in the following manner to appeals and direct complaints:

(1) The superintendent of public instruction shall investigate the allegation(s) contained in a ((written)) notice of appeal or a ((written)) notice registering the complaint (~~(that is deemed to be of substance)~~) and make a decision no later than fifteen calendar days after the receipt of ((a written)) an appeal or no later than sixty calendar days after receipt of a complaint registered directly with the superintendent of public instruction by a citizen. Investigations carried out pursuant to this section may be performed on-site as necessary.

(2) If the investigation reveals that there is merit to the allegation(s), the superintendent of public instruction shall provide for negotiations, or technical advice and assistance, or other remedial action in an attempt to ensure compliance with this chapter and/or state and/or federal laws and regulations: PROVIDED, That any corrective measures deemed necessary shall be instituted no later than ten calendar days following the decision of the superintendent of public instruction.

(3) If compliance by a local school district, educational service district, or other subgrantee is not achieved pursuant to subsection (2) of this section, the superintendent of public instruction shall initiate funding withholding, fund recovery, or any other sanction deemed appropriate.

(4) In the event a complainant, local school district, educational service district, or other subgrantee remains aggrieved with the decision of the superintendent of public instruction, either party may appeal the decision to the secretary, department of education.

WSR 90-11-030
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Filed May 10, 1990, 9:36 a.m.]

Date of Adoption: May 9, 1990.

Purpose: Commercial regulation.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-52-051.

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: The commercial harvest of shrimp in District 1 and 3 is being delayed one day to coincide with the sport harvest. This provides for ease of enforcement and an orderly fishery.

Effective Date of Rule: Immediately.

May 9, 1990
Joseph R. Blum
Director

NEW SECTION

WAC 220-52-05100E COMMERCIAL SHRIMP
Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice it is unlawful to take or possess shrimp for commercial purposes from Shrimp District 1 and 3 except:

OPEN: 12:01 AM May 16, 1990 until further notice.

WSR 90-11-031
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
[Memorandum—May 9, 1990]

Please be advised that the special commission of the Washington State Human Rights Commission scheduled for May 9, 1990, at 11:30 a.m. via telephone conference call was rescheduled. It will be held on May 16, 1990, at 10:00 a.m. with the conference call originating at the office of the Human Rights Commission, 402 Evergreen Plaza Building, 711 South Capitol Way, Olympia. The topic of discussion will be the selection of an executive director. The meeting will be held in executive session.

WSR 90-11-032
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed May 10, 1990, 9:45 a.m.]

The Department of Revenue hereby requests that new sections WAC 458-14-005, 458-14-009, 458-14-014, 458-14-015, 458-14-016, 458-14-017, 458-14-019, 458-14-021, 458-14-023, 458-14-025, 458-14-027, 458-14-029, 458-14-031, 458-14-042 and 458-14-160; and those repealing WAC 458-14-010, 458-14-020, 458-14-030, 458-14-040, 458-14-045, 458-14-050, 458-14-052, 458-14-055, 458-14-060, 458-14-062, 458-14-065, 458-14-070, 458-14-075, 458-14-080, 458-14-085, 458-14-086, 458-14-090, 458-14-091, 458-14-092, 458-14-094, 458-14-098, 458-14-100, 458-14-110, 458-14-115, 458-14-120, 458-14-121, 458-14-122, 458-14-125, 458-14-126, 458-14-130,

458-14-135, 458-14-140, 458-14-145, 458-14-150, 458-14-152 and 458-14-155, filed March 22, 1989, under WSR 89-07-087, be withdrawn in accordance with RCW 34.05.335.

William N. Rice
Assistant Director
Property Tax Division

WSR 90-11-033
EMERGENCY RULES
OFFICE OF THE
ATTORNEY GENERAL
[Filed May 10, 1990, 10:48 a.m.]

Date of Adoption: May 1, 1990.

Purpose: To provide for the collection of the five dollar arbitration fee at the time of sale or lease of motorcycles having engine displacements of 750 or more cubic centimeters.

Citation of Existing Rules Affected by this Order: Amending WAC 44-10-090.

Statutory Authority for Adoption: RCW 19.118.080 and 19.118.090.

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: Emergency enactment is necessary to conform the rule to amendments to chapter 19.118 RCW which become effective June 7, 1990.

Effective Date of Rule: June 7, 1990.

May 10, 1990
Kenneth O. Eikenberry
Attorney General

AMENDATORY SECTION (Amending Order 87-2, filed 11/13/87)

WAC 44-10-090 ARBITRATION FEE. (1) A five dollar arbitration fee shall be collected by the new motor vehicle dealer from the consumer at completion of the sale, except that such fee shall not be collected in the following instances:

(a) Where the consumer is a business purchasing the new motor vehicle as part of a fleet of ten or more vehicles from the same new motor vehicle dealer at the same time for the direct use by the consumer in the consumer's business;

(b) Where the new motor vehicle is a moped((;-a)) motorcycle which has an engine displacement of less than 750 cubic centimeters or a truck with nineteen thousand pounds or more gross weight;

(c) Where the sale is between a new motor vehicle dealer and another new motor vehicle dealer both of which have valid written agreements for the sale and service of vehicles with the same manufacturer.

(2) Upon collection of the arbitration fee by the new motor vehicle dealer, the arbitration fee shall be forwarded to the department of licensing with the assigned certificate of ownership and application for title.

(3) For purposes of this rule:

(a) "Consumer" shall include any person, association, company, corporation or business entity.

(b) "Fleet" shall not include ten or more vehicles purchased by a consumer who has executed a lease agreement as lessor or intends to solicit a lease agreement as lessor of any such vehicles.

(c) "Lease agreement" shall not include a rental agreement executed in the normal course of the consumer's business.

WSR 90-11-034
PROPOSED RULES
OFFICE OF THE
ATTORNEY GENERAL
 [Filed May 10, 1990, 10:52 a.m.]

Original Notice.

Title of Rule: Amending WAC 44-10-090 Arbitration fee, 44-10-160 Use of technical expert and 44-10-200 The arbitration decision; repealing WAC 44-10-215 Receipt of resale information; and new section WAC 44-10-235 Substitute resale disclosure forms.

Purpose: WAC 44-10-090, provides for the collection of a five dollar arbitration fee; WAC 44-10-160, provides for use of technical experts; WAC 44-10-200, provides for the procedural steps and format of an arbitration decision; WAC 44-10-215, provides for delivery of resale information to manufacturers; and WAC 44-10-235, provides for approved use of substitute resale disclosure forms.

Statutory Authority for Adoption: RCW 19.118.080 and 19.118.090.

Statute Being Implemented: Chapter 19.118 RCW.

Summary: WAC 44-10-090, amended to specifically include lease vehicles and motorcycles with 750 and greater cubic centimeter engine displacements; WAC 44-10-160, amended to include motorcycle technical experts; WAC 44-10-200, amended to provide procedures to award allowable costs and attorneys' fees to prevailing consumers where the manufacturer is represented by counsel; WAC 44-10-215, section repealed; and WAC 44-10-235, proposed to allow a manufacturer to use substitute resale disclosure forms.

Reasons Supporting Proposal: The proposed new rule, amendatory sections and repealer section are intended to implement chapter 19.118 RCW and to provide standards for uniform conduct of arbitrators and uniform standards to administer the arbitration process.

Name of Agency Personnel Responsible for Drafting: Lynn Hendrickson, Assistant Attorney General, Seattle, 464-6488; Implementation and Enforcement: Richard Hubbard, Lemon Law Administrator, Seattle, 464-6488.

Name of Proponent: Kenneth O. Eikenberry, Washington State Attorney General, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 44-10-090, the amendatory section provides for the collection of a five dollar arbitration fee. The amendment clarifies that the fee is to be collected at the time of retail purchase or lease of nonexempt motor vehicles transactions which includes motorcycles with 750 and greater cubic centimeter engine displacements. Due to the addition of large motorcycles it is anticipated that there will be a small increase in arbitration fee collections annually; WAC 44-10-160, the amendatory section provides for the availability and use of technical experts for arbitrations. The amendment will specifically provide for the use of motorcycle experts. The result will be access to more relevant information by arbitrators; WAC 44-10-200, the amendatory section provides the format and procedures for issuing arbitration decisions. The amendment provides for the format in which a decision may include the award of costs and attorneys' fees to a prevailing consumer where the manufacturer is represented by counsel. The amended standards are anticipated to provide for the uniformity of arbitrator decisions; WAC 44-10-215, the repealer section identifies a specific time when a manufacturer is to receive vehicle resale information. Repeal of the section will provide flexibility in the creation and delivery of resale documents to a manufacturer; and WAC 44-10-235, the new section provides for submittal and approval procedures and for a minimum required format for manufacturer use of substitute resale disclosure form(s). The purpose of the rule is to provide consistency and greater flexibility to a manufacturer who intends to resell vehicles in this state which have previously been returned pursuant to chapter 19.118 RCW. The anticipated effect is greater consistency of disclosure documentation upon resale of returned vehicles.

Proposal Changes the Following Existing Rules: WAC 44-10-090, the changes specify fee collections on lease agreements and motorcycles with 750 and greater cubic centimeter engine displacements; the changes conform language as to gross vehicle weight rating; WAC 44-10-160, the change specifies the availability of motorcycle technical experts; WAC 44-10-200, the change adds provisions for including an award of costs and attorneys' fees in a decision to a prevailing consumer when the manufacturer is represented by counsel; and WAC 44-10-215, the section will be repealed.

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

The rules will have no minor or negligible impacts.

Hearing Location: Office of the Attorney General, 710 Second Avenue, Suite 1300, Seattle, WA 98104-1749, on June 28, 1990, at 9:00 a.m.

Submit Written Comments to: Lemon Law Administration, 710 Second Avenue, Suite 1300, Seattle, WA 98104-1749, by June 26, 1990.

Date of Intended Adoption: July 2, 1990.

May 10, 1990
 Kenneth O. Eikenberry
 Attorney General

AMENDATORY SECTION (Amending Order 87-2, filed 11/13/87)

WAC 44-10-090 ARBITRATION FEE. (1) A five dollar arbitration fee shall be collected by the new motor vehicle dealer from the consumer at completion of the sale or lease agreement, except that such fee shall not be collected in the following instances:

(a) Where the consumer is a business purchasing the new motor vehicle as part of a fleet of ten or more vehicles from the same new motor vehicle dealer at the same time for the direct use by the consumer in the consumer's business;

(b) Where the new motor vehicle is a moped, ((a)) motorcycle which has an engine displacement of less than 750 cubic centimeters or a truck with nineteen thousand pounds or more gross vehicle weight rating;

(c) Where the sale is between a new motor vehicle dealer and another new motor vehicle dealer both of which have valid written agreements for the sale and service of vehicles with the same manufacturer.

(2) Upon collection of the arbitration fee by the new motor vehicle dealer, the arbitration fee shall be forwarded to the department of licensing with the assigned certificate of ownership and application for title.

(3) For purposes of this rule:

(a) "Consumer" shall include any person, association, company, corporation or business entity.

(b) "Fleet" shall not include ten or more vehicles purchased by a consumer who has executed a lease agreement as lessor or intends to solicit a lease agreement as lessor of any such vehicles.

(c) "Lease agreement" shall not include a rental agreement executed in the normal course of the consumer's business.

AMENDATORY SECTION (Amending Order 89-4, filed 7/24/89, effective 8/24/89)

WAC 44-10-160 USE OF TECHNICAL EXPERT. (1) An adequate pool of automotive and motorcycle technical experts shall be maintained by the arbitration service for assignment as advisors and consultants to each arbitrator if such services are deemed necessary. Technical experts shall not be directly involved in the manufacture, distribution, sale, or warranty service of any motor vehicle.

(2) Either party may request that a technical expert be assigned to a dispute. Such assignment, however, shall be at the discretion of the arbitrator or the arbitration service. The arbitrator or the arbitration service may upon their own volition assign a technical expert to a dispute. Any request for a technical expert must be made within a time frame that will allow for reasonable inspection by the expert.

(3) If a technical expert is assigned to a dispute, and intends to perform an inspection of the vehicle prior to the hearing, a notice of the time, date and location of the technical expert's inspection of the vehicle will be provided to both parties. This section does not confer a right, for either party, to be present during the inspection of the vehicle, however, either party may be present.

(4) Said expert may be present as advisor and consultant at the arbitration hearing, if he or she has been requested to be present by the arbitrator or arbitration service.

(5) The expert shall sign a written oath attesting to his or her impartiality prior to the commencement of each arbitration hearing to which he or she has been assigned.

AMENDATORY SECTION (Amending Order 89-4, filed 7/24/89, effective 8/24/89)

WAC 44-10-200 THE ARBITRATION DECISION. (1) The arbitration board shall send the decision to the parties in each case within sixty calendar days of acceptance of the request for arbitration:

(a) All decisions shall be written, in a form to be provided by the attorney general, dated and signed by the arbitrator, and sent to both parties and the attorney general;

(b) The date of mailing of the arbitration decision shall determine compliance with the sixty day requirement;

(c) The written decision shall contain findings of fact and conclusions of law as to whether the motor vehicle meets the statutory standards for refund or replacement;

(i) If the consumer prevails and has elected repurchase of the vehicle, the decision shall include the calculations used to determine the monetary award as set forth in RCW 19.118.090, 19.118.041 and 19.118.021;

(ii) If the consumer prevails and has elected replacement of the vehicle, the decision shall include the information used to identify a reasonably equivalent replacement vehicle and the costs associated with such vehicle and a description of the vehicle as set forth in RCW 19.118.090, 19.118.041 and 19.118.021;

(iii) If the consumer prevails, the decision shall include provisions for the return of the vehicle upon compliance by the manufacturer at a reasonable time and place;

(iv) If the consumer prevails and the manufacturer is represented by counsel, the decision shall include a description of the reasonable costs and attorneys' fees incurred by the consumer in connection with board proceedings.

Reasonable costs and attorneys' fees shall be determined by the arbitrator based on an affidavit of costs and fees prepared by the consumer's attorney and submitted no later than the conclusion of the arbitration hearing. The affidavit may be amended for post-hearing costs and fees by the consumer's attorney within thirty days of the consumer's acceptance of the decision but in no case after a manufacturer's compliance with a decision. The amended affidavit of costs and fees must be delivered to the manufacturer's designated representative by certified mail or personal service and a copy submitted to the arbitration board.

(2) Included with the copy of the arbitration decision sent to the consumer shall be a form to be completed by said consumer, indicating acceptance or rejection of the decision. The consumer must return said form to the arbitration service within sixty calendar days from the date of the consumer's receipt of the decision. If the consumer has not responded within thirty days, the attorney general's office shall send a notice requesting a response and informing the consumer that failure to respond shall be deemed a rejection of the arbitration decision.

(3) If the consumer rejects the decision, the arbitration service shall forward general information to the consumer explaining the consumer's right to appeal the decision to superior court. The consumer shall have one hundred twenty calendar days from the date of the rejection of the decision to file a petition of appeal in superior court. At the time of filing an appeal, the consumer shall deliver by certified mail or by personal service a conformed copy of the petition to the attorney general.

(4) If the consumer accepts the decision, the arbitration service shall send a notice of acceptance by certified mail to the manufacturer and shall include a manufacturer's intent form. The intent form shall be returned to the attorney general by the manufacturer within thirty calendar days, of the manufacturer's receipt of notice of consumer's acceptance and shall indicate whether the manufacturer intends to comply with the decision or appeal the decision to superior court.

(5) A verification of compliance form shall be sent to the consumer by the attorney general's office. The verification of compliance form shall be completed and returned to the attorney general by the consumer upon the manufacturer's compliance with the decision.

(6) After forty calendar days from the date of the notice of acceptance to the manufacturer, the attorney general shall determine whether the manufacturer has complied with the arbitration decision or appealed to superior court. If the manufacturer has not complied or appealed, the attorney general may impose fines authorized by RCW 19.118.090.

NEW SECTION

WAC 44-10-235 SUBSTITUTE RESALE DISCLOSURE FORMS. (1) A manufacturer may submit to the attorney general for approval a proposed substitute form(s) for the consumer disclosure notice and certification of repair and warranty as required for resale of a vehicle.

(2) A substitute form must include:

(a) A disclosure that the manufacturer was required to repurchase or replace the vehicle from the previous owner pursuant to the Motor Vehicle Warranties Act, chapter 19.118 RCW, due to specified defects, conditions, or serious safety defects in the vehicle;

(b) A certification of repair and warranty for at least twelve months or twelve thousand miles, whichever occurs first, of any representation of correction or repair for each defect, condition, or serious safety defect;

(c) A disclosure that the title of ownership issued by the department of licensing will have permanent notations that the vehicle was returned pursuant to chapter 19.118 RCW and which will indicate whether or not the defect or condition has been corrected by the manufacturer;

(d) Directions for the distribution of the form copies and that the substitute form must be signed by the subsequent retail purchaser;

(e) A copy of the substitute form which is to be provided to the subsequent retail purchaser;

(f) Two copies of the substitute form which are to be immediately sent to the attorney general and the department of licensing upon retail sale of the vehicle.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 44-10-215 RECEIPT OF RESALE INFORMATION.

WSR 90-11-035

PERMANENT RULES

TRANSPORTATION IMPROVEMENT BOARD

[Filed May 10, 1990, 11:36 a.m.]

Date of Adoption: April 27, 1990.

Purpose: To amend the rules in conformance with the changes made to chapter 47.26 RCW by the legislature in 1988 when it established the transportation improvement board.

Citation of Existing Rules Affected by this Order: Repealing WAC 479-13-040 1975-77 Accelerated development urban arterial projects, 479-13-050 1977-79 Accelerated development urban arterial projects, 479-16-061 Design standards for urban arterials (collector class), 479-16-071 Review of functional classification plans, 479-20-005 Matching ratios for cities and counties, 479-20-060 Annexations involving approved urban arterial projects, 479-20-070 Incorporations involving approved urban arterial projects, 479-20-080 Urban Arterial Board approved schedule for project development, 479-20-083 Unacceptable reasons for delay of authorized urban arterial projects and 479-24-060 Designation of SEPA public information center; and amending chapters 479-01 WAC, Description of organization, chapter 479-12 WAC, Submission of proposed projects to Transportation Improvement Board, chapter 479-13 WAC, Submission of six-year transportation plans to Transportation Improvement Board, chapter 479-16 WAC, Requirement for urban arterial project development, chapter 479-20 WAC, Financial and payment requirements and chapter 479-24 WAC, Rules and regulations pursuant to State Environmental Policy Act guidelines.

Statutory Authority for Adoption: Chapter 47.26 RCW.

Pursuant to notice filed as WSR 90-07-060 on March 20, 1990.

Changes Other than Editing from Proposed to Adopted Version: WAC 479-20-037 was changed to clarify the amount of increased funding available to the local agency at bid opening and contract completion.

Effective Date of Rule: Thirty-one days after filing.

May 9, 1990

Jerry M. Fay

Executive Director

AMENDATORY SECTION (Amending Order 83-01, Resolution Nos. 770, 771 and 772, filed 10/26/83)

WAC 479-01-010 ORGANIZATION OF (~~URBAN ARTERIAL~~) TRANSPORTATION IMPROVEMENT BOARD. The (~~urban arterial~~) transportation improvement board is a (~~thirteen-member~~) fifteen-member board, organized under the provisions of (~~chapter 83, Laws of 1967 ex. sess.~~) chapter 167, Laws of 1988 for the purpose of administering the urban arterial trust account program and the transportation improvement account program created and financed under the provisions contained therein. (~~Ten~~) Eleven members of the board are appointed by the secretary of transportation, with six being city officials and (~~four~~) five being county officials. The (~~chairman of the county road administration board and the~~) county road administration engineer, created by RCW ((36.78.030 and) 36.78.060 ((respectively, are)) is an ex officio member(s) of the (~~urban arterial~~) board. The state aid engineer for the department of transportation is an ex officio member (~~and chairman of the urban arterial board~~). The remaining ex officio members are the assistant secretary of the department of transportation whose primary responsibilities relate to planning and public transportation and the assistant secretary for highways of the department of transportation.

AMENDATORY SECTION (Amending Order 83-01, Resolution Nos. 770, 771 and 772, filed 10/26/83)

WAC 479-01-020 TIME AND PLACE OF MEETINGS. Regular public meetings of the (~~urban arterial~~) board shall be held beginning on the third Friday of (~~the first month of each calendar quarter~~) every month or the fourth Friday thereafter if that Friday is a holiday. Each such regular meeting shall be held at the offices of the (~~urban arterial~~) board in Olympia, Washington, and begin at the hour of 9:30 a.m. or at such time and place as designated by the board.

(~~Additional public meetings necessary to discharge business of the board shall be held beginning on the third Friday of each month at the offices of the urban arterial board in Olympia, Washington, and begin at the hour of 9:30 a.m. Further public meetings necessary to discharge business of the board may be called by the chairman at such time and place, within the state of Washington, as by him designated. Upon petition of three members of the board and pursuant to the provisions of the internal rules, the chairman shall call a meeting of the board at the offices of the board in Olympia.~~) A special meeting of the board may be called by the chairperson or by a majority of the members of the board, by delivering personally or by mail written notice to all other members of the board at least twenty-four hours before the time of such meeting as specified in the notice. The notice calling a special meeting shall state the purpose for which the meeting is called and the date, hour, and place of such meeting and all provisions of chapter 42.30 RCW shall apply.

AMENDATORY SECTION (Amending Order 83-01, Resolution Nos. 770, 771 and 772, filed 10/26/83)

WAC 479-01-030 ADDRESS OF BOARD. Persons wishing to obtain information or to make submissions or requests of any kind shall address their correspondence to:

((Chairman, Urban Arterial Board))
Director, Transportation Improvement Board
 Transportation Building
 Olympia, Washington 98504.

NEW SECTION

WAC 479-01-040 DEFINITIONS. For purposes of implementing the requirements of RCW relative to the transportation improvement board, the following definitions shall apply:

- (1) Board - the transportation improvement board.
- (2) Director - the executive director of the transportation improvement board.
- (3) Eligible agencies - the urban arterial trust account eligible agencies are the counties with urban areas and all cities. The transportation improvement account eligible agencies are counties with urban areas, cities and transportation benefit districts.

Chapter 479-12 WAC

SUBMISSION OF PROPOSED URBAN ARTERIAL TRUST ACCOUNT PROJECTS TO ((URBAN ARTERIAL)) TRANSPORTATION IMPROVEMENT BOARD

AMENDATORY SECTION (Amending Order 458, filed 9/16/77)

WAC 479-12-010 DATA TO BE SUBMITTED ON PROPOSED URBAN ARTERIAL TRUST ACCOUNT PROJECTS. ((A prospectus statement of proposed projects shall be required to be submitted to the urban arterial board by cities and counties seeking allocation of funds from the urban arterial trust account. This prospectus shall include:

- (1) The name of the city or county;
- (2) The local name of the arterial street or road;
- (3) The functional class of the proposed arterial improvement for those projects within federal urban areas. Projects outside the federal urban area leave blank;
- (4) A detailed description of the project location, including its length in miles, supported by a vicinity sketch;
- (5) For preliminary proposals, a description of the proposed work identifying major work items, accompanied by a typical roadway section. For construction projects, a detailed description of the proposed work, identifying major work items, accompanied by a typical roadway section and right of way map.
- (6) For the preliminary proposal, a detailed description of the existing facility covering the following:
 - (a) Its structural ability to carry loads imposed upon it;
 - (b) Its capacity to move traffic at reasonable speeds without undue congestion;

- (c) Its adequacy of alignment and related geometrics;
- (d) Its accident experience; and
- (e) Its fatal accident experience.

For the construction project, the condition for which the project rated in the priority array for authorization and the manner in which the design of the proposed construction will alleviate the condition:

- (7) Existing traffic volume VPD (volume per day);
- (8) Estimated traffic volume for future 20-year period VPD (volume per day) and estimated design hour volume;
- (9) The project's item number on the city's or county's most recent six-year construction program;
- (10) For preliminary proposals, a statement of the estimated completion date for work contained therein. For construction projects, a statement as to the estimated date of advertising for bids for construction;

(11) Estimate of project cost: For the preliminary proposal, an estimate of project costs for preliminary engineering, environmental impact analysis and right of way appraisals along with a preliminary estimate of costs associated with right of way acquisition and proposed project construction;

For the construction project, a summary of costs incurred in connection with the preliminary proposal and any remaining authorized but unobligated urban arterial trust funds and the amount of urban arterial trust funds requested for right of way acquisition and construction of the construction project;

(12) Established sources of locally collected matching funds and certification by the mayor or chairman of the board of county commissioners that locally collected matching funds are available to coordinate with the project's development;

(13) An explanation of types and amounts of funds other than urban arterial trust funds and locally collected matching funds associated with the project. Certification shall be given by the mayor or chairman of the board of county commissioners that such funds are committed for the project and are available to coordinate with the project's development;

(14) A certification by the mayor or chairman of the board of county commissioners, or their designee, that the proposed project has been reviewed by the legislative body of the administering agency or agencies, and is not inconsistent with the agency's comprehensive plan for community development and, for construction projects, that an environmental impact analysis of the proposed project has been conducted;

(15) A schedule of anticipated project expenditures on a quarterly basis;

(16) Identification of changes between the scope of work of the proposed construction project and the construction work contemplated in the current six-year construction program and the preliminary proposed prospectus and an explanation and justification of such changes.) When requested by the board, applications for proposed projects shall be submitted to the board by cities and counties seeking allocation of funds from the urban arterial trust account. The application form will be provided by the board.

AMENDATORY SECTION (Amending Order 79-01, Resolution Nos. 596, 597, 598, filed 8/1/79)

WAC 479-12-020 TIME AND PLACE FOR SUBMISSION OF PROPOSED URBAN ARTERIAL TRUST ACCOUNT PROJECTS. All project prospectuses submitted by local governments shall be submitted to:

~~((Chairman, Urban Arterial Board))~~
 Director, Transportation Improvement Board
~~((Highway Administration))~~ Transportation Building
 Olympia, Washington 98504

Prospectuses for preliminary proposals shall be requested by the ~~((urban arterial))~~ board after:

(1) Projects contained in the local governments' current six-year ~~((construction))~~ transportation programs and scheduled to begin in the subsequent biennium, have been evaluated as to priority;

(2) The obligation status of the urban arterial trust account and legislative appropriation authority have been reviewed and capacity to authorize additional projects determined.

Prospectuses for preliminary proposals shall be received by the ~~((urban arterial))~~ board by the first day of the month preceding the month in which project authorization is proposed unless a later receipt date is specified and permitted, in writing, by the ~~((chairman of the urban arterial board))~~ director.

Prospectuses for construction projects shall be received by the ~~((first day of the month))~~ twentieth day of the month preceding the month in which construction project authorization is proposed unless a later receipt date is specified and permitted, in writing, by the ~~((chairman of the urban arterial board))~~ director.

Chapter 479-13 WAC

SUBMISSION OF SIX-YEAR PLANS TO ~~((URBAN ARTERIAL))~~ TRANSPORTATION IMPROVEMENT BOARD

AMENDATORY SECTION (Amending Order 84-01, Resolution Nos. 818 and 819, filed 5/9/84)

WAC 479-13-010 SIX-YEAR ~~((CONSTRUCTION))~~ TRANSPORTATION PROGRAMS FOR URBAN AREAS. The six-year ~~((construction))~~ transportation programs of urban area cities and counties required, respectively, by RCW 35.77.010 and 36.81.121, shall be divided into two sections:

(1) The basic six-year ~~((construction))~~ transportation program for the following six years based upon estimated revenues other than proposals for urban arterial trust account funds for new projects.

(2) A separate section of the six-year ~~((construction))~~ transportation program setting forth proposals, if any, for urban arterial trust account funds for new projects to begin in the following biennial period.

The separate section of the six-year ~~((construction))~~ transportation program setting forth proposed new projects utilizing urban arterial trust account funds shall be considered as supplemental to the basic six-year ~~((construction))~~ transportation program and shall not contain

duplicate projects: PROVIDED, That the same project may appear in both the basic and supplemental six-year ~~((construction))~~ transportation programs if:

(1) The local agency intends to construct the project with other funds if urban arterial trust account funds are not approved.

(2) The total dollar amount of the basic six-year ~~((construction))~~ transportation program approximates estimated revenues available for construction for the following six-year period.

Upon ~~((urban arterial))~~ board approval of any new project for financial assistance from the urban arterial trust account, such project shall be amended into the basic six-year ~~((construction))~~ transportation program.

The separate portion of the six-year ~~((construction))~~ transportation program, setting forth new project proposals for urban arterial trust account funding, shall be listed in order of their priority in the following manner:

(1) Federal urban area cities and counties shall divide arterials by functional class and list in order of their priority as provided for by RCW 47.26.220.

(2) Nonfederal urban area cities shall list all proposals in order of their priority.

The local agency shall evaluate its arterials by utilizing the criteria outlined in RCW 47.26.220 which covers the following:

- (1) The structural ability to carry loads.
- (2) Capacity to move traffic.
- (3) Alignment and related geometrics.
- (4) Accident experience.
- (5) Fatal accident experience.

The ~~((urban arterial))~~ board will provide the agency with a listing of arterial deficiencies based on the information contained in the long-range plan as last updated by the agency. This information can be used to fulfill the requirement stipulated in RCW 47.26.220.

The requested urban arterial trust account funds to improve the project shall correct the deficiencies found on the section, considering design standards, project life, and unique local considerations.

~~((The following information shall be provided for each new project proposal for urban arterial trust account funding:~~

- ~~(1) Local name of arterial.~~
- ~~(2) Arterial number.~~
- ~~(3) Local government's priority number. (Federal urban area cities and counties within functional class)~~
- ~~(4) Length in miles.~~
- ~~(5) Description of proposed work.~~
- ~~(6) Estimate of total cost of project.~~
- ~~(7) Status of urban arterial trust funds. (proposed or approved)~~
- ~~(8) Total requested urban arterial trust funds for the project.~~

~~(9) Inventory data regarding existing geometric, structural, accident and traffic conditions.~~

~~(10) Written acknowledgement, from each adjacent city, county and department of highway district office, that it has had an opportunity to evaluate, prior to the public hearing thereon, the preparing agency's proposed six-year construction program requesting urban arterial trust funds for proposed new projects if such proposed~~

~~new projects affect the specified unit of government. Such acknowledgement shall be for the purpose of proposing related arterial improvement projects, in order to contribute to the goal of an integrated and coordinated arterial and highway system and shall not indicate approval or disapproval of the preparing agency's six-year construction program. The preparing agency may provide evidence of delivery of a copy of its proposed six-year construction program by certified mail to each adjacent agency if written acknowledgement of evaluation by such adjacent agency cannot be obtained within fifteen days from the date of mailing.)~~

Inventory data for each proposed project shall be prepared under the supervision of a registered engineer in the state of Washington.

A copy of the basic six-year ~~((construction))~~ transportation program shall be submitted to the ~~((urban arterial))~~ board along with a copy of the resolution of the city or county adopting such program. The separate section of the six-year ~~((construction))~~ transportation program, setting forth new project proposals for urban arterial trust account funding, shall be submitted to the ~~((urban arterial))~~ board on forms provided by the board and shall be accompanied by a copy of the resolution of the city or county adopting the separate section of the six-year ~~((construction))~~ transportation program: PROVIDED, That if the city or county does not desire to propose new projects for urban arterial trust account fund assistance, the only submission to the ~~((urban arterial))~~ board shall be a written statement to that effect.

AMENDATORY SECTION (Amending Order 87-01, Resolution No. 955, filed 10/19/87)

WAC 479-13-035 VALUE ENGINEERING STUDY REQUIREMENTS. A value engineering (VE) study shall be required on all urban arterial ~~((board))~~ trust account projects whose total cost exceeds one million dollars as reflected in the six-year program. Upon request from a local agency, the board may grant a variance from this requirement. The board may also require a VE study for a project whose total cost is one million dollars or less upon a determination by the board that a VE study is warranted.

An agency that proposes to obtain a variance from the requirement shall submit justification to the board by the first day of the month preceding the month in which project authorization is proposed unless a later receipt date is specified and permitted, in writing, by the ~~((chairman))~~ director.

The board shall not authorize funds for a project until the VE study has been performed by an interagency study team ~~((approved))~~ in compliance with guidelines furnished by the board.

~~((The VE study shall be accomplished in accordance with the following requirements:~~

~~(1) The team will be jointly selected by the urban arterial board staff and the local agency and approved by the board. The team should consist of five to seven individuals, including a facilitator, with diverse backgrounds and carefully selected to assure a variety of creative input. The team should not include members who have had previous intimate involvement with the project. The~~

local agency will designate the agency official who has the responsibility for considering and implementing the VE recommendations provided by the study team.

~~(a) At least one member should be a nonengineer to give greater objectivity to the VE study:~~

~~(b) The public works department and/or financial managers of the local agency should have representation on the team:~~

~~(c) At least one member must be from an outside governmental agency:~~

~~(d) Team members may be suitably qualified individuals from the community:~~

~~(e) The facilitator shall be selected from a list provided by the board staff. The facilitator shall be a person who has been formally trained in the value engineering process and whose primary responsibility is to assure completion of the study in a three to five working day time period:~~

~~(2) The preliminary and construction prospectus shall include an attachment relating to the implementation of the VE team's recommendation and justification for items not implemented:))~~

AMENDATORY SECTION (Amending Order 87-01, Resolution No. 955, filed 10/19/87)

WAC 479-13-060 ~~((ACCELERATED DEVELOPMENT URBAN ARTERIAL))~~ PROCEDURES FOR TWO-PHASE PROJECTS. Preliminary proposals and related construction projects initially authorized by the ~~((urban arterial))~~ board after the close of the 1977-1979 biennium and prior to July 1, 1987, for financial assistance from the urban arterial trust account shall be selected for authorization on the basis of the administering agency's projected ability to place the proposed project under contract for construction within eighteen months from the date of initial authorization. The scope of the preliminary or construction prospectus shall specifically address the type of improvement that will correct the deficiencies for which the project was selected. The prospectus shall also address the cumulative effect of other deficiencies considering design standards and project life. The board shall evaluate the project scope and may reduce the project scope if, in the board's opinion, the scope exceeds that necessary to improve the specific deficiencies, applicable design standards, and address unique local considerations. The following factors relative to each project, in addition to other factors required by law, shall be evaluated:

(1) Each project having an estimated total project cost of less than seven hundred fifty thousand dollars shall be evaluated on the basis of the following factors and any problems noted shall be resolved prior to project authorization:

(a) Availability and source of matching funds;

(b) Engineering capacity. Adequate in-house engineering capacity shall be available to permit each project authorized to be engineered without retarding development of other public works projects or the administering agency shall indicate that consulting engineering services will be obtained without delay;

(c) Right of way. Right of way acquisition required for each project authorized shall be minor in nature, or

the administering agency shall provide a definitive plan for acquisition in order that all right of way or right of prior entry may be obtained prior to placing the project under contract for construction;

(d) Interrelationships with other agencies, railroads or utilities. Any interrelationships that, on the basis of previous experience may be expected to cause project delays, shall be evaluated and a definitive plan, including concurrence from the involved agency, railroad or utility, shall be available;

(e) Community reaction. Any community opposition, whether known or expected to materialize, shall be evaluated for its projected effect upon project development;

(f) Other factors. Other factors known to the agency that will affect the agency's ability to place the project under contract for construction within eighteen months from the date of project authorization.

(2) No urban arterial project which exceeds seven hundred fifty thousand dollars in total estimated project cost shall be considered for authorization by the board unless specifically requested by the administering local agency. The administering agency shall address itself to the same factors that are specified in subsection (1) of this section and which demonstrate that the project can be placed under contract for construction within eighteen months from the date of project authorization. The ((~~urban arterial~~)) board shall, in each case in which there is doubt concerning the ability of the local agency to place the project under contract for construction within eighteen months from the date of authorization, require preparation and submission of a detailed CPM or PERT time schedule reflecting scheduled development of the project.

The ((~~urban arterial~~)) board shall review the written reply concerning each proposed project and the verbal representations of an official of the administering agency, and shall not authorize any project if one or more of the factors listed above are not resolved so that the project cannot, in the ((~~urban arterial~~)) board's judgment, be placed under contract for construction within eighteen months from the date of authorization. Any project proposed to be developed in stages shall be capable of having at least seventy-five percent of the project, when evaluated in dollar terms, under contract for construction within the eighteen month period.

Each city or county administering an accelerated development project shall provide project development data on a monthly basis to the ((~~urban arterial~~)) board in such form as is requested to permit a continuing review of project progress.

Any preliminary proposal or construction project that is authorized for development as an accelerated development project shall be subject to immediate cancellation at any time, if actual development in the judgment of the ((~~urban arterial~~)) board, falls behind the rate of development required to permit the project to be placed under contract for construction within eighteen months of the date of authorization.

(3) The project agreement for each preliminary proposal project authorized by the ((~~urban arterial~~)) board shall include a recognition and agreement on the part of the administering local agency or agencies that urban

arterial trust funds provided by chapter 83, Laws of 1967 ex. sess., and section 13, chapter 317, Laws of 1977 ex. sess., chapter 5, Laws of 1979, as now or hereafter amended, have reached a status of total obligation and that:

(a) The full, normal ninety percent matching funds from the urban arterial trust account may not be available for all projects; and

(b) The administering local agency or agencies is/are required to plan and design each project in such a manner as to permit its development in phases with the first phase being a usable improvement as approved by the ((~~urban arterial~~)) board; and

(i) Able to be developed with available urban arterial trust account and local matching funds; or

(ii) That the administering local agency or agencies agree(s) to pay additional project costs with other funds and that such funds will be available for the construction of the project being developed with the available financial assistance from the urban arterial trust account.

(4) Prospectuses for construction projects that relate to preliminary proposals initially authorized by the ((~~urban arterial~~)) board for financial assistance from the urban arterial trust account shall be required to be accompanied by the following information demonstrating the readiness of the construction project to be placed under contract for construction.

(a) A certification from the legislative body or other designated responsible official, of the administering agency or agencies, that an environmental impact analysis has been conducted and an environmental impact statement or negative declaration of environmental impact, as appropriate, has been circulated pursuant to chapter 43.21C RCW, and that the results have been utilized in arriving at the decisions reflected in the prospectus for the construction project.

(b) A certification from the legislative body that the project is completely designed and ready to be advertised for bids for construction except as provided below:

(i) If the project is not completely designed and ready to be advertised, the legislative body may submit a time schedule detailing all significant items of work remaining to be accomplished, and an explanation of the feasibility of accomplishing such items of work in sufficient time to permit the construction project to be placed under contract for construction within eighteen months from the date of ((~~urban arterial~~)) board authorization of financial assistance from the urban arterial trust account for the related preliminary proposal.

(ii) If any right of way remains to be acquired, a statement of the extent of the time period to be allowed for right of way negotiations and a firm date, not more than fifteen months from the date of ((~~urban arterial~~)) board authorization of the preliminary proposal, by which condemnation authorization will be considered and approved by the legislative body. If more than fifteen months have elapsed since date of authorization of the related preliminary proposal by the ((~~urban arterial~~)) board, a condemnation ordinance must have been approved and passed by the legislative body of jurisdiction prior to submission of the prospectus for the construction project.

(c) The date when the project will be advertised for bids for construction.

(d) Each construction project prospectus shall identify changes between the scope of work of the proposed construction project and the construction work contemplated in the current six-year ~~((construction))~~ transportation program and the preliminary project prospectus and provide an explanation and justification for such changes.

(e) The amount of urban arterial trust account funds authorized in total for the preliminary proposal and the construction project shall normally be the amount requested for the total project in the current six-year ~~((construction))~~ transportation program.

(f) Requests for authorization of urban arterial trust account funds for construction projects in:

(i) Federal urban areas shall be considered in the sequence in which the construction projects within each functional class of arterial within each region are, as defined by ~~((urban arterial))~~ board rules, ready to be placed under contract for construction. In the event that two or more projects in the same functional class of arterial within the same region are proposed for construction project funding at the same ~~((urban arterial))~~ board meeting, the request for urban arterial trust funds for the construction projects shall be considered in the priority sequence within functional class of arterial within region in which the related preliminary proposals were approved.

(ii) Rural incorporated cities shall be considered in the sequence in which the construction projects within each region are, as defined by ~~((urban arterial))~~ board rules, ready to be placed under contract for construction. In the event that two or more projects in the same region are proposed for construction project funding at the same ~~((urban arterial))~~ board meeting, the request for urban arterial trust account funds for the construction projects shall be considered in the priority sequence within region in which the related preliminary proposals were approved.

A specific, maximum amount of urban arterial trust account funds for each construction project shall be authorized by the ~~((urban arterial board))~~ and shall be added to any remaining authorization of urban arterial trust account funds for the preliminary proposal to establish the total authorized amount of urban arterial trust account funds for each total project.

(g) The ten percent, not to exceed fifty thousand dollars, increase in urban arterial trust account funds authorized to be approved by the ~~((chairman))~~ director by WAC 479-20-036 may be approved, for those projects for which financial assistance from the urban arterial trust account is provided in two phases, only after the construction proposal has been approved by the ~~((urban arterial))~~ board.

AMENDATORY SECTION (Amending Order 87-01, Resolution No. 955, filed 10/19/87)

WAC 479-13-070 PROCEDURES FOR TWO PHASE PROJECTS. After July 1, 1987, preliminary proposals and related construction projects authorized by the board for financial assistance from the account shall

be selected for authorization based upon the ~~((board's approval of the local agencies project development schedule:))~~ following factors:

The preliminary and construction prospectus shall specifically address the type of improvement that will correct the deficiencies for which the project was selected.

The board shall evaluate the project scope and may reduce the project scope if, in the board's opinion, the scope exceeds that necessary to improve the deficiencies.

The following factors relative to each project, in addition to other factors required by law, shall be evaluated:

(1) Each project shall be evaluated on the ~~((basis of the following factors and any problems noted shall be resolved prior to project authorization:~~

~~((a))~~ availability and source of matching funds~~((:))~~;

~~((b))~~ Engineering capacity. Adequate in-house engineering capacity shall be available to permit each project authorized to be engineered without retarding development of other public works projects or the administering agency shall indicate that consulting engineering services will be obtained without delay;

~~((c))~~ Right of way. Right of way acquisition required for each project authorized shall be minor in nature, or the administering agency shall provide a definitive plan for acquisition in order that all right of way and right of entry may be obtained prior to placing the project under contract for construction;

~~((d))~~ Interrelationships with other agencies, railroads, or utilities. Any interrelationships that, on the basis of previous experience may be expected to cause project delays, shall be evaluated and a definitive plan, including concurrence from the involved agency, railroad, or utility, shall be available;

~~((e))~~ Community reaction. Any community opposition, whether known or expected to materialize, shall be evaluated for its projected effect upon project development;

~~((f))~~ Other factors. Other factors known to the agency that will affect the agency's ability to place the project under contract for construction within the amount of time requested by the local agency:

(2) The board shall, in each case in which there is doubt concerning the ability of the local agency to place the project under contract for construction within the amount of time requested by the local agency, require preparation and submission of a detailed critical path time schedule.

The board shall review the written reply concerning each proposed project and the testimony by an official of the administering agency, and shall not authorize any project if one or more of the factors listed above are not resolved so that the project cannot, in the board's judgment, be placed under contract for construction within the amount of time approved by the board. Any project proposed to be developed in stages shall be capable of having at least seventy-five percent of the project, when evaluated in dollar terms, under contract for construction within the approved time period.

Each city or county administering a project funded by the board, shall provide project development data on a quarterly basis to the board, in such form as is requested, to permit a continuing review of project progress.

~~Any preliminary proposal or construction project that is authorized for development shall be subject to immediate cancellation at any time, if actual development in the judgment of the board, falls behind the rate of development required to permit the project to be placed under contract for construction within the amount of time originally requested and approved.)~~

(2) Prospectuses for construction projects that relate to preliminary proposals initially authorized by the board for financial assistance from the account shall be required to be accompanied by the following information demonstrating the readiness of the construction project to be placed under contract for construction.

(a) A certification from the legislative body or other designated responsible official, of the administering agency or agencies, that an environmental impact analysis has been conducted and an environmental impact statement or negative declaration of environmental impact, as appropriate, has been circulated pursuant to chapter 43.21C RCW, and that the results have been utilized in arriving at the decisions reflected in the prospectus for the construction project.

(b) A certification that all right of way required for the project is available or if right of way remains to be acquired that the agency has obtained a possession and use agreement on the parcels in question.

(c) A certification from the legislative body that the project is completely designed and ready to be advertised for bids.

(d) The date the project will be advertised for bids.

(e) Each construction project prospectus shall identify changes between the scope of work of the proposed construction project and the construction work contemplated in the current six-year ~~((construction))~~ transportation program or the preliminary project prospectus and provide an explanation and justification for such changes.

(f) The board shall consider adjustments to the amount requested in the six-year transportation program in accordance with the board's rule on increases in urban arterial trust account funds.

(3) Requests for authorization of funds for construction projects in:

(a) Federal urban areas shall be considered in the sequence in which the projects within each functional class of arterial within each region are, as defined by board rules, ready to be placed under contract for construction. In the event that two or more projects in the same functional class within the same region are proposed for funding at the same board meeting, the request for funds shall be considered in the same priority sequence within each functional class and region in which the related preliminary proposals were approved.

If insufficient funds are available in the account to allow the board to fund the construction phase when requested, the board shall notify the agency that notice will be provided when funds are available to again proceed with the request. At that time the agency will re-submit their request and will be given priority within the appropriate region over all other requests for funding submitted after their original request for construction funds.

(b) Rural incorporated cities shall be considered in the sequence in which the projects within each region are, as defined by board rules, ready to be placed under contract for construction. In the event that two or more projects in the same region are proposed for funding at the same board meeting, the request for funds shall be considered in the same priority sequence within region in which the related preliminary proposals were approved.

If insufficient funds are available in the account to allow the board to fund the construction phase when requested, the board shall notify the agency that notice will be provided when funds are available to again proceed with the request. At that time the agency will re-submit their request and will be given priority within the appropriate region over all other requests for funding submitted after their original request for construction funds.

The board, when considering approval of the construction phase of a project that was previously approved for the preliminary engineering phase, shall take into consideration the current balance of available funds in the account and shall not authorize the construction phase if, in the board's opinion the total funding for construction will not be available within the ensuing twelve-month time period.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 479-13-040 1975-77 ACCELERATED DEVELOPMENT URBAN ARTERIAL PROJECTS.

WAC 479-13-050 1977-79 ACCELERATED DEVELOPMENT URBAN ARTERIAL PROJECTS.

AMENDATORY SECTION (Amending Order 80-02, Resolution No. 656, filed 10/27/80)

WAC 479-16-015 REGISTERED ENGINEER IN CHARGE. ~~((All urban arterial projects using funds from the urban arterial trust account shall be planned, designed and constructed under the supervision of a professional engineer registered in the state of Washington.~~

~~A city may be required, at a time or times specified by the chairman, to submit plans, specifications, estimates and change orders to the chairman for review and approval. On all such projects, construction engineering shall be performed by the consulting engineer. Prior to approving change orders whose effect would be to increase the cost of the project, the city shall notify and consult with the chairman of the urban arterial board: PROVIDED, HOWEVER, That this subsection shall not apply to county projects or to projects in cities which have access to a staff or consulting engineer designated pursuant to state law or local ordinance as the city engineer.~~

~~On projects where plans and specifications have been submitted to the chairman pursuant to the preceding subsection the chairman shall proceed as follows:~~

~~(1) If plans and specifications are in accordance with the design standards and the proposed improvement is within available funding, notify the local agency to proceed with construction.~~

~~(2) If plans and specifications are not in accordance with the design standards or the proposed improvement is not within available funding, the local agency shall be notified of the results of the review and recommended revisions to the plans and specifications. The chairman may require as many reviews as necessary prior to notification to proceed or may require a planned review and advertisement of the contract by the department of transportation if in his opinion it is necessary to assure proper construction of the project.) All projects using urban arterial trust account funds shall be planned, designed, and constructed under the supervision of a professional engineer registered in the state of Washington.~~

AMENDATORY SECTION (Amending Order 34, filed 2/6/68)

WAC 479-16-016 CERTIFICATION OF COMPLETION. Each voucher for payment of ~~((urban arterial trust))~~ board funds shall be accompanied by certification of the registered engineer in charge that the work has been completed in accordance with plans and specifications.

AMENDATORY SECTION (Amending Order 10, filed 9/12/67)

WAC 479-16-020 STANDARD SPECIFICATIONS ~~((FOR PUBLIC WORKS CONSTRUCTION CONTRACTS))~~. Either Standard Specifications for Municipal Public Works Construction, current edition, Washington state chapter, American Public Works Association, or Standard Specifications for Road and Bridge Construction, current edition, state of Washington, revised as to form to make reference to local governments, shall be included in any contract entered into by local governments using ~~((urban arterial trust account))~~ board funds.

AMENDATORY SECTION (Amending Order 160, filed 12/14/70)

WAC 479-16-030 UTILITY AND RAILROAD ADJUSTMENTS AND RELOCATIONS. Utility and railroad adjustments and relocations may be performed by negotiated contract with the ~~((utility or railroad whose))~~ owner of those facilities ~~((are required to be adjusted or relocated))~~. The administering ~~((county or city))~~ agency shall ~~((first obtain,))~~ review and approve a written statement ~~((of))~~ that includes the items of work and an estimate of cost ~~((stated))~~ prepared by the utility or railroad ~~((to be))~~ for the work required as a result of the arterial improvement. Updated statements of items of work and estimates of cost may be reviewed and approved by the administering agency. All costs of utility and railroad adjustments, as finally approved by the administering agency, shall be subject to audit. ~~((Each negotiated contract shall include the applicable provisions of Bureau of Public Roads Policy and Procedure Memoranda 30-3 and 30-4 if federal aid highway funds are included in the project.))~~ If federal aid highway funds are included in the project, the negotiated contract shall include the applicable provisions of federal highway administration policies and procedures prescribed in

FHPM 1-4-3, FHPM 6-6-2-1, Code of Federal Regulations, 23 CFR 645 and 23 CFR 646.

AMENDATORY SECTION (Amending Order 95, filed 5/23/69)

WAC 479-16-035 UNDERGROUNDING UTILITIES. ~~((Urban arterial trust))~~ Board funds shall participate in the actual, necessary costs of relocating utility or other service facilities resulting from an approved urban arterial project when:

(1) The local agency administering the project directly incurs such costs~~((;))~~; or

(2) The local agency administering the project is obligated by law or by previously established and documented policies and practices for such costs.

~~((Urban arterial trust))~~ Board funds may participate in the costs of undergrounding service connections for street illumination and traffic signal services within the prescribed limits of the approved ~~((urban arterial))~~ project.

~~((Urban arterial trust))~~ Board fund participation in the actual, necessary costs of relocating utility or other service facilities, other than service connections for street illumination and traffic signal services within the prescribed limits of the approved ~~((urban arterial))~~ project, shall be further limited as follows:

~~((+))~~ (a) Where a local agency requires that existing overhead facilities be placed underground, ~~((urban arterial trust fund))~~ board participation shall be limited to the agency's actual cost thereof or the cost which would be incurred in placing them overhead, whichever is the lesser.

~~((2))~~ (b) If utility lines or other service facilities are already underground, ~~((urban arterial trust))~~ board funds may participate in the costs of replacing such facilities on an underground basis.

AMENDATORY SECTION (Amending Order 33, filed 2/6/68)

WAC 479-16-040 TRAFFIC CONTROL DEVICES. Traffic control devices included in a participating project may be installed by the employees and with the equipment and materials of the local governmental units: PROVIDED, That the basis for payment of ~~((urban arterial trust account money))~~ board funds is reimbursement of the appropriate portion of actual cost of such work, subject to appropriate audit.

AMENDATORY SECTION (Amending Order 233, filed 2/22/72)

WAC 479-16-045 ~~((URBAN ARTERIAL))~~ PROJECT PLANTINGS. ~~((Urban arterial trust))~~ Board funds may participate at the appropriate matching ratio in the cost of street tree plantings and the use of other plantings and supporting materials within the project right of way to a maximum of three percent of the total authorized project costs: PROVIDED, That requests for increases in the authorized amount of ~~((urban arterial trust))~~ board funds to cover street tree planting and related costs shall be considered jointly with other cost increases and approval of all such requests shall be

limited to the amount authorized by WAC 479-20-036 to be approved by the ~~((chairman of the urban arterial board))~~ director. Erosion control treatment shall not be considered a part of street tree planting costs.

The three percent limitation for street tree planting and related costs on a participating basis utilizing ~~((urban arterial trust))~~ board funds shall not affect the local government's authority to include street tree plantings and the use of other plantings or supporting materials in the urban arterial project in amounts that exceed the three percent of total authorized project cost provided they are paid for solely with funds other than ~~((urban arterial trust))~~ board supplied funds.

AMENDATORY SECTION (Amending Order 173, filed 4/28/71)

WAC 479-16-050 ACQUISITION OF RIGHTS OF WAY ~~((BY CITIES AND COUNTIES))~~. ~~((The following standards and procedures for right of way acquisition shall be followed by the various cities and counties before any funds from the urban arterial trust account shall be approved for payment for right of way acquisition:~~

(1) ~~The correct ownership of property shall be secured on all parcels of property to be purchased by obtaining a title report from a recognized title insurance company.~~

(2) ~~All parcels to be purchased shall be appraised by one or more competent real estate appraisers; EXCEPT, appraisals or value findings are not required for parcels obtained for a purchase price of not to exceed five hundred dollars. The appraiser shall prepare a properly supported written appraisal containing the date of the appraisal, legal description and/or identification of the property, definition of the property rights to be acquired, estimate of compensation due, supporting documentation and a signed certificate that the appraiser has inspected the property and has no personal interest in the property either now or contemplated. Appraisers may be either independent fee appraisers or qualified staff appraisers.~~

(3) ~~An internal system of checks and balances shall be established whereby the appraising, the negotiating and the final approval of a transaction shall each be by one or more separate individuals.~~

(4) ~~Settlements shall, in general, be at the appraised compensation. In the case of a settlement above the appraised compensation, not including court awards, a written statement shall be prepared giving all the reasoning for payments in excess of the appraisal of each transaction consummated.~~

(5) ~~Records shall be maintained and made available to the urban arterial board for a period of five years and shall include copies of title reports, appraisals, pertinent letters, maps, deeds, vouchers and any other material pertinent to the acquisition.~~

To carry out the intent of this resolution, the chairman of the urban arterial board shall from time to time check with the various cities and counties utilizing funds from the urban arterial trust fund to determine if the above standards and procedures are being adhered to.

If any city or county is found to be deficient in any of the above standards and procedures, the chairman of the

~~urban arterial board shall immediately prepare and submit a written report on such deficiencies to the said city or county in question and to the urban arterial board for such action as it may deem proper and advisable.)~~ Right of way for board funded projects shall be acquired in accordance with chapter 468-100 WAC.

AMENDATORY SECTION (Amending Order 81-03, Resolution No. 686, filed 8/4/81)

WAC 479-16-060 DESIGN STANDARDS FOR URBAN ARTERIAL ~~((S))~~ TRUST ACCOUNT PROJECTS. ~~((Cities and counties within federal urban areas shall, in preparing and implementing their urban arterial programs, follow the design standards for urban arterials in the state of Washington dated July 30, 1981.~~

~~Incorporated cities outside federal urban areas shall, in preparing and implementing their urban arterial programs, follow the design standard "collector arterial" found in the design standards for urban arterials in the state of Washington dated July 30, 1981.~~

~~A copy of these standards shall be available upon request to the office of the urban arterial board. These standards shall be used for all projects presented for approval of urban arterial trust funds on July 30, 1981, and thereafter.)~~ All urban arterial trust account funded projects shall be prepared using currently applicable design standards.

AMENDATORY SECTION (Amending Order 81-01, Resolution Nos. 666, 667 and 668, filed 1/29/81)

WAC 479-16-070 STANDARDS FOR FUNCTIONAL CLASSIFICATION OF URBAN ARTERIALS. All roads and streets of each county and city lying within or having within its boundaries a federal urban area shall be divided by the county or city into arterial roads or streets and access roads or streets. Arterial roads or streets shall be established and subdivided into three functional classes to be known as principal arterials, minor arterials, and collector arterials ~~((in accordance with uniform standards established by the urban arterial board))~~ in compliance with the ~~((federal classification system))~~ guidelines for amending functional classifications, and/or federal-aid systems as developed by the Washington department of transportation. Incorporated cities lying outside federal designated urban areas are not required to divide their roads and streets by functional class.

~~((All new roads or streets within federal urban areas that are under construction, have right of way acquired, or are definitely programmed for funding and construction shall be evaluated and functionally classified. New roads or streets planned for in regional comprehensive land use studies, and which represent the participation and joint planning efforts of all levels of government, shall be considered to approach a committed status and may be functionally classified. Projected routes to meet future transportation requirements may be designated and functionally classified when:~~

(1) ~~Such routes are included in the transportation study relating to the comprehensive land use studies in regions where such plans exist;~~

(2) Such routes are included in the comprehensive plan of the local agency of jurisdiction, have been reviewed by adjacent or other affected agencies, and are integrated with routes contained in the comprehensive plans of adjacent agencies.

All roads or streets within federal urban areas not classified as principal arterials, minor arterials, or collector arterials shall be identified as access roads or streets.

Each request that would change, add to or delete from the previously approved functionally classified arterial system shall be submitted to the district state aid engineer for processing through the department of transportation, planning division. The request shall also be accompanied by information indicating that the request has been reviewed and approved by the legislative body. A copy of the request shall be submitted to the urban arterial board for information purposes only.

All urban arterials within federal urban areas shall be functionally classified on the basis of type and volume of traffic accommodated by the road or street, hereafter referred to as street, and by the street's relative social and economic importance. Each street's traffic type is to be evaluated in terms of its local or through traffic carrying characteristics. The higher the proportion of through traffic carried by a given street, the higher it should normally be functionally classified.

To assist in identifying through traffic carrying characteristics of streets, aerial photographs should be evaluated to identify the hierarchy of traffic generators and traffic generating areas in each urban area. These traffic generators shall be considered to be the most important factor in determining the magnitude of through traffic and shall include, but shall not be limited to, business districts, industrial plants, shopping centers, schools, churches, parks and airports.

Transportation study data, traffic flow maps, master plans and other background data should also be considered, to the extent it is available, in identifying traffic generators.

Examples of other factors that may be considered in determining the proportion of through traffic carried by a street, in addition to actual field interviews, include street designation as "bypass routes," "truck routes" or high proportions of vehicles bearing out-of-state license plates.

The composition of traffic should also be considered in evaluating the through traffic carrying characteristics of streets. Bus transit routes often follow important arterial streets with only the extreme outward ends of bus routes normally making use of nonarterial streets. Similarly, any street which carries a significant number of truck trips is apt to be performing some level of arterial function insofar as such trips reflect a nearby traffic generator of significant economic importance.

Average daily traffic volume on streets shall be evaluated to determine the use currently being given to the street. Traffic volumes, in conjunction with the analysis of through versus local traffic, may be considered to be one of the most important single criterion determining

the functional class of urban arterials. However, traffic volumes on streets shall also be considered in relation to the principle of concentrating major traffic flows on a selected system of arterials rather than permitting through traffic to diffuse through many parallel streets designed to a lesser level with resulting increased congestion and accident hazards.

Counties and cities within federal urban areas shall develop urban arterial classification plans so as to integrate with important adjacent rural and state highways. Each city or county preparing a functional classification plan shall coordinate its classifications with those of adjacent units of government to ensure smooth progression from one system to another regardless of trip length, purpose or other qualification. This necessary coordination may sometimes result in an urban arterial designation not otherwise justified.

Special consideration shall be given to streets connecting with freeway and expressway interchanges. Such interchanges should normally carry at least a collector arterial designation in recognition of the fact that:

(1) Land development comes quickly at interchange areas and traffic volumes tend to grow more rapidly than in other areas.

(2) Providing adequate on and off ramp facilities makes better utilization of the limited access facility avoiding back-ups at more "popular" ramps.

Off-set arterial intersections shall be avoided to the maximum extent possible to alleviate the need for additional signing, traffic signals and difficult turning movements for drivers.

Frontage roads serving as an integral part of a limited access facility and which serve a number of large, abutting trip generators should normally be considered to be not more than a secondary arterial. Those frontage roads with medium to high traffic volumes without significant abutting land use service would have collector arterial status while low traffic frontage roads without significant abutting land use service would have no arterial status.

"Relief valve" arterials of several blocks duration, often providing a crude kind of downtown by-pass, should not be designated directly parallel to an actual arterial street which is severely congested. Such designation tends to perpetuate the congestion on the actual arterial street by discouraging improvements thereon. If there is no way of improving the congested arterial street, one way operation of the facility should be considered to create a properly planned and engineered couplet. The two streets comprising such a couplet would be considered a single functional route for classification purposes. Such couplets would normally be required only for principal or minor arterials and both streets comprising the couplet would be considered to be of the same functional class.

Streets considered to be arterial in nature when evaluated in accordance with the above standards and instructions shall be further evaluated to determine their appropriate functional classification. This evaluation shall consider the following standards and instructions for principal, minor and collector arterials:

~~PRINCIPAL ARTERIALS. TRAFFIC SERVICE PROVIDED.~~ Principal arterials provide for movement across and between large subparts of an urban region and serve predominantly "through" trips with minimum direct service to abutting land uses.

~~GROUPING OF TRAFFIC GENERATORS.~~ Principal arterial service is required by medium-to-large central business districts, most municipal airports, large shopping centers, large colleges and universities, large industrial plants, major governmental centers, large hospitals, important secondary business districts, major rail and seaport terminals and similar land uses which comprise the top layer of the hierarchy of trip generators.

~~SPACING.~~ Principal arterials will seldom be closer than one mile apart in even the most densely developed urban regions. In practice, it is expected that for most federal urban areas in Washington, spacing of principal arterials will be wider. Moreover, spacing will vary within any given federal urban area with principal arterials being closest together in the vicinity of the central business district and becoming increasingly farther apart toward the suburban, rural boundary.

~~ROUTE CONTINUITY.~~ Principal arterials shall form a closed, interconnected system linking together major traffic generators in federal urban areas. Stub end arterials are not normally classified as principal arterials.

~~MINOR ARTERIALS. TRAFFIC SERVICE PROVIDED.~~ Minor arterials provide for movement within the large subparts prescribed by principal arterials. Minor arterials may also serve "through traffic" but provide very much more direct service to abutting land uses than do principal arterials.

~~GROUPING OF TRAFFIC GENERATORS.~~ Minor arterial service is required by small central business districts and traffic generators as listed above for principal arterials except that such generators will be smaller, plus high schools and some grade schools, strip commercial development, parks, and low-use intensity recreational areas, warehousing areas, and similar land uses which comprise the middle layer of the trip generator hierarchy.

~~SPACING.~~ Minor arterial streets will seldom be closer than one-half mile from another minor, or principal, arterial street. In practice, it is expected that for most federal urban areas in the state of Washington, the spacing of arterial streets will be wider. Moreover, spacing will vary within any given federal urban area with minor arterials being closest together in the vicinity of the central business district and becoming increasingly farther apart toward the suburban, rural boundary.

~~ROUTE CONTINUITY.~~ Minor arterials shall, wherever possible, be long, continuous streets with direct rather than meandering alignments.

~~COLLECTOR ARTERIALS. TRAFFIC SERVICE PROVIDED.~~ Collector arterials provide for movement within the smaller areas, which are often definable neighborhoods, and may be bounded by higher class arterials. Collector arterials serve very little "through" traffic, but serve a high proportion of local traffic requiring direct access to abutting land uses.

~~GROUPING OF TRAFFIC GENERATORS.~~ Collector arterial service is required for the majority of the nonresidential land uses which generate measurably important traffic

volumes and which are not served by principal or minor arterials.

~~SPACING.~~ Collector arterials will seldom be closer than one-fourth mile from any other arterial street. In practice, it is expected that for most federal urban areas in the state of Washington, the spacing of arterial streets will be wider. Moreover, spacing will vary within any given federal urban area with collector arterials being closest together in the vicinity of the central business district and becoming increasingly farther apart toward the suburban, rural boundary.

~~ROUTE CONTINUITY.~~ Collector arterials need not be particularly long or continuous since this would tend to attract through trips in unduly high proportions.

When the classification is complete, arterials classified and designated and local streets identified, it is recommended that each city or county tabulate its street mileage by functional class. These tabulations should be compared with the following recommended tabulations for street mileage by system and vehicle miles traveled by system to serve as a general internal review procedure.

FEST FACTOR	FEDERAL URBAN AREA POPULATION		
	Under 50,000	50,000 to 500,000	Over 500,000
Street mileage by system			
Principal streets	12-15%	10-12%	8-10%
Minor streets	10-12	8-10	7-9
Collector streets	10-12	8-10	7-9
Local streets	68-61	74-68	78-72
Total	100-100%	100-100%	100-100%
Vehicle miles traveled by system			
Principal streets	30-40%	40-50%	50-60%
Minor streets	10-15	10-15	10-15
Collector streets	5-10	5-10	5-10
Local streets	55-35	45-25	35-15
Total	100-100%	100-100%	100-100%

Upon receipt of the classification plans from the cities and counties, the urban arterial board will tabulate total street mileage by system and vehicle miles traveled by system for all of the cities and counties. This information will be used by the board as a guide in its approval of arterial classifications and mileages.))

AMENDATORY SECTION (Amending Order 81-02, Resolution No. 669, filed 1/29/81)

WAC 479-16-072 CLASSIFICATION STANDARDS FOR ARTERIALS IN RURAL INCORPORATED AREAS. Incorporated areas outside federally designated urban areas shall be required to identify their streets as either arterials or local access. An arterial shall be defined by at least one of the following standards:

- (1) Serve as the logical extension of a county arterial into the corporate boundary; or
- (2) Serve as a route connecting local generators such as schools, medical facilities, social centers, recreational areas, commercial centers, or industrial sites within the corporate boundary; or
- (3) Act as a bypass or truck route to relieve the central core area.

Streets failing to qualify under these standards for arterials will not be considered to be eligible for ~~((UATF))~~ urban arterial trust account participation.

AMENDATORY SECTION (Amending Order 85-02, Resolution No. 886, filed 7/22/85)

WAC 479-16-080 RATES OF DEVELOPMENT OF FUNCTIONAL CLASSES ~~((OF URBAN ARTERIALS))~~ FOR URBAN ARTERIAL TRUST ACCOUNT PROJECTS. Urban arterial trust account funds apportioned to the five regions of the state within the federal urban areas shall be divided between functional classes of urban arterials. Beginning July 1, 1985, the ~~((urban arterial))~~ board at the start of each new biennium shall determine the distribution formula to apportion unobligated arterial trust funds to each functional class of arterial within a given urban region as set forth below. The distribution of funds within each region shall be administered so as to permit complete urban arterial trust account projects in each arterial classification to be authorized and funded.

(1) By determining a ratio between functional classes of roadway within each region, based on the estimated cost of improvement for backlog and first biennium deficiencies, found in the current city and county long range plan inventory for two-lane roadways. All improvement costs shall be attributable to those sections with average daily traffic greater than the average traffic weighted by section length for two-lane roadways established from the long range plan inventory for each functional class within region.

(2) The ratio determined by subsection (1) of this section shall be weighted by the following amount for each classification to assure that the urban arterial construction program shall provide for a more rapid rate of completion of the long range construction needs of principal arterial roads than for minor and collector arterial roads pursuant to RCW 47.26.200 and 47.26.210.

- (a) Principal arterial ratio weighted by three.
- (b) Minor arterial ratio weighted by two.
- (c) Collector arterial ratio weighted by one.

Urban arterial trust account funds apportioned to the five regions of the state outside the federal urban areas (incorporated cities) shall not be divided by functional class of arterial.

AMENDATORY SECTION (Amending Order 319, filed 4/22/74)

WAC 479-16-091 DEFINITIONS. The following definitions shall apply for purposes of designating and developing bicycle facilities in connection with the arterial street system in urban areas.

Bicycle. Bicycle means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 20 inches in diameter, as defined in RCW 46.04.071, or a three-wheeled vehicle propelled by human power upon which any person may ride having wheels which are more than 20 inches in diameter.

Bikeway ~~((bicycle route))~~. Bikeway shall mean all routes that are specifically designated for bicycle travel. Arterial bikeway shall mean all bikeways that are designated on an arterial right of way or on an adjacent low motor vehicle volume street: PROVIDED, That no arterial bikeway shall be designated more than two city blocks or 500 feet, whichever is greater, from the arterial street.

~~((Exclusive))~~ Bikeway - Class I ~~((DOH))~~ WSDOT - bicycle path). A completely separated right of way designated for the exclusive use of bicycles. Crossflow by pedestrians and motorists are minimized. May be within or outside the right of way of the arterial or highway.

~~((Restricted))~~ Bikeway - Class II ~~((DOH))~~ WSDOT - bicycle lane). A restricted travelway for the use of bicycles. Use by motor vehicles or pedestrians is not allowed; vehicle parking or sidewalks may be adjacent to the bikeway. Cars or pedestrians may cross the bikeway to reach adjacent driveways or property. Separated from adjacent lanes of motorized traffic by stripes, fixed cones or physical barrier.

~~((Shared))~~ Bikeway - Class III ~~((DOH))~~ WSDOT - bicycle ~~((way))~~ route). A travelway shared with other traffic.

(1) Bikeway designated by signing only on low traffic volume roadway or local access street. Has no physical separation from traffic.

(2) Bikeway designated by signing only on sidewalk.

AMENDATORY SECTION (Amending Order 319, filed 4/22/74)

WAC 479-16-092 CONCEPTUAL APPROACH TO BIKEWAY SYSTEM DESIGNATION AND DEVELOPMENT. Bikeways should be planned and developed on an incremental basis with the initial selection of routes being limited to those with the largest amounts of existing bicycle traffic or the greatest expectation of additional bicycle traffic. As bicycle traffic increases, additional bikeways should be designated.

The sequence in which the different classes of bikeways should be considered for designation and development should be consistent with considerations of safety, from the lower cost and most easily developed facilities to the more desirable facilities which are higher cost and generally more difficult to develop as set forth below:

(1) ~~((Shared))~~ Bikeway - Class III.

(a) Bikeway designated on low traffic volume roadway or local access street. Has no physical separation from traffic.

(b) Bikeway designated on sidewalk.

(2) ~~((Restricted))~~ Bikeway - Class II.

(3) ~~((Exclusive))~~ Bikeway - Class I.

In recognition of the varying physical conditions existing along potential bikeway corridors, bikeways may be comprised of a combination of bikeway classes.

As bicycle usage and safety requirements warrant, and funds are available for bikeway development, the class of bikeway designated and developed should be upgraded to provide for a restricted or exclusive bikeway.

AMENDATORY SECTION (Amending Order 368, filed 8/26/75)

WAC 479-16-096 DESIGN STANDARDS FOR BIKEWAYS. The following general design considerations should be observed in designating and developing bikeway systems:

(1) Roadway surface. The roadway surface of any bikeway should be adequate to support the wheel loads of bicycles and riders as well as maintenance vehicles or other types of vehicles which may use or cross the bikeway. The desirable surface should be smooth and consist of a material which is stable and traversable such as an asphaltic material or Portland cement concrete. Well keyed fine gravel or cinders may produce an adequate surface. Coarse graded crushed stone, gravel, or sand are unstable and do not provide a satisfactory roadway surface.

(2) Traffic control devices. Signing for traffic control shall conform to the requirements set forth in the current edition of the Manual on Uniform Traffic Control Devices with stenciled word and symbol messages placed on the surface of all lanes and paths at regular intervals.

Other signing for informational purposes, such as area wide bikeway maps posted at strategic traffic generating locations, may be designed to suit the locality and area in which such informational signs are placed.

(3) Drainage grates. Any bikeway designated on a roadway along which storm drainage grates, or similar hazards are encountered, should, as a minimum, include the painting of warning stripes around such grates. As soon as feasible, such grates should be modified, by the addition of welded cross strips or other means, so as to prevent the entrance or entrapment of bicycle wheels.

The design of new roadways should provide for storm drain grates located off the bikeway and designed or installed in such a manner as to prevent the entrance or entrapment of bicycle wheels. Use of Department of Highways Design Standard ((B-20.1)) b.2.a for drainage grates is recommended.

(4) Curb ramp. Any bikeway designated on a sidewalk along which curbs are encountered shall, except in those cases where continuation of the curb increases user safety, make curb modifications sufficient to permit bicycles to safely negotiate the curb without necessitating the stopping and lifting of the bicycle. Such curb ramps should be in accordance with the criteria established by RCW 35.68.075.

(5) Design standards. The design standards ((for bikeways, that shall apply for the period through November 1, 1974,)) for exclusive, restricted, or shared bikeways shall be those standards developed by the Washington state department of highways, pursuant to RCW 47.30.060, as contained in Section ((3-30)) 3-37 Highway Design Manual.

AMENDATORY SECTION (Amending Order 319, filed 4/22/74)

WAC 479-16-098 EVALUATION AND APPROVAL OF DESIGNATED BIKEWAY SYSTEM.

The bikeway plan of each urban city or county shall be submitted to the ((urban arterial)) board in map form along with the agency's verification that the plan has been:

(1) Integrated with existing "user designated," as well as officially designated bikeways.

(2) Integrated with bikeways of adjacent units and levels of government.

(3) Reviewed with, and approved by, the agency's legislative body.

The total bikeway plan of the agency shall identify separately arterial bikeways, as previously defined, that would be desired to be improved in conjunction with an arterial construction project.

The ((urban arterial)) board shall notify the submitting city or county of its concurrence in the bikeway plan after such plan has been reviewed and found to be reasonable in relation to the rules adopted by the board.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 479-16-061 DESIGN STANDARDS FOR URBAN ARTERIALS (COLLECTOR CLASS).

WAC 479-16-071 REVIEW OF FUNCTIONAL CLASSIFICATION PLANS.

NEW SECTION

WAC 479-20-007 MATCHING RATIOS FOR URBAN ARTERIAL TRUST ACCOUNT FUNDS.

Urban arterial trust account moneys for city and county arterial projects originally authorized by the board for either the design phase or the construction phase between May 20, 1971, and July 1, 1985, shall be matched from local funds by an amount not less than ten percent of the total cost of the construction for the life of the project.

Urban arterial trust account moneys for city and county arterial projects lying within federally designated urban areas authorized by the board on or after July 1, 1985, shall be matched by an amount not less than twenty percent of the total cost of the construction project.

Urban arterial trust account moneys for city arterial projects lying outside federally designated urban areas authorized by the board on or after July 1, 1985, shall be matched by not less than ten percent of the total cost of the construction project.

AMENDATORY SECTION (Amending Order 87-01, Resolution No. 955, filed 10/19/87)

WAC 479-20-010 REIMBURSABLE ((ARTERIAL PROJECT)) COSTS. Project costs eligible for reimbursement from the account shall be those proper and allowable costs incurred on a project after the project is authorized by the board except as provided by the following:

(1) In the case of two-phase project authorizations, approved by the board prior to July 1, 1987, the

((~~chairman of the board~~)) director may, after the administering agency has completed the environmental impact analysis, authorize right of way acquisition. Reimbursement from the account will be available for eligible right of way costs if and when the construction phase of the project is approved by the board. For projects approved by the board after July 1, 1987, reimbursement of right of way acquisition costs are eligible within the preliminary phase of the project. In the event the project is not built, those funds expended for right of way shall be refunded to the account.

(2) In the case where an agency is required to perform a value engineering study prior to authorization of the preliminary phase, those costs incurred prior to approval will be eligible for reimbursement if and when the project is approved for funding by the board.

(3) The eligible preliminary and construction engineering costs shall be limited to twenty-five percent of the original bid amount including adjustments for construction overruns, underruns, or agency force construction. Agency costs for the value engineering study and the right of way appraisals and acquisition costs will not be used to determine the amount subject to the limit.

AMENDATORY SECTION (Amending Order 87-01, Resolution No. 955, filed 10/19/87)

WAC 479-20-011 REIMBURSABLE COSTS FOR ENGINEERING. After July 1, 1987, preliminary and construction engineering costs eligible for reimbursement ((~~from the account~~)) shall be limited to twenty-five percent of the approved contract bid amount including adjustments for construction overruns ((~~or~~)), underruns, or agency force construction.

AMENDATORY SECTION (Amending Order 250, filed 5/31/72)

WAC 479-20-013 DIRECT COSTS. Direct costs eligible for ((~~urban arterial trust fund~~)) board participation are those costs which are directly attributable to a specific project and shall include:

(1) Direct labor (engineering and/or construction) including related employee benefits:

(a) Salaries and wages (at actual or average rates) covering productive labor hours of city and county employees (excluding the administrative organization of the operating unit involved) for periods of time, actively or incidentally engaged in (a) preliminary engineering, (b) construction engineering, (c) acquisition of rights of way, and (d) actual construction activities are considered a direct cost of construction projects. The cost of services rendered by employees generally classified as administrative are considered a direct cost only when such employees are assigned for short periods of time to perform on a full time basis the types of services described above and when similar procedures are followed for ((~~nonurban arterial board~~)) nonboard projects.

(b) Employee benefits relating to direct labor are considered a direct cost of construction projects. The following items may be ((~~includible~~)) included as employee benefits:

(i) F.I.C.A. (Social Security) – employer's share

- (ii) Retirement benefits
- (iii) Hospital, health, dental and other welfare insurance
- (iv) Life insurance
- (v) Industrial and medical insurance
- (vi) Vacation
- (vii) Holiday
- (viii) Sick leave
- (ix) Military leave and jury duty

Employee benefits shall be calculated as a percentage of direct labor dollars. The computation of predetermined percentage rates to be applied to current labor costs shall be based upon the average of total employee benefits and total labor costs for the prior fiscal year and adjusted by known current year variations.

- (2) Contract engineering services
- (3) Right of way acquisition costs including:
 - (a) Purchase of land and easements acquired for and devoted to the project;
 - (b) Purchase of improvements;
 - (c) Adjustment or reestablishment of improvements;
 - (d) Salaries, expenses or fees of appraisers, negotiators or attorneys;
 - (e) Removal or demolition of improvement;
 - (f) Other direct costs in connection with the acquisition. Amounts received from the sale of excess real property or improvements and from any rentals shall be a reduction of the direct cost.

(4) Contract construction work

(5) Direct vehicle and equipment charges at the actual rental cost paid for the equipment or, in the case of city or county owned equipment, at the rental rates established by the city's or county's "equipment rental and revolving fund" following the methods prescribed by the division of municipal corporations: PROVIDED, That such costs shall be charged on a uniform basis to equipment used for all projects regardless of the source of funding. Cities with a population of 8,000 or less which may not use this type of fund shall be allowed the same rates as used by the department of highways.

(6) Direct materials and supplies. The cost of materials used in projects shall be based upon methods prescribed for the "equipment rental and revolving fund" by the division of municipal corporations.

(a) An overhead rate or "loading factor" shall not be considered an appropriate additive to the actual cost of materials and supplies used on construction projects unless the factor is readily and properly supportable by the governmental unit's accounting records.

(b) The cost, or reasonable estimate thereof, of materials paid for as contract estimate items, but not used, shall be considered a reduction of direct costs. Any material which may be salvaged in connection with a project shall be assigned a reasonable value and considered a reduction of direct costs.

(7) Interdepartmental charges for work performed by county or city departments, other than the road or street department, for the benefit of specific construction projects shall be limited to direct costs plus an allocation of indirect costs based upon 10% of direct labor dollars, excluding employee benefits. Such indirect costs shall be

determined by a rate which is readily and properly supportable by the governmental unit's accounting records and shall be the same rate as applied to ~~((nonurban arterial board))~~ nonboard projects; however, this rate shall not exceed the indirect cost allocation rate established by the board. If individual units of government do not have such an internal indirect cost allocation rate, the rate predetermined by the board shall be used in determining the amount of indirect costs includible in the total interdepartmental charges.

(8) Other direct costs incurred for materials or services acquired for a specific project shall be eligible for participation by ~~((urban arterial trust))~~ board funds and may include, but shall not be limited to, such items as:

- (a) Telephone charges
- (b) Reproduction and photogrammetry costs
- (c) Computer usage
- (d) Printing and advertising.

AMENDATORY SECTION (Amending Order 78, filed 1/21/69)

WAC 479-20-016 INDIRECT COSTS. Indirect costs incurred by a local government for common or joint objectives which include an authorized ~~((urban arterial))~~ board funded project, and which are not included in those direct costs set forth and defined in WAC 479-20-013, shall be eligible for urban arterial trust fund participation on a particular project at a rate not to exceed ten percent of direct labor costs, excluding employee benefits, expended by the local government on that project.

AMENDATORY SECTION (Amending Order 217, filed 1/19/72)

WAC 479-20-020 PARTIAL OR PROGRESS PAYMENTS FOR CONSTRUCTION PROJECT COSTS. Participation and payment of ~~((urban arterial trust))~~ board funds to counties and cities shall be governed by the following:

(1) ~~((Urban arterial fund))~~ Board participation. ~~((Urban arterial))~~ Board funds shall not participate in any cost which is not incurred in conformity with all applicable federal and state law and the rules, regulations and procedures as may be prescribed by the ~~((urban arterial))~~ board promulgated in conformity with the statutes.

(2) Project agreements. Projects for which ~~((urban arterial trust))~~ board funds are requested by the ~~((counties and cities))~~ eligible agencies and for which the ~~((urban arterial))~~ board has allocated funds will be the subject of a project agreement to be entered into by the ~~((county or city))~~ eligible agency with the ~~((urban arterial))~~ board evidencing acceptance of the conditions to payment of funds, as prescribed by laws and regulations, and the amount of funds to be obligated.

(3) Changes in project work and cost. No material change in the termini, character, or scope of the work on an approved ~~((urban arterial))~~ project shall be made without prior concurrence in such changes by the ~~((urban arterial))~~ board.

(4) Payments. ~~((Counties and cities))~~ Eligible agencies are to submit requests for payments of funds claimed to be due on approved projects. Such requests are to be in the form of vouchers as prescribed by the ~~((urban arterial))~~ board, and shall be certified and accompanied by supporting data as may be required by the board. Such vouchers may be submitted from time to time as the work progresses and shall be submitted promptly at the completion of work on each project. Claims shall at no time exceed the ~~((urban arterial trust account))~~ board's share of the costs of construction incurred to the date of the voucher covering such payment.

(5) Compliance with laws and regulations. If ~~((a county or city))~~ an eligible agency has failed to comply with laws and regulations with respect to a project, payment of funds may be withheld on such projects, or approval of additional projects may be withheld until compliance or remedial action has been accomplished by the ~~((county or city))~~ eligible agency to the satisfaction of the ~~((urban arterial))~~ board.

(6) Progress payments. Progress payments for project costs shall be limited to the ~~((urban arterial trust account))~~ board's percentage share of the costs for project development incurred to the date of the voucher: PROVIDED, That in all projects where the total project cost exceeds the amount of authorized ~~((urban arterial trust))~~ board funds, there shall be imposed a limitation on progress payments in order that the percentage of ~~((urban arterial trust))~~ board fund progress payments in relation to total progress costs as of each voucher date shall not exceed the percentage determined by dividing the total authorized amount of ~~((urban arterial trust))~~ board funds by the most recently determined total project cost.

AMENDATORY SECTION (Amending Order 79, filed 1/21/69)

WAC 479-20-025 RECORD REQUIREMENTS. All ~~((cities and counties))~~ eligible agencies requesting payment of ~~((urban arterial trust))~~ board funds on authorized ~~((urban arterial))~~ projects shall have procedures in effect that will provide adequate assurance that payments requested are proper and accurate:

(1) Quantities of complete construction contract work shall be supported by all related source documents upon which payment to the contractor is based. These source documents shall include, but shall not be limited to, tickets for items measured on a weight or volume basis, cross section notes, inspector's diaries, engineering calculations for items measured in place, material tests, shipping invoices for steel, and all other field records normally developed by field engineers to support final quantities paid to contractors. The quantity field record should be summarized so that final pay estimates would lend themselves to comparison with supporting records.

(2) All appraisal reports, record of negotiations with grantors including a negotiator's diary indicating dates of contracts, offers made, and final acceptance by grantor, title insurance documents, transfer documents such as warranty deeds, quit claim deeds, easements, contract and sale documents, shall be maintained.

(3) Daily labor time records, equipment use records, requisitions for materials used, invoices for goods and services, and other invoices shall be maintained. Records shall also be maintained which support employee benefit percentages which are used in calculating amounts charged to construction projects.

(4) All records shall be retained in compliance with the requirements of the division of municipal corporations and until after audit by the ((urban arterial)) board designee.

AMENDATORY SECTION (Amending Order 321, filed 5/21/74)

WAC 479-20-027 AUDITS OF URBAN ARTERIAL PROJECT RECORDS. Project records for each project developed through the use of ((urban arterial trust)) board funds ((shall)) may be audited to determine that ((the amount of urban arterial trust)) funds paid ((in connection with the project)) can be attributed to the project and supported by project records. The audit ((shall)) will determine ((whether)) if there has been ((material)) compliance with the rules of the ((urban arterial)) board ((and whether any failures to comply are significant in amount)). Projects ((shall)) may be audited by the ((urban arterial)) board at the time of the project completion or at such additional times as may be directed by the ((chairman)) director.

((The chairman of the urban arterial board shall review each audit report to determine whether audit exceptions noted are sufficiently material in relation to urban arterial board rules or significant in amount to warrant institution of procedures for audit report review and potential recovery of urban arterial trust funds.)) The ((chairman)) director may, where the cumulative amount of audit exceptions ((on a project)) is less than \$250.00 in ((urban arterial trust)) board funds, ((provide the administering agency with a copy of the audit report indicating the audit exceptions and advise the agency that, due to the relatively small cumulative dollar amount of exceptions in relation to estimated costs, to both the urban arterial board and the administering agency, of further processing, explaining the audit exceptions and processing any ultimate repayment.)) advise the agency that no recovery of ((urban arterial trust)) funds is requested.

Audit ((reports containing)) exceptions which the ((chairman)) director considers to be ((sufficiently material)) significant in relation to ((urban arterial)) board rules or significant in amount to warrant ((institution of procedures for audit report review and)) potential recovery of ((urban arterial trust)) funds, shall be furnished to the administering agency ((and the administering agency shall be provided)) to allow an opportunity to respond in writing to the audit report ((findings within thirty days of the receipt of the audit report)).

((The chairman of the urban arterial board.)) After reviewing the written response ((of the administering agency to the audit report findings)), the director, shall

advise the ((administering)) agency whether any recovery of ((urban arterial trust)) funds ((to the credit of the urban arterial trust account)) is indicated. ((The chairman may, where the cumulative amount of audit exceptions on a project is less than \$2,500.00 in urban arterial trust funds, accept alternative methods of project cost documentation based upon physical evidence that items of cost billed to the urban arterial trust account have been performed in connection with the project being audited.

In cases where the cumulative amount of audit exceptions on a project is equal to or exceeds \$2,500.00 in urban arterial trust funds, and the agency contests the exceptions contained in the audit report, the urban arterial board shall consider the audit exceptions and may accept alternative methods of project cost documentation based upon physical evidence that items of cost billed to the urban arterial trust account have been performed in connection with the project being audited or may require repayment of urban arterial trust funds to the credit of the urban arterial trust account.))

If recovery of ((urban arterial trust)) board funds is indicated, as determined by the ((chairman of the urban arterial board)) director, or by the ((urban arterial)) board, the ((administering)) agency shall be provided ((a period of)) ninety days from the date of the notice from the ((urban arterial)) board to make ((such)) repayment.

If repayment of ((urban arterial trust)) funds by the ((administering)) agency is not made within ninety days from the date of the notice from the ((urban arterial)) board, the subject shall be placed before the ((urban arterial)) board for review and action.

AMENDATORY SECTION (Amending Order 79-01, Resolution Nos. 596, 597 and 598, filed 8/1/79)

WAC 479-20-031 ((REVIEW OF PROJECT FUNDING DEMAND)) EXPENDITURE SCHEDULE OF URBAN ARTERIAL TRUST ACCOUNT AND TRANSPORTATION IMPROVEMENT ACCOUNT FUNDS. Each ((city or county)) eligible agency having an approved ((urban arterial)) project shall, prior to the beginning of each quarter, submit an updated schedule of its estimated demand for ((urban arterial trust)) board funds to the ((urban arterial)) board. This schedule shall be on forms provided by the board and shall include the estimated demand for ((urban arterial trust)) board funds for the project for:

- (1) The next succeeding quarter;
- (2) Subsequent quarters until project completion.

Such estimates shall be differentiated between the preliminary engineering, right of way and construction stages of project development.

Additional information pertaining to estimated demands for ((urban arterial trust)) board funds by ((cities and counties)) eligible agencies may be requested by the ((chairman of the urban arterial board)) director as required to permit adequate funding of the ((urban arterial)) programs.

AMENDATORY SECTION (Amending Order 87-01, Resolution No. 955, filed 10/19/87)

WAC 479-20-033 PROCEDURE FOR REQUESTING AN INCREASE IN AUTHORIZED AMOUNT OF URBAN ARTERIAL TRUST FUNDS. Projects approved prior to July 1, 1987 for participation of urban arterial trust funds in urban arterial projects may be approved by the ~~((urban arterial))~~ board in amounts requested in the current separate section of the local government's six-year ~~((construction))~~ transportation program.

These amounts may be modified only as set forth in WAC 479-20-036.

An updated cost estimate on the project shall be submitted to the ~~((urban arterial))~~ board at the following stages of project development:

(1) At the time the project prospectus for preliminary engineering (phase 1) is submitted further defining the work to be accomplished which was outlined in the six-year ~~((construction))~~ transportation program;

(2) At any time during the preliminary engineering or right of way phase of the project when estimated total project cost is determined to exceed the amount authorized by the ~~((urban arterial))~~ board more than twenty-five percent, or \$75,000, whichever is the lesser;

(3) At the time the engineer's final estimates become available and the construction prospectus is submitted to the ~~((urban arterial))~~ board for approval;

(4) At the time contract bids are considered but prior to award of contract;

(5) At the time of contract completion but prior to final settlement on the project between the local government and the ~~((urban arterial))~~ board.

The submitting local government may request increased participation by urban arterial trust funds above the amount submitted in the agency's current six-year ~~((construction))~~ transportation program or the amount originally authorized by the board, as applicable, at the first, third and fifth stages in the project's development. All such requests shall be evaluated by the board in accordance with board rules.

AMENDATORY SECTION (Amending Order 87-01, Resolution No. 955, filed 10/19/87)

WAC 479-20-036 CONSIDERATION OF REQUESTS FOR AN INCREASE IN AUTHORIZED AMOUNT OF URBAN ARTERIAL TRUST FUNDS. For those projects approved prior to July 1, 1987, local agencies may request an increase in the participation of urban arterial trust funds over the amount set forth in the current six-year ~~((construction))~~ transportation program at the preliminary prospectus, construction prospectus or contract completion stage of a project in accordance with the following procedures:

(1) At the preliminary or construction prospectus stage all requests shall be reviewed by the ~~((chairman of the board))~~ director and he shall report his findings to the board for its review, consideration and final action. The board shall not grant a request for increase at these stages if:

(a) The original amount requested and approved by the board was not based upon reasonable engineering estimates;

(b) The requested increase is for funds to pay for an expansion of the scope of the work originally proposed;

(c) After a full investigation, the board determines that the project can be developed within the limits of the funds already approved;

(d) The project can be reduced in scope while retaining a usable and functional segment by:

(i) Reduction in termini of the project in such a manner that the improvement will continue to improve the conditions underlying the project's position of priority and will continue to connect to adjacent traffic facilities capable of handling traffic volumes at the point of intersection; or

(ii) Inclusion within the termini of the project only the following items of cost as required:

(A) Right of way (desirable minimum right of way widths as set forth in the ~~((urban arterial board))~~ board's design standards);

(B) Grading and paving;

(C) Structures;

(D) Drainage;

(E) Relocation of existing illumination and traffic control devices;

(e) The granting of the request will in any way adversely affect the construction program previously approved by the board. In deciding on projects in federal urban areas or nonfederal urban areas, the board shall endeavor to leave an amount equal to 10 percent of all approved projects or \$50,000, whichever is less, in reserve in the appropriate account to insure that the board has funds to deal with unanticipated cost overruns at the contract completion stage of those projects.

(2) Requests for increases in urban arterial trust funds submitted to the board at the contract completion stage shall be reviewed by the ~~((chairman of the board))~~ director. The ~~((chairman))~~ director may authorize increases above the amount originally approved by the board not to exceed 10 percent, or \$50,000, whichever is the lesser when:

(a) The additional funds are not requested because of an expansion in the scope of the work originally proposed to the board by the local agency for the project; and

(b) The request is substantiated with reasons for the increase and the ~~((chairman))~~ director determines that the increased funds should not have been anticipated by the local agency at the preliminary or construction prospectus stage of the project.

(3) If the board does not approve the request of a local agency for an increase at the preliminary prospectus, construction prospectus, or contract completion stage, the administering agency may:

(a) Proceed with the project, paying for any additional costs with local or other funds; or

(b) Withdraw the request for urban arterial trust fund participation; or, if applicable

(c) Within the original amount requested, and subject to approval by the ~~((chairman of the urban arterial board))~~ director, reduce the scope of the project while

retaining a usable and functional segment through the use of techniques set out in subsection (1)(d) of this section.

AMENDATORY SECTION (Amending Order 87-01, Resolution No. 955, filed 10/19/87)

WAC 479-20-037 **PROCEDURE TO REQUEST INCREASE IN ((TRUST)) BOARD FUNDS.** The amount of funds approved by the board after July 1, 1987, will be based upon the amount requested in the current separate section of the local agency's six-year ((construction)) transportation program.

Local agencies may request an increase in the participation of funds over the amount set forth in the six-year ((construction)) transportation program at the preliminary prospectus, construction prospectus, bid opening or contract completion stage of a project in accordance with the following procedures:

(1) At the preliminary or construction prospectus stage all requests shall be reviewed by the ((chairman of the board)) director and he shall report his findings to the board for its review, consideration and final action. The board shall not grant a request for increase at these stages if:

(a) The requested increase is to pay for an expansion of the scope of the work originally proposed; or

(b) The granting of the request will in any way adversely affect authorized funds previously approved by the board including the reserve for the following:

(i) Increases at bid opening that will not exceed ten percent of the engineers estimate multiplied by the account matching ratio.

(ii) Increases for construction overruns at the amount equal to the account matching ratio multiplied by the sum of ten percent of the ((estimated)) original contract amount up to one million dollars and five percent of the amount in excess of one million dollars for those projects which have been approved for the construction phase.

(2) Request for increases at bid opening shall not exceed ten percent of the engineers estimate submitted to the board at the time the construction phase was approved multiplied by the account matching ratio. Requests for increases at this stage will take priority over preliminary and construction phase approvals. Such requests shall be reviewed by the ((chairman)) director and will not be approved if:

(a) The requested increase is to pay for an expansion of the scope of the work originally proposed; or

(b) If the request is not substantiated and the ((chairman)) director determines that the increased funds should have been anticipated by the local agency at the construction prospectus stage of the project.

(3) Requests for increases in funds submitted to the board at the contract completion stage shall not exceed the account matching ratio multiplied by the sum of ten percent of the original contract amount up to one million dollars and five percent of the amount in excess of one million dollars. Requests for increases at this stage will take priority over preliminary and construction phase approvals. Such requests shall be reviewed by the ((chairman)) director and will not be approved if:

(a) The requested increase is to pay for an expansion of the scope of the work originally proposed; or

(b) If the request is not substantiated and the ((chairman)) director determines that the increased funds should have been anticipated by the local agency at the preliminary or construction prospectus stage of the project.

(4) If the ((chairman)) director or the board, as the case may be, does not approve the request of a local agency for an increase at the preliminary prospectus, construction prospectus, bid opening or contract completion stage, the administering agency may:

(a) Proceed with the project, paying for any additional costs with local or other funds; or

(b) Withdraw the request for participation; or, if applicable

(c) Within the original amount requested, and subject to approval by the ((chairman of the board)) director, reduce the scope of the project while retaining a usable and functional improvement.

AMENDATORY SECTION (Amending Order 171, filed 4/28/71)

WAC 479-20-075 **EMERGENT NATURE URBAN ARTERIAL TRUST ACCOUNT PROJECTS.** An ((urban area city or county)) eligible agency may submit a request on the ((urban arterial)) board approved project prospectus form that the board consider a project for participation as a project of an emergent nature pursuant to the provisions of RCW 47.26.450.

A project will be considered by the board under this rule when the need for the improvement project has arisen unexpectedly or because of new developments in the area since the local agency prepared its six-year ((construction)) transportation program in the last preceding even-numbered year and when it can be clearly demonstrated that this need could not have been anticipated at the time that program was developed.

The local agency shall present evidence to the board concerning the emergent nature of the project and must demonstrate:

(1) That the need for the project has significantly increased since the six-year ((construction)) transportation program in the preceding even-numbered year was prepared and submitted; and

(2) That there has been a significant change in the location or development of traffic generators in the area of the project; and

(3) That the work proposed to be performed in the project is now necessary to avoid serious traffic congestion in the area of the project in the near future; and

(4) That the significant increase in the need for the project defined in the project prospectus could not have been reasonably anticipated at the time the six-year ((construction)) transportation program for the preceding even-numbered year was prepared and submitted.

Each application for board consideration of a project as being of an emergent nature shall be accompanied by supporting data including, but not limited to, the following:

((+)) (a) An analysis of all traffic generators served including ((+)) (i) applicable origin-destination studies

and ~~((b))~~ (ii) other data relating to arterial usage in the area of the proposed project;

~~((2))~~ (b) An analysis of changes in traffic generators served by the proposed arterial project including ~~((a))~~ (i) changes in existing and projected traffic volume data and ~~((b))~~ (ii) changes in any other factors related to arterial usage in the area of the proposed project and ~~((c))~~ (iii) an explanation as to why changes in traffic generators and need for the project improvement were unable to be reasonably anticipated at the time the six year construction program for the preceding even-numbered year was prepared and submitted;

~~((3))~~ (c) All known commitments by public and/or private organizations to actions affecting traffic generators which affect the emergent nature and need for improvement of the particular proposed project.

Each such application shall be accompanied by the most current available data relating to the five priority rating factors specified in RCW 47.26.220 on forms provided by the ~~((urban arterial))~~ board. The ~~((urban arterial))~~ board shall evaluate projects proposed as emergent condition projects in relation to the priority array of projects developed by the ~~((urban arterial))~~ board in preparing its appropriation request for the current biennial period. No project shall be considered for authorization unless the project's priority is sufficiently high that the project would have been included in the ~~((urban arterial))~~ board's appropriation request for the current biennium if it had been available for rating at that time.

No project will be approved for participation as an emergent nature project if the funding of that project may adversely affect the funding of the ~~((urban arterial construction))~~ program as previously approved for participation by the board.

The ~~((urban arterial))~~ board shall consider projects submitted as being of an emergent nature at each quarterly allocation meeting at which time the city or county submitting the proposed project will be given an opportunity to make a presentation to the ~~((urban arterial))~~ board. All project prospectuses for emergent type projects must be received by the ~~((chairman of the urban arterial board))~~ director not later than the first of the months of September, December, March and June to be eligible for consideration at the following quarter's allocation meeting. If the first of the months of September, December, March and June falls on a Saturday, Sunday or a holiday, project prospectuses received on the next working day shall be eligible for consideration at the following quarter's allocation meeting.

AMENDATORY SECTION (Amending Order 217, filed 1/19/72)

WAC 479-20-086 REVIEW OF DELAYED PROJECTS ~~((BY URBAN ARTERIAL BOARD))~~. The ~~((chairman of the urban arterial board))~~ director shall contact, in writing, each local agency administering ~~((an urban arterial))~~ a board-funded project that appears to be delayed when evaluated in relation to the approved schedule for project development. Any agency that does not respond to the inquiry of the ~~((chairman))~~ director within twenty days explaining whether the

project is delayed and, if so, the reasons therefore, ~~((shall automatically))~~ may be placed before the ~~((urban arterial))~~ board as a candidate for cancellation as a delayed project.

The written response of each administering agency shall be reviewed to determine the reason or reasons for each project's delay. Any project that appears to be delayed for an unacceptable reason ~~((, as defined by urban arterial board rule,))~~ shall be so advised by certified mail by the ~~((chairman of the board))~~ director. The letter from the ~~((chairman))~~ director shall advise the local agency that:

(1) The project is delayed for an unacceptable reason;
 (2) The local government has a period of three months from the date of the ~~((chairman's))~~ director's letter to resolve the reason or reasons for delay and to provide evidence to the ~~((urban arterial))~~ board that the problems have been resolved. Such evidence shall, if requested by the ~~((chairman of the urban arterial board))~~ director, include a time schedule for project development (CPM schedule) which sets forth project development dates in sufficient detail to permit monthly monitoring of project progress.

(3) If the reason or reasons for delay are not resolved within the specified time period, the project ~~((will))~~ may be placed before the ~~((urban arterial))~~ board as a candidate for cancellation.

The administering agency for any project placed before the ~~((urban arterial))~~ board as a candidate for cancellation shall be requested to appear before the ~~((urban arterial))~~ board to explain the status of the project.

AMENDATORY SECTION (Amending Order 217, filed 1/19/72)

WAC 479-20-089 RECOVERY OF URBAN ARTERIAL TRUST FUNDS ON CANCELED PROJECTS. Project development costs incurred by an administering local agency on behalf of an authorized ~~((urban arterial))~~ project that is subsequently canceled at the request of the administering agency, or by the ~~((urban arterial))~~ board, shall be eligible for participation by ~~((urban arterial trust))~~ board funds if, in the opinion of the ~~((urban arterial))~~ board, the agency has pursued the project's development in good faith with a reasonable expectation of completing the project: PROVIDED, That in all projects where the total project cost exceeds the amount of authorized ~~((urban arterial trust))~~ board funds plus local matching funds, ~~((urban arterial trust))~~ board funds shall be recovered in sufficient amount that the percentage of nonrecovered ~~((urban arterial trust account))~~ payments in relation to total project costs to the date of cancellation or withdrawal shall not exceed the percentage determined by dividing the total authorized amount of ~~((urban arterial trust))~~ board funds by the most recently determined total project cost.

All ~~((urban arterial trust))~~ board funds previously paid to an administering agency on behalf of an authorized ~~((urban arterial))~~ project as a result of falsification, negligence, chicanery or deliberate misrepresentation on the part of the administering agency, in the opinion of

the ~~((urban arterial))~~ board, shall be repaid to the ~~((urban arterial trust))~~ appropriate account, or a repayment agreement that is acceptable to the ~~((urban arterial))~~ board shall be executed between the local agency and the ~~((urban arterial))~~ board, within 90 days following cancellation of the specified project by request of the administering agency or by the ~~((urban arterial))~~ board.

AMENDATORY SECTION (Amending Order 356, filed 4/22/75)

WAC 479-20-095 IDENTIFICATION AND CONSIDERATION OF UNDERRUNS ON AUTHORIZED URBAN ARTERIAL TRUST ACCOUNT PROJECTS. Each project authorized for financial assistance from the urban arterial trust account shall be reviewed by the ~~((chairman of the urban arterial board))~~ director as of the last day of each quarter to identify probable underruns in project cost in relation to the previously authorized amount of urban arterial trust funds. Each agency administering a project on which there appears to be a probable underrun shall be contacted by certified mail and requested to review the project to:

(1) Close the project by submitting a final voucher and summary cost documents if all work has been completed; or

(2) Advise the ~~((urban arterial))~~ board of total costs to date, remaining costs necessary to complete the project, and the amount of estimated underrun, if any, on the project.

Each response shall be reviewed by the ~~((chairman))~~ director to determine whether the explanations appear reasonable and whether the agency appears to be pursuing the completion of the project at a reasonable rate. Any project where the administering agency does not appear to be pursuing the project to completion at a reasonable rate, or fails to submit a final voucher when all work appears to be completed, shall be referred by the ~~((chairman to the urban arterial board))~~ director.

Each agency administering a project that is not considered to be developing to completion at a reasonable rate, or fails to submit a final voucher when all physical work appears to be completed, shall be notified by the ~~((chairman))~~ director by certified mail that the project is being scheduled for a hearing before the ~~((urban arterial))~~ board at a specified time and place. The agency shall be requested to provide suitable representation to such ~~((urban arterial))~~ board meeting to explain the status of the previously authorized project, the reasons why the project has not been completed and finalized out, the amount of urban arterial trust funds estimated to be required to complete the project, and the resulting underrun in relation to previously authorized urban arterial trust funds.

Information presented by each agency regarding the status of each project upon which there appears to be an underrun in relation to the authorized amount of urban arterial trust funds shall be evaluated by the ~~((urban arterial))~~ board. If the administering agency does not respond to the ~~((urban arterial))~~ board's request for presentation to the board regarding the status of the project, or if the agency does not adequately substantiate its need to retain the originally authorized amount of urban

arterial trust funds, the ~~((urban arterial))~~ board may reduce the remaining amount of authorized urban arterial trust funds to that amount reasonably necessary to complete the authorized urban arterial project.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 479-20-005 MATCHING RATIOS FOR CITIES AND COUNTIES.

WAC 479-20-060 ANNEXATIONS INVOLVING APPROVED URBAN ARTERIAL PROJECTS.

WAC 479-20-070 INCORPORATIONS INVOLVING APPROVED URBAN ARTERIAL PROJECTS.

WAC 479-20-080 URBAN ARTERIAL BOARD APPROVED SCHEDULE FOR PROJECT DEVELOPMENT.

WAC 479-20-083 UNACCEPTABLE REASONS FOR DELAY OF AUTHORIZED URBAN ARTERIAL PROJECTS.

AMENDATORY SECTION (Amending Order 405, filed 7/16/76)

WAC 479-24-010 PURPOSE. (1) The purpose of this chapter is to establish rules pertaining to the integration of the policies and procedures of the State Environmental Policy Act of 1971 (SEPA) into the programs, activities, and actions of the ~~((urban arterial))~~ board ~~((board))~~. The rules contained herein are intended to implement and be consistent with the provisions and purposes of the SEPA guidelines (chapter ~~((197-10))~~ 197-11 WAC).

(2) These rules are intended to establish procedures for implementing SEPA in a manner which reduces duplicative and wasteful practices, establishes effective and uniform procedures, encourages public involvement, and promotes certainty with respect to the requirements of SEPA.

AMENDATORY SECTION (Amending Order 405, filed 7/16/76)

WAC 479-24-020 INCORPORATION OF THE SEPA GUIDELINES ADOPTED BY THE COUNCIL ON ENVIRONMENTAL POLICY. (1) The provisions of chapter ~~((197-10))~~ 197-11 WAC ~~((SEPA guidelines adopted by the council on environmental policy on December 12, 1975))~~ effective April 4, 1984, are hereby adopted by the board and are incorporated in and made a part of this chapter by reference herein, to the extent that the SEPA guidelines are applicable to the programs, activities, and actions of the board.

(2) The provisions of this chapter are intended to implement the provisions of chapter ~~((197-10))~~ 197-11 WAC, and to be consistent therewith.

AMENDATORY SECTION (Amending Order 405, filed 7/16/76)

WAC 479-24-030 TIMING OF THE EIS PROCESS. (1) As provided by WAC ~~((197-10-055))~~ 197-

11-055, the EIS process shall be completed before the board is irrevocably committed to a particular course of action. At the same time, the EIS process should not be undertaken until a proposal is sufficiently definite to allow meaningful environmental analysis.

(2) The threshold determination or any required EIS for the board's action of a nonproject nature shall be completed prior to official adoption of the action in question.

(3) The threshold determination or any required EIS for board action of a project nature shall in all cases be completed prior to the determination to construct the project in question. While the board may tentatively affirm the choice of a particular location or design based upon completion of the draft EIS, final determination to construct shall not occur until a final threshold determination has been made or a final EIS has been prepared.

AMENDATORY SECTION (Amending Order 405, filed 7/16/76)

WAC 479-24-040 PROCEDURES WHEN CONSULTED. (1) When requests by another agency for comments or consultation are made pursuant to provisions of WAC ((~~197-10-500 through 197-10-540~~)) 197-11-502 through 197-11-570, such requests shall be referred for response to the ((~~executive secretary of the board~~)) director. The ((~~executive secretary~~)) director shall obtain such information which may be necessary, and supervise the transmittal of the requested information to the lead agency within the time period specified by WAC ((~~197-10-545~~)) 197-11-545.

(2) When a request for consultation is made by a local agency preparatory to a request for funding by the ((~~urban arterial~~)) board of a construction project, the ((~~chairman of the urban arterial board~~)) director shall investigate the likelihood of funding of the proposed construction project by the board and shall transmit such information to the local agency. Such transmittal shall be deemed total compliance with WAC ((~~197-10-510~~)) 197-11-550.

AMENDATORY SECTION (Amending Order 405, filed 7/16/76)

WAC 479-24-050 DESIGNATION OF RESPONSIBLE OFFICIAL. The responsible official shall be the ((~~chairman of the urban arterial board~~)) director or his designee.

AMENDATORY SECTION (Amending Order 405, filed 7/16/76)

WAC 479-24-070 DESIGNATION OF LEAD AGENCY. Pursuant to WAC ((~~197-10-203 and 197-10-205~~)) 197-11-924 and 197-11-926, the local agency proposing a particular project for funding shall be designated the lead agency.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 479-24-060 DESIGNATION OF SEPA PUBLIC INFORMATION CENTER.

WSR 90-11-036

**NOTICE OF PUBLIC MEETINGS
TACOMA COMMUNITY COLLEGE**

[Memorandum—May 8, 1990]

Please be advised that our regular June board meeting has been changed from June 13 to June 18, 1990.

WSR 90-11-037

**NOTICE OF PUBLIC MEETINGS
WASHINGTON INSTITUTE
OF APPLIED TECHNOLOGY**

[Memorandum—May 10, 1990]

BOARD OF DIRECTORS MEETING

Friday, May 11, 1990

7:30 a.m.

WIAT Sixth Floor Boardroom

WSR 90-11-038

**EMERGENCY RULES
BOARD OF HEALTH**

[Filed May 10, 1990, 3:47 p.m.]

Date of Adoption: May 9, 1990.

Purpose: To ratify an amendment and a new rule, both of which were enacted by the board in 1979 but which, through administrative oversight, cited the wrong statute as authority when filed with the Code Reviser. These rules are related to the control of infectious diseases.

Citation of Existing Rules Affected by this Order: Amending WAC 248-101-020.

Statutory Authority for Adoption: RCW 43.20.050.

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 amendment and the new rule were adopted initially by the board in 1979, but inadvertently cited the wrong statutory authority. At least one superior court judge has invalidated the regulations on that basis. Emergency adoption is necessary to eliminate any question as to the authority and ability to deal with outbreak of infectious diseases, especially in view of the current outbreak of measles around the state.

Effective Date of Rule: Immediately.

May 10, 1990
Sylvia I. Beck
Executive Director

AMENDATORY SECTION (Amending Order 62, filed 11/1/71)

WAC 248-101-020 DEFINITION. As used in this portion of these regulations, ~~((a contact means a person who has more than incidental association with a person in the infectious stage of a disease, including one who has simultaneously occupied the same classroom or work area for several hours, or had closer association.))~~ these terms shall mean:

(1) "Contact" means any person who has had more than incidental association with a person, or animal, in the infectious state of a disease, or with a contaminated environment, for periods sufficient to have provided the opportunity to acquire the infection. Such association may include simultaneous occupancy of the same classroom or work area or other area such as to constitute exposure to the disease.

(2) "Exposure" means such association with a person or animal in the infectious stage of a disease, or with a contaminated environment, as to provide the opportunity to acquire the infection.

(3) "Susceptible" means a person who does not possess sufficient resistance, whether natural or induced, to a pathogenic agent or disease to prevent contracting that disease when exposed thereto.

(4) "Communicable disease (contagious disease)" means any illness, infection or infestation which arises from, or is propagated through, the transmission of a micro-organism, parasite or insect from an infected or contaminated reservoir, whether another human, animal or inanimate environmental vector, either directly or indirectly to persons who are susceptible to that illness, infection or infestation.

Communicable (contagious) diseases include, but are not limited to:

- (a) Chickenpox
- (b) Conjunctivitis
- (c) Diphtheria
- (d) Gonorrhoea
- (e) Impetigo
- (f) Infectious mononucleosis
- (g) Measles
- (h) Meningitis
- (i) Mumps
- (j) Pediculosis
- (k) Ringworm
- (l) Rubella
- (m) Salmonellosis
- (n) Shigellosis
- (o) Scabies
- (p) Streptococcal infections
- (q) Syphilis
- (r) Tuberculosis
- (s) Viral Hepatitis
- (t) Whooping Cough.

NEW SECTION

WAC 248-101-220 CONTROL OF COMMUNICABLE (CONTAGIOUS) DISEASE. In the event of the occurrence in a school of any communicable disease,

as defined in WAC 248-101-020, the local health officer, upon a review of the circumstances of said occurrence, and after consultation, as appropriate, with the state director of health or his designee, shall take any and all actions which are in conformity with good medical practice and deemed to be appropriate and necessary to control or eliminate the spread of the disease in the school population. To that end these actions may include, but are not hereby limited to, any of the following which are medically appropriate: The closure of the affected school(s) or part(s) thereof; cessation of selected school activities or functions; or ordering the exclusions from school or from selected school activities or functions, of those persons who are infected with or are deemed to be susceptible to and exposed to the disease: **PROVIDED**, That prior to any such action the local health officer or his/her designee shall consult with the superintendent of the school district or his/her designee on the proposed action: **PROVIDED, FURTHER**, That the decision of the local health officer as to the action to be taken shall be provided in writing to the board of directors and the superintendent of the school district in the form and substance of an order directing them to take action(s). Where these actions have been taken the health officer shall set the terms and conditions permitting the reopening of school or the readmittance to school or the resumption of school activities or functions. The health officer shall pursue, in consultation with the state director of health and school officials, the investigation of the source of disease and order those actions necessary to the ultimate control of the disease.

WSR 90-11-039**PROPOSED RULES****SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed May 10, 1990, 4:15 p.m.]

Original Notice.

Title of Rule: WAC 392-171-310, 392-171-315 and 392-171-371, Special education programs—Education for all handicapped children.

Purpose: To clarify definition for "handicapped student" specially designed instruction and modify written notice requirement for independent educational assessment pursuant to federal interpretation.

Statutory Authority for Adoption: RCW 28A.13.070(7).

Statute Being Implemented: Chapter 28A.13 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Old Capitol Building, (206) 753-2298; Implementation: Bridget Cullerton, Superintendent of Public Instruction, Old Capitol Building, (206) 586-6394; and Enforcement: Robert LaGarde, Superintendent of Public Instruction, Old Capitol Building, (206) 753-6735.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

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

Proposal does not change existing rules.

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

Hearing Location: Superintendent of Public Instruction, Old Capitol Building, Wanamaker Conference Room, Olympia, Washington 98504, on June 28, 1990, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, Superintendent of Public Instruction, Legal Services, Olympia, Washington 98589 [98504], by June 25, 1990.

Date of Intended Adoption: July 3, 1990.

May 10, 1990
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-310 DEFINITIONS OF "FREE APPROPRIATE, PUBLIC EDUCATION," "ADULT STUDENT," "HANDICAPPED STUDENT," "PARENT," AND "SCHOOL DISTRICT." As used in this chapter:

(1) "Free appropriate, public education" means special education and related services which:

(a) Are provided at public expense, under local school district supervision and direction, and without charge;

(b) Meet the standards of the state educational agency, including the requirements of this chapter; and

(c) Are provided in conformity with an individualized education program which meet the requirements of WAC 392-171-461.

(2) "Adult student" means a handicapped student or a student who is eighteen, nineteen, or twenty years of age, except as provided for in WAC 392-171-331, and who has not been judged incompetent by a court of law or otherwise judged by a court of law as being incapable of assuming and exercising the rights, duties and responsibilities otherwise granted to and imposed upon parents by this chapter (a student shall assume and be entitled to exercise all rights, duties and responsibilities otherwise granted to or imposed upon parents by this chapter upon attaining the age of eighteen and shall retain and be entitled to exercise the same until he or she has been judged incompetent or otherwise incapable of exercising the same by a court of law).

(3) "Handicapped student" and "student" (depending upon the context in which the terms are used) mean:

(a) A person under the age of twenty-one, except as provided for in WAC 392-171-331, who has been determined pursuant to this chapter to have one or more of the disabilities set forth in WAC 392-171-381 through 392-171-451 and to be in need of special education and related services; or

(b) A person under the age of twenty-one who has become a focus of concern and who may have one or more of the disabilities set forth in WAC 392-171-381 through 392-171-451 in the judgment of the school district superintendent or his or her designee, or the parent(s), or the adult student; or

(c) A person under the age of twenty-one, except as provided for in WAC 392-171-331, who resides in a residential school for the handicapped in accordance with RCW ((28A-58-770)) 28A.190.020 et seq.; who also qualifies pursuant to (a) of this subsection.

(d) The foregoing categories of persons—notwithstanding the fact the person(s) may not be enrolled in or attending school in the normal sense of the term "student."

(4) "Parent" means a natural parent, a legal guardian, an adult person acting as a parent, or a surrogate parent who has been appointed in accordance with WAC 392-171-581, who represents a nonadult student. The term does not include the state if the child is a ward of the state.

(5) "School district" means:

(a) Each public school district in the state;

(b) Each educational service district that provides special education or related services to one or more handicapped students; and

(c) Each public or private organization or entity or person who provides special education and/or related services to one or more handicapped students in behalf of a public school district—even though such public school district, educational service district, or public or private organization or entity or person does not receive federal funds made available for the purposes of the Education for All Handicapped Children Act.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-315 DEFINITION OF "SPECIAL EDUCATION." As used in this chapter "special education" means specially designed instruction, at no cost to the parent or the student, to meet the unique needs, abilities, and limitations of a student having a handicapped condition, including classroom and itinerant instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions. The term includes communication disorders services, physical and occupational therapy, orientation and mobility instruction, and audiology. The term also includes career development and vocational education if either consists of specially designed instruction, at no cost to the parents or the student, to meet the unique needs of a handicapped student.

The terms in the definition of "special education" are defined as follows:

(1) "Specially designed instruction" means organized and planned teaching and/or training activities (a) provided by certificated and/or licensed special education personnel, including therapists, ((designed)) or (b) designed, monitored, and evaluated by certificated and/or licensed special education personnel, including therapists, to meet the unique needs, abilities, and limitations of the handicapped child, and to facilitate progress toward specific written objectives ((and which)); Such instruction must be provided by a certificated teacher or classified instructional staff under the immediate supervision of such certificated teacher, must occur((s)) repeatedly over a given period of time during regularly scheduled sessions, and must include the designing, monitoring, and evaluating of supplementary aids and services as defined in WAC 392-171-322, which permit the placement of handicapped students in regular classrooms on a part-time or full-time basis. These services must be monitored or evaluated as provided in the student's individualized education program at least monthly by special education personnel certificated or licensed pursuant to WAC 392-171-701. The term does not include diagnostic or assessment activities, related services per se, ((consultative services,)) or materials preparation.

(2) "At no cost" means that all specially designed instruction is provided without charge, but does not preclude incidental fees which are normally charged to nonhandicapped students or their parents as a part of the regular education program.

(3) "Physical education" means the development of:

(a) Physical and motor fitness;

(b) Fundamental motor skills and patterns; and

(c) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports).

The term includes special physical education, adapted physical education, movement education, and motor development.

(4) "Career development" means instructional activities infused into a student's education program which make provision for career awareness, career exploration and career preparation for all occupations.

(5) "Vocational education" means a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized occupations not designated as professional or requiring a baccalaureate or higher degree.

(6) "Audiology" means the provision of habilitative activities related to a hearing impairment, such as language habilitation, auditory training, speech reading (lip reading), training for hearing evaluation, and speech conservation.

(7) "Occupational therapy" means improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning when functions are impaired or lost; and preventing through early intervention, initial or further impairment or loss of function.

(8) "Orientation and mobility instruction" means the provision of training/instruction in orientation and mobility for visually handicapped students.

(9) "Physical therapy" means seeking to relieve disability or pain, developing or restoring motor function and maintaining appropriate performance commensurate with the student's unique needs, abilities, and limitations.

(10) "Communication disorders services" mean the provision of speech and language services for the habilitation or prevention of communication disorders.

NEW SECTION

WAC 392-171-322 DEFINITION—SUPPLEMENTARY SERVICES. As used in this chapter, the term "supplementary services" means any of the following:

(1) Resource rooms or any other instructional setting or program outside the regular class where specially designed instruction is provided.

(2) Specially designed instruction provided in the regular class by itinerant personnel qualified pursuant to WAC 392-171-701.

(3) Any other special instructional service provided in conjunction with regular class placement which permits the delivery of specially designed instruction in order to enable a handicapped student to achieve satisfactorily in regular classes. Such instructional services must be designed by special education personnel certificated or licensed pursuant to WAC 392-171-701 in cooperation with the regular class teacher.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-371 INDEPENDENT EDUCATIONAL ASSESSMENT. (1) General.

(a) The parent(s) of a student (or the adult student) made a focus of concern and assessed or any student reassessed has the right to obtain an independent educational assessment, subject to subsections (3) and (4) of this section.

(b) Each school district shall provide to parents, (or adult students) on request, information about where an independent educational assessment may be obtained.

(c) For the purposes of this section:

(i) "Independent educational assessment" means an assessment conducted by a qualified examiner who is not employed by the school district responsible for the education of the student in question; and

(ii) "Public expense" means that the school district either pays for the full cost of the assessment or assures that the assessment is otherwise provided at no cost to the parent (or to the adult student).

(2) Parent/adult student right to assessment at public expense. A parent (or the adult student) has the right to an independent educational assessment at public expense if the parent (or the adult student) disagrees with the assessment results obtained by the school district, as follows:

(a) The parent(s) (or the adult student) (~~shall~~) should provide a written notice to the school district superintendent or special education director which:

(i) Specifies the portion(s) of the assessment results with which the parent(s) (or the adult student) disagrees; and

(ii) Requests an independent educational assessment at public expense;

(b) The school district shall have the prior opportunity to initiate and conduct a hearing pursuant to WAC 392-171-531 et seq. to show that its assessment is appropriate: PROVIDED, That the school district shall provide the parent(s) (or the adult student) written notice of the election to initiate a hearing no later than the tenth day after the date of receipt of the parent's (or adult student's) notice of disagreement;

(c) If the final decision pursuant to WAC 392-171-521 et seq. is that the school district's assessment is appropriate, the parent (or adult student) still has the right to an independent educational assessment, but not at public expense; and

(d) If the district elects not to hold a hearing or is not upheld by the final decision, the parent's (or adult student's) request for an independent assessment shall be provided at public expense in accordance with the same criteria which the district uses when it initiates an assessment

including, but not limited to, the location of the assessment and the qualifications of the examiner.

(3) Parent/adult student initiated assessment. If the parent (or adult student) obtains an independent educational assessment at private expense, the results of the assessment:

(a) Shall be considered by the school district in any decision made with respect to the provision of special education and related services to the student; and

(b) May be presented as evidence at such hearings regarding that student as may be conducted pursuant to WAC 392-171-521 et seq.

(4) Requests for assessment by hearing officers. If a hearing officer requests an independent educational assessment as part of a hearing, the cost of the assessment shall be at public expense.

WSR 90-11-040

PERMANENT RULES

LOTTERY COMMISSION

[Filed May 10, 1990, 4:44 p.m.]

Date of Adoption: May 4, 1990.

Purpose: To establish the game play rules and criteria for determining winners of Instant Game 55; to establish chapter 315-08 WAC, Financial management; and to amend WAC 315-06-080 and 315-04-132.

Citation of Existing Rules Affected by this Order: Amending WAC 315-06-080 and 315-04-132.

Statutory Authority for Adoption: RCW 67.70.040.

Pursuant to notice filed as WSR 90-07-086 on March 21, 1990.

Changes Other than Editing from Proposed to Adopted Version: In the title and introductory phrase of WAC 315-06-080, the word "gratuities" was replaced with the phrase "thing of economic value" to be consistent with the proposed amendment in subsection (3).

Effective Date of Rule: Thirty days after filing.

May 10, 1990

Evelyn Y. Sun

Director

NEW SECTION

WAC 315-11-550 DEFINITIONS FOR INSTANT GAME NUMBER 55 ("JACKPOT"). (1) Play symbols: The following are the "play symbols": "☼"; "☆"; "☉"; "▲"; "☿"; and "☰". One of these play symbols appears in each of the nine play spots in the playfield under the scratch-off material covering the game play data. The nine play spots shall be arranged in three rows, with three play spots to each row.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 55, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
☼	CHRY
☆	STAR
△	BELL
○	LEMN
☞	SVEN
▮	BARR

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

(4) Pack-ticket number: The eleven-digit number of the form 05500001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 55 constitute the "pack number" which starts at 05500001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 and less. For Instant Game Number 55, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$1.00
TWO	\$2.00
FIV	\$5.00
EGT	\$8.00
TEN	10.00
TLV	12.00
TWY	20.00

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

NEW SECTION

WAC 315-11-551 CRITERIA FOR INSTANT GAME NUMBER 55. (1) The price of each instant game ticket shall be \$1.00.

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

(a) The bearer of a ticket having three identical play symbols in the same game (horizontal row) shall win the prize which corresponds with that set of identical play symbols. Play symbols in different games (horizontal rows) may not be combined to win a prize. The ticket shall bear a legend which lists each set of identical play symbols and its corresponding prize:

- Three ☼ play symbols – Win \$ 1.00
- Three ☆ play symbols – Win \$ 2.00
- Three ○ play symbols – Win \$ 5.00
- Three △ play symbols – Win \$ 10.00
- Three ☞ play symbols – Win \$ 50.00
- Three ▮ play symbols – Win \$ 20,000

(b) The bearer of a ticket having winning play symbols in more than one game (horizontal row) shall win the total amount of the prizes won in each game.

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 55 set forth in WAC 315-11-552, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(a) Vary the length of Instant Game Number 55 and/or

(b) Vary the number of tickets sold in Instant Game Number 55 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-552 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 55. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 55, all of the following validation requirements apply.

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

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

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

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

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

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-550(1) and each of the captions must be exactly one of those described in WAC 315-11-550(2).

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

CHAPTER 315-08 WAC
FINANCIAL MANAGEMENT

- WAC 315-08-010 EXPENDITURE AND TRANSFER LIMITS - STATE LOTTERY ACCOUNT
- WAC 315-08-020 REVENUE PROJECTIONS BY COMMISSION
- WAC 315-08-030 STATE LOTTERY ACCOUNT - DIRECTOR'S RESPONSIBILITIES
- WAC 315-08-040 DIRECTOR'S QUARTERLY REPORT TO THE COMMISSION

NEW SECTION

WAC 315-08-010 EXPENDITURE AND TRANSFER LIMITS - STATE LOTTERY ACCOUNT. (1) At the outset of fiscal year 1991, and at the outset of each biennium after fiscal year 1991, the Commission shall determine by resolution the following:

(a) The total amount of monies which may be transferred from the state lottery account to the state's general fund and to the lottery administrative account, pursuant to legislative appropriation; and

(b) The total amount of monies which may be expended from the state lottery account for each of the following purposes:

- (i) Payment of retailer compensation;
- (ii) Payment of prizes (which shall not be less than 45 percent of gross annual revenue of the Lottery);
- (iii) On-line vendor payments;
- (iv) On-line telecommunications payments;
- (v) Instant game vendor payments;
- (vi) Promotion/advertising; and
- (vii) Any other purposes required by law.

(2) The Commission may amend by resolution the amounts determined under this section based on changes in the revenue stream and/or program requirements.

(3) The director may exceed approved totals when necessary for sales volume-related expenses provided that such expenditures are reported at the next regularly scheduled commission meeting.

NEW SECTION

WAC 315-08-020 REVENUE PROJECTIONS BY COMMISSION. The director shall present to the Revenue Forecast Council periodic revenue projections made by the Commission consistent with the executive budget.

NEW SECTION

WAC 315-08-030 STATE LOTTERY ACCOUNT - DIRECTOR'S RESPONSIBILITIES. The director may transfer and expend monies as he/she deems appropriate within the totals determined pursuant to WAC 315-08-010 and shall perform all functions

necessary for the administration and operation of the state lottery account.

NEW SECTION

WAC 315-08-040 DIRECTOR'S QUARTERLY REPORT TO THE COMMISSION. The director shall provide quarterly to the Commission a full and complete statement of fund transfer and expenditure activity for the preceding quarter.

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

WAC 315-06-080 CERTAIN PURCHASES OF TICKETS, ~~((GRATUITIES))~~ ACCEPTANCE OF THINGS OF ECONOMIC VALUE, AND ~~((CERTAIN))~~ WINNING OF PRIZES PROHIBITED. Certain purchases of tickets, ~~((certain))~~ acceptance of things of economic value and winning and sharing of prizes, ~~((and certain gratuities))~~ are prohibited as follows:

(1) A ticket shall not be purchased by, and a prize shall not be paid to any member or employee of the commission or to a spouse, child, brother, sister, or parent residing as a member of the same household in the principal place of abode of any member or employee of the commission, or to any assistant attorney general assigned to advise the commission or director.

(2) A prize claimed by a holder of a winning ticket shall not be shared with any member or employee of the commission or any spouse, child, brother, sister, or parent residing as a member of the same household in the principal place of abode of any member or employee of the commission.

(3) No ~~((gratuities))~~ things of economic value offered by the prize winners, vendors, contractors, or others conducting business with the lottery, may be accepted by lottery retailers or by any member or employee of the commission or any spouse, child, brother, sister, or parent residing as a member of the same household in the principal place of abode of any member or employee of the commission.

(4) A ticket shall not be purchased by, and a prize shall not be paid to any CPA accounting firm, or its employees, retained by the director of financial management pursuant to sections 31 and 32, chapter 7, Laws of 1982 2nd ex. sess. or any employee of the director of financial management performing a management review or audit of the commission or director.

(5) A ticket shall not be sold to or purchased by any person under the age of eighteen. Nothing in this section shall prohibit the purchase of a ticket for the purpose of making a gift by a person eighteen years of age or older to a person less than that age.

(6) A ticket shall not be purchased with food stamps or coupons and a lottery retailer shall not accept as consideration for a ticket food stamps or coupons.

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 97, filed 12/16/86)

WAC 315-04-132 CHANGE OF BUSINESS STRUCTURE, OWNERSHIP, OR OFFICERS. (1) Every change of business structure of a person to whom a license has been issued must be reported to the lottery prior to the change. A change of business structure shall mean the change from one form of business organization to another, such as from sole proprietorship to partnership or corporation.

(2) Every substantial change of ownership of a person to whom a license has been issued must be reported to the lottery prior to the change. A substantial change of ownership shall mean the transfer of ten percent or more equity, or the addition or deletion of an owner of ten percent or more of the person.

(3) Every change of officers of a person to whom a license has been issued must be reported to the lottery not later than ten days following the effective day of the change.

(4) If ~~((such))~~ the substantial change of ownership involves the addition or deletion of one or more owners or officers, the lottery retailer shall submit a license application reflecting the change(s) and any other documentation the director may require.

(5) If ~~((such))~~ the substantial change of ownership involves the addition of one or more owners or officers who does not have on file with the lottery current "personal history information" and "criminal history information" forms, each such owner or officer shall submit the required forms.

WSR 90-11-041
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed May 10, 1990, 4:47 p.m.]

The Department of Labor and Industries is hereby submitting to your office, notice of withdrawal of WAC 296-24-07501, 296-24-07801, 296-24-086, 296-155-200 and 296-306-060 originally filed in WSR 89-22-119, pursuant to RCW 34.05.335.

Joseph A. Dear
Director

WSR 90-11-042
EMERGENCY RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed May 11, 1990, 11:06 a.m.]

Date of Adoption: May 10, 1990.

Purpose: This rule is to add special pay ranges to specific classifications to equal or approximate prevailing rate practices found in private industry or other governmental units.

Citation of Existing Rules Affected by this Order: Amending WAC 356-15-130 Special pay ranges.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

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 was adopted on an emergency basis by the State Personnel Board to comply with the state compensation plan in order to standardize compensation practices so participants receive equal pay for equal time. This hourly rate would represent the current average overtime payout and will be paid in lieu of future overtime compensation. This rule is currently filed to be heard June 14, 1990, for permanent adoption.

Effective Date of Rule: Immediately.

May 11, 1990
Dee W. Henderson
Secretary

AMENDATORY SECTION (Amending Order 221 [321], filed 4/12/85 [6/26/89])

WAC 356-15-130 SPECIAL PAY RANGES. *These ranges are used to equal or approximate prevailing rate practices found in private industry or other governmental units. An affected class is identified either by a letter designation following the basic salary range number or by a letter designation preceding a number. In the latter case, a special salary schedule will be used for such classes.*

(1) "E" RANGE: *This range is used for classes having a prevailing pay range which is shorter than Washington's standard ranges. An "E" range is a standard range with the first four steps removed. Thus, the first step of such a range is the same as Step E of the standard range having the same range number. Periodic increases through the steps of this range are made at the same time intervals as through standard ranges, i.e., a two-step increase after six months at Step E and two annually thereafter up to the maximum step of the range.*

(2) "L" RANGE: *This special range is used only for the class of liquor store clerk (0628). The "L" range was designed to more closely parallel the prevailing pay structure for retail clerks in private industry. Periodic increases through the steps of the "L" range are made at the same time intervals as through a standard range. Normal progression is Steps A, D, G and K, which represents ten percent per periodic increase.*

(3) "T" RANGE: *Used only for the classes of institution teachers. These ranges are constructed by identifying Step K of the correspondingly numbered regular state ranges as "Step 10" of the "T" range; the lower nine steps of the "T" range are each two regular-range steps (approximately 5%) apart. Advancement through these ranges is at the rate of one step per year.*

(4) "V" RANGE: *Used only for the classes of teachers of the deaf or blind and principals, school for the*

deaf or blind. "V" ranges are the same as the current ranges of Vancouver, Washington School District #37 for certificated employees of similar background and experience. Advancement through the range is at the rate of one step per year.

(5) "I" RANGE: This range is always ten ranges higher than the range approved for lottery district sales representative or lottery telemarketing representative 1 and 2 and it may be applied only to those classifications. Use of this range is limited to sales incentive programs which: (a) May not exceed ten weeks for any program; (b) may not exceed four programs in any consecutive twelve months; (c) require achievement of specific goals which are set for each program by the lottery, such goals to be in excess of normal performance standards for the class.

The lottery is authorized to compensate individual employees on the "I" range for not more than three months as a result of any one sales incentive program, with the number of months stipulated in the incentive program announcement. Within these limits, movement of any employee to and from the "I" range will be at the discretion of the lottery, and shall be from and to the same step, subject to change by the employee's periodic increment date.

(6) "J" RANGE: This range consists of the single rate of \$20.00 per hour. Use is limited to lottery employees who volunteer and are selected for lottery drawing duty as one of the following: 1) the lottery drawing official (LDO); 2) the lottery security official (LSO); or 3) the headquarters drawing official (HDO), as described under lottery procedures.

Employees performing these functions during their normal working shift will not be eligible for "J" range compensation. Employees performing these functions outside of their shift will be compensated by the "J" RANGE rate on an hourly basis with a 2-hour minimum per drawing period.

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

WSR 90-11-043

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF PERSONNEL

[Filed May 11, 1990, 11:22 a.m.]

We, the State Personnel Board are withdrawing the following WAC's:

WAC 356-30-145, 356-30-180, 356-30-190 and 356-30-280, filed under WSR 89-22-112. The following continuances were filed under WSR 90-01-106, 90-03-045, 90-05-027 and 90-07-055.

We are also withdrawing WAC 356-14-240 originally filed under WSR 89-22-113 and continued under WSR 90-01-107.

Dee W. Henderson
Director

WSR 90-11-044

EMERGENCY RULES DEPARTMENT OF HEALTH (Board of Medical Examiners)

[Order 054—Filed May 11, 1990, 1:40 p.m.]

Date of Adoption: May 11, 1990.

Purpose: To allow individuals who failed to submit their application for registration by December 31, 1989, but met the qualifications in WAC 308-52-640(3) by December 31, 1989, to apply and be approved for registration prior to June 7, 1990. Amended statute change, effective June 7, 1990.

Citation of Existing Rules Affected by this Order:
Amending WAC 308-52-690.

Statutory Authority for Adoption: RCW 18.71A.020.

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: Notification of previous rules was inadequate, therefore, individuals who met the requirements prior to December 31, 1989, were not informed and these individuals have now submitted applications. Also these individuals are considered practicing medicine without a license and must come under the jurisdiction of the Board of Medical Examiners in order to regulate them.

Effective Date of Rule: Immediately.

May 10, 1990
Patti L. Rathbun
Program Manager

AMENDATORY SECTION (Amending WSR 89-20-023, filed 9/27/89)

WAC 308-52-690 **SURGICAL ASSISTANT PROGRAM REQUIREMENTS RECONSIDERATION.** (1) 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.

(2) Individuals who failed to submit their applications for registration by December 31, 1989, but who met the qualifications in WAC 308-52-640 (3) by December 31, 1989, must apply and be approved for registration prior to June 7, 1990.

WSR 90-11-045
PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Chiropractic Examiners)
 [Filed May 11, 1990, 1:43 p.m.]

Original Notice.

Title of Rule: WAC 114-12-155 Board approved continuing education; and 114-12-190 Requirements for reinstating or activating a license.

Purpose: Adds programs sponsored by the Department of Health that relate to chiropractic practice, establishes video viewing acceptable for continuing education credit, and establishes criteria for reinstating an inactive license or activating a lapsed license.

Statutory Authority for Adoption: RCW 18.25.017.

Statute Being Implemented: RCW 18.25.070.

Summary: WAC 114-12-155 adds video viewing as board approved continuing education; and WAC 114-12-190 establishes procedure for reinstating or activating a license.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Connie Glasgow, 1300 Quince Street, Olympia, (206) 753-0776.

Name of Proponent: Board of Chiropractic Examiners, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 114-12-155 adds programs sponsored by the Department of Health that relate to the practice of chiropractic as board approved continuing education. Video viewing when accompanied by a moderator knowledgeable in the video contents is approved continuing education. Also makes it clear that the organization must supply documentation of attendance to all participants; and WAC 114-12-190 establishes procedure to be followed to reinstate or activate a license.

Proposal does not change other existing rules.

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

Hearing Location: Federal Way Executel, 31611 20th Avenue South, Federal Way, WA 98003, on September 13, 1990, at 9:00 a.m.

Submit Written Comments to: Connie Glasgow, P.O. Box 1099, Mailstop EY-21, Olympia, WA 98507, by September 10, 1990.

Date of Intended Adoption: September 13, 1990.

May 7, 1990
 Connie M. Glasgow
 Program Manager

AMENDATORY SECTION (Amending WSR 89-18-086, filed 9/6/89, effective 10/7/89)

WAC 114-12-155 **BOARD APPROVED CONTINUING EDUCATION ((SUBJECT MATTER))**. (1) Licensed chiropractors will be responsible for obtaining 25 hours of board approved continuing education over the preceding year to be submitted with annual renewal of their license.

(2) The board approves the following subject material for continuing chiropractic education credit:

(a) Diagnosis and treatment of the spine or immediate articulations within the scope of practice;

(b) X-ray/((roentgenology)) diagnostic imaging;

- (c) Adjustive technique;
- (d) Detection of a subluxation;
- (e) Physical examination;
- (f) Hygiene;
- (g) Symptomatology;
- (h) Neurology;
- (i) Spinal pathology;
- (j) Spinal orthopedics;
- (k) Patient/case management;
- (l) Impairment within the scope of practice;
- (m) CPR - once every three years;
- (n) Dietary advice; ((and;))
- (o) Chiropractic philosophy; and
- (p) Any programs sponsored by the department of health that relates to the practice of chiropractic.

(3) Subject matter not approved for continuing education credit:

- (a) Business management;
- (b) Subject matter not directly relating to the chiropractic clinical scope of practice;
- (c) Practice building; and,
- (d) Conduct prohibited by Washington state statutes or rules governing chiropractic practice.

(4) A formal video continuing education program that meets the requirements of WAC 114-12-115 is acceptable provided that the video viewing is accompanied by a moderator and/or a panel knowledgeable in the video contents to comment thereon and answer questions or conduct discussions.

(5) The individual or organization responsible for a continuing education presentation must provide documentation of attendance to the participants.

AMENDATORY SECTION (Amending Order PM 861, filed 9/6/89, effective 10/7/89)

WAC 114-12-190 **LAPSED ((LICENSE REINSTATEMENT)) AND INACTIVE LICENSES—REQUIREMENTS FOR REINSTATING OR ACTIVATING A LICENSE**. (1) A ((licentiate)) licensee who allows his or her license to ((elapse)) lapse for more than three years must: Pay all back renewal fees plus penalty fee and submit proof of continuing education courses during the time the license was lapsed. If the licensee cannot submit proof of continuing education courses during the time the license was lapsed he/she will be required to be reexamined as provided for in RCW 18.25.040.

(2) A licensee who has placed his/her license on inactive status and now requests to activate the license shall submit to the board, in writing, a request to activate his/her license from inactive status. Provided, that a licensee who's license has been inactive for more than three years may be reexamined as provided for in RCW 18.25.040 at the board's discretion. The request to activate a license must include the following:

- (a) An applicable fee, per WAC 114-12-136.
- (b) Updated chronology from date license was placed into inactive status.
- (c) Proof of four hours of AIDS education as defined in WAC 114-12-200.
- (d) Documentation of any continuing education courses taken during the time his/her license was inactive.

WSR 90-11-046
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 90-37—Filed May 11, 1990, 1:55 p.m.]

Date of Adoption: May 11, 1990.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-24-02000L.

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: It is anticipated the harvestable quota of 26,100 chinook salmon will be met by 12:01 a.m. May 15, 1990. This closure is needed to get an accurate count. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council and is consistent with federal regulations.

Effective Date of Rule: 12:01 a.m., May 15, 1990.

May 11, 1990
Sharon L. Whitehead
for Joseph R. Blum
Director

NEW SECTION

WAC 220-24-02000M LAWFUL ACTS - TROLL FISHERY Notwithstanding the provisions of WAC 220-24-010, WAC 220-24-020 and WAC 220-24-030, effective 12:01 AM MAY 15, 1990 it is unlawful to fish for salmon taken for commercial purposes with troll gear in the waters west of the Bonilla-Tatoosh Line, the Pacific Ocean north of Cape Falcon and south of the U.S.-Canada border, or waters west of a line drawn true north-south through Buoy 10 at the mouth of the Columbia River.

(1) All salmon in possession, taken for commercial purposes with troll gear, must be sold and accounted for on a State of Washington Fish Receiving Ticket by 11:59 PM May 15, 1990.

(2) It is unlawful to transport through Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, or 4 or land in the State of Washington any salmon taken for commercial purposes contrary to the provisions of WAC Chapter 220-33 or WAC Chapter 220-47 relative to seasons and species provided for in this section.

REPEALER

The following section of the Washington Administrative Section is repealed effective 12:01 AM, May 15, 1990:

WAC 220-24-02000L LAWFUL ACTS - TROLL FISHERY

**WSR 90-11-047
PERMANENT RULES
DEPARTMENT OF
SERVICES FOR THE BLIND**

[Filed May 11, 1990, 1:59 p.m.]

Date of Adoption: May 12, 1990.

Purpose: Housekeeping.

Citation of Existing Rules Affected by this Order: Amending WAC 67-25-560 and 67-25-570.

Statutory Authority for Adoption: Chapter 74.18 RCW.

Pursuant to notice filed as WSR 89-22-118 on November 1, 1989.

Changes Other than Editing from Proposed to Adopted Version: WAC 67-25-560(2), replace the words "in writing" with "by signature"; and WAC 67-25-570(4), add "client and/or their designated representative and to the" after "The administrative law judge will make an initial decision and forward this initial decision to the . . .".

Effective Date of Rule: Thirty days after filing.

May 11, 1990
Bonnie Jindra
Assistant Director
Administration

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-560 ADMINISTRATIVE REVIEW.
(1) Any client who feels aggrieved by, or is otherwise dissatisfied with, any decision or action by the department or its agents with regard to his/her vocational rehabilitation case may file a request with the department for, and shall thereupon receive, an administrative review ~~((and redetermination of that decision or action))~~ by the director or his/her designee, or a fair hearing by an administrative law judge.

(2) A client who requests ((for)) an administrative review ((may be made either verbally or in writing and may be filed in any office of the department. A verbal request shall promptly be reduced to writing)) shall indicate by signature that he/she has been informed of administrative review and fair hearing rights and procedures, and that, if he/she elects an administrative review, the forty-five day time period for scheduling a fair hearing is waived until conclusion of the administrative review process.

(3) A request for administrative review may be made by the client, a parent or guardian, or by an advocate working in the client's interest and with the client's permission. The request may be made to any agency representative either verbally or in writing. A verbal request shall promptly be reduced to writing by the agency representative receiving the request.

(4) All requests for administrative review shall:
(a) Specify the date of the decision or action being appealed;
(b) Specify as precisely as possible the issue to be resolved by the administrative review;
(c) Set forth the address of the client or of his/her representative; and
(d) Be signed by the client or by his/her representative.

~~((4))~~ (5) A request for an administrative review must be made within sixty days after receiving notice from the department of the decision or action by the department which is the basis for the request for review.

~~((5))~~ (6) An administrative review and redetermination shall be provided by the director's designee, and shall be provided within thirty days after the submission of the request for review.

~~((6))~~ (7) Within ~~((fifteen))~~ twenty-one days after the conclusion of the administrative review the designee shall certify his/her findings to the client in writing specifying in reasonable detail the reasons for his/her

findings and informing the client of his/her right to request and receive a fair hearing if dissatisfied with those findings.

AMENDATORY SECTION (Amending Order 88-1, filed 4/11/88)

WAC 67-25-570 FAIR HEARING. (1) Any client who feels aggrieved by or is otherwise dissatisfied with ~~((the finding))~~ any decision or action by the department or its agents with regard to his/her vocational rehabilitation plan or is dissatisfied with the results of an administrative review may request from the department, and shall thereupon be granted, a fair hearing. A client who desires a fair hearing shall request such hearing within ~~((thirty))~~ sixty days after ~~((receiving notice from))~~ the date of the decision or action by the department ~~((of the finding of the administrative review))~~ which is the basis for the request for fair hearing.

(2) A request for fair hearing shall be sent to the Director, Department of Services for the Blind at 521 East Legion Way, Olympia, WA 98504, who will forward it to the office of administrative hearings.

(3) The office of administrative ~~((law judge))~~ hearings will ~~((make a proposed decision to the director of the department of services for the blind who will make a final determination))~~ schedule a fair hearing within forty-five days of the receipt of the request for fair hearing.

(4) ~~((The client will be notified in writing by the director within fifteen days of receipt of the administrative law judge's proposed decision.))~~ The administrative law judge will make an initial decision and forward this initial decision to the client and/or their designated representative and to the director of the department of services for the blind, who will make a final determination.

(5) The director will notify the client within fifteen days of receipt of the administrative law judge's initial decision that the initial decision is accepted as the final determination, or; the director will notify the client within fifteen days of receipt of the administrative law judge's initial decision that the director will review the initial decision of the administrative law judge.

(6) If the director fails to notify the client of his/her intent to review the administrative law judge's decision within fifteen days, the administrative law judge's decision becomes the final determination.

(7) If the director decides to review the decision of the administrative law judge, the client, or, if appropriate, the client's parent, legal guardian, or other representative shall be provided the opportunity for submission of additional evidence and information relative to the final determination.

(8) The director will make a final determination within thirty days after the date of the decision of written notice of intent to review the administrative law judge's initial decision.

(9) The director will base the decision to review the decision of the administrative law judge on one or more of the following criteria:

(a) The initial decision appears arbitrary, capricious, or otherwise unreasonable;

(b) The initial decision does not appear to be supported by substantial evidence;

(c) The impartial hearing officer has not given adequate and appropriate consideration to federal statute and regulations, the department state plan, the department procedures manual, state agency options in service delivery authorized by federal statute, restrictions on service provision specified by federal statute, or approved state or federal policies.

(10) A client who is dissatisfied with the final result of the fair hearing process may file a petition for review in superior court.

WSR 90-11-048
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2980—Filed May 11, 1990, 2:22 p.m.]

Date of Adoption: May 11, 1990.

Purpose: The purpose of these amendments to WAC 388-14-270 is to clarify existing distribution rules; and establish a process for providing persons who receive nonassistance support enforcement services with a notice of and an opportunity to challenge the distribution of child support payments by the Office of Support Enforcement (OSE).

Citation of Existing Rules Affected by this Order: Amending WAC 388-14-270.

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 the agreed upon terms of the stipulation and order granting relief in a class action lawsuit, *Mullen v. Sugarman*, Thurston County Superior Court, No. 87-2-02413-7.

Effective Date of Rule: May 12, 1990, 12:01 a.m.

May 11, 1990
 Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2794, filed 5/3/89)

WAC 388-14-270 DISTRIBUTION OF SUPPORT PAYMENTS~~((=PUBLIC ASSISTANCE))~~. (1) ~~((When))~~ The office ~~((provides support enforcement services, the office))~~ of support enforcement (OSE) shall distribute ~~((a))~~ support money ~~((collected by the office,))~~ OSE collects or ~~((received by the office in its capacity, as the Washington state support registry))~~ OSE receives, in accordance with state and federal law and the provisions of this section, to the:

(a) ~~((In accordance with state and federal law, if))~~ Department when the department provides or has provided public assistance payments, or cash benefits under

the family independence program(~~(, is being or has been provided))~~ for the support of the family unit, household, or a member of the family unit or household;

(b) ~~((To the))~~ Payee under the order ~~((if the payee has physical custody of the children;~~

~~(c)), or to the physical custodian of the ((children if someone other than)) child when OSE provides nonassistance support enforcement services on behalf of the payee ((has)) or physical ((custody of and is caring for the children)) custodian; ((and/or))~~

~~((d)) (c) To the child support enforcement agency in another state or foreign country which submitted a request for support enforcement services; and/or~~

~~(d) Person or entity making the payment when OSE is unable to identify the person to whom the support money is payable after making reasonable efforts to obtain identification information.~~

~~(2) ((Prior to)) OSE may distribute support money to a person, other than the payee under a support order, when that person has physical custody of and provides care for the child.~~

~~(3) Before OSE begins distributing support money((s)) to a physical custodian who is not the payee under the support order, ((the office)) OSE shall:~~

~~(a) Obtain a sworn statement from the physical custodian attesting to the fact ((he or she)) the physical custodian:~~

~~(i) Has physical custody of and is caring for the ((children and is caring for them)) child; and~~

~~(ii) Is not wrongfully depriving the payee of physical custody.~~

~~(b) Mail a notice to the last known address of the payee and the responsible parent of ((its)) OSE's intent to distribute support money to the physical custodian ((to the last known address of the payee and the responsible parent:)).~~

~~(i) The notice shall contain the following ((statements and)) information:~~

~~(A) That ((the office has)) OSE collected or received support money due under the support order;~~

~~(B) The name of the physical custodian;~~

~~(C) That the payee ((may)) has twenty days from the date of the notice to contest distribution of money to the physical custodian by ((requesting a conference board)) filing an application for an adjudicative proceeding as specified under ((WAC 388-14-385)) subsection (12) of this section, or serving notice on OSE of the filing of an appropriate motion with ((the)) a court ((that entered the support order)); and~~

~~(D) That the ((office)) payee must ((be given)) give OSE and the physical custodian notice of ((and made a party to)) any judicial proceeding ((to contest)) contesting the notice of distribution.~~

~~(ii) A copy of the sworn statement of the physical custodian shall be attached to the notice((, and)).~~

~~(c) File a copy of the notice or the final administrative order entered as a result of the notice with the clerk of the court ((in which)) where the support order was entered.~~

~~((d)) (4) ((If)) The payee may request an adjudicative proceeding as specified under subsection (12) of this~~

~~section or file a court action beyond the twenty-day period provided for under subsection (3) of this section. When the department or the court determines the payee is entitled to receive the support money, OSE shall send support money OSE receives in the future to the payee, but shall not reimburse the payee for amounts OSE sent to the physical custodian as provided under subsections (2) and (3) of this section.~~

~~(5) When OSE is unable to distribute support money because the location of the family or person ((to whom the support money is owed)) is unknown, ((the office)) OSE shall exercise reasonable efforts to locate the family or person. ((If the office is unable to)) When OSE does not locate ((and disburse the money to)) the family or person, ((the office)) OSE shall handle the money in accordance with an agreement with the department of revenue and as required by state law.~~

~~((d)) (6) ((The office)) OSE shall apply the following rules ((to the distribution of)) when distributing support money:~~

~~(a) Record ((all)) payments in exact amounts without rounding;~~

~~(b) Distribute ((a)) support ((payment)) money within eight days of the date ((the office)) OSE receives the ((payment)) money, unless OSE is unable to distribute the payment for one or more of the following reasons:~~

~~(i) The location of the payee is unknown;~~

~~(ii) ((There is)) OSE does not have sufficient information to identify the accounts against which ((and)) or to which OSE should apply the ((payment should be applied)) money;~~

~~(iii) An action is ((filed in)) pending before a court or agency ((with)) which has jurisdiction ((to decide)) over the issue((:)) to determine:~~

~~(A) Whether or not ((a)) support ((payment)) money is owed ((and/or)); or~~

~~(B) How OSE should distribute the ((payment should be distributed,)) money.~~

~~(iv) ((Under subsection (6) of this section, the office)) OSE receives prepaid support money((s)) which ((are being held and will be distributed)) OSE is holding for distribution in future months under subsection (7) of this section;~~

~~(v) ((The office)) OSE mails a notice of intent to distribute the support money to the physical custodian under subsection ((d)) (3) of this section; or~~

~~(vi) Other circumstances exist which make a proper and timely distribution of the ((payment)) money impossible through no fault or lack of diligence of ((the office)) OSE.~~

~~(c) The date of collection ((shall be)) is the date ((on which)) OSE receives the ((payment is received by the office)) money. For interstate collections, the date of collection ((shall be)) is the date ((on which the payment is received by the office or)) the support enforcement agency or other legal entity of ((any)) a state or political subdivision, actually making the collection, receives the money, whichever is earliest;~~

~~(d) ((The office shall)) Apply ((all payments)) support money:~~

~~(i) First, to satisfy the current support obligation for the month ((in which)) OSE, or the support enforcement~~

agency or other legal entity of another state or political subdivision, received the ((payments are received and, then)) money;

((ii) Second, to ((any)) the responsible parent's support ((debt or)) debts ((owed to:

(A) The family;

(B) A person for whom services are being provided;

(C) The department)); ((or

(D) A child support agency in another state or foreign country)) and

((iii) Third, to prepaid support as provided for under subsection (7) of this section.

((e) ((If the responsible parent owes a current support obligation to more than one family and does not pay enough money during the month to satisfy these current support obligations in full, the office shall)) Distribute ((the money collected)) current support based on the proportionate share of the obligation owed to each family unit or household when the responsible parent owes a current support obligation to two or more families or households;

((f) ((The office shall apply)) Distribute amounts ((received)) collected during a month ((in excess of the responsible parent's current support obligation or obligations)) to the responsible parent's support ((debt or)) debts based on the proportionate size of the debts owed for each family unit or household, except as provided in subsection ((4)(g)) (6)(g) and (h) of this section((; if)), when:

((i) ((The support payment or payments exceed)) OSE, or the support enforcement agency or legal entity of a state or political subdivision, collects support in excess of the amount required to satisfy the responsible parent's current support ((obligation or)) obligations for that month; and

((ii) The responsible parent owes ((more than one)) a support debt for two or more families or households.

((g) ((The office may)) Apply amounts ((distributed under this subsection)) to a ((single)) support debt owed for one family or household and distribute the amounts accordingly, rather than make a proportionate distribution ((in the following circumstances)) when:

((i) ((To satisfy a support debt owed to the family that accrued after the family terminated from public assistance as provided for in RCW 26.23.030, or

((ii) If)) Proportionate distribution is administratively inefficient; or

((((iii)) (ii) ((If)) The collection resulted from the sale or disposition of a specific piece of property ((in)) against which a court awarded the applicant/recipient or applicant/custodian ((has)) a judgment lien for child support.

((h) ((The office shall convert amounts collected which are paid more frequently than once a month to an amount that represents payment on the required support obligation for the current month. The office of support enforcement is directed to distribute payments periodically to give effect to efficient administration)) Distribute amounts applied to the support debt for the family as provided under RCW 26.23.035(1) when the responsible parent owes a support debt for a family to both the

department and the family. When the support debt owed to the family for the period following termination from public assistance is paid, OSE shall distribute amounts applied to the support debt owed for the family to reimburse public assistance payments;

((i) ((The office shall)) Report ((any)) amounts distributed to a family, receiving public assistance, to the community service office ((identifying whether or not the payment is available to meet the need)). This requirement shall not relieve the recipient of the duty to report receipt of ((any)) support money((s)); and

((j) ((The department shall)) Pay a family, receiving cash assistance under the aid to families with dependent children program or the family independence program, the first fifty dollars of each child support payment as provided under WAC 388-14-275.

((5)) (7) ((If the office)) When OSE receives or collects support money((s which represent)) representing payment on the required support obligation for future months, ((the office)) OSE shall:

((a) Apply the support money((s)) to ((such)) future months ((if)) when the support debt ((has been)) is paid in full; ((and))

((b) Distribute the support money((s)) on a monthly basis ((as of the date)) when payments become due in the future((-)); and

((6)) (c) ((When the office receives or collects prepaid support moneys, the office shall)) Mail a notice to the last known address of the person entitled to receive support ((payments)) money. The notice shall inform the person ((that)):

((a)) (i) ((The office)) OSE received prepaid support money;

((b)) (ii) ((The office)) OSE will distribute ((this)) the prepaid money as support payments become due in the future; and

((c)) (iii) ((He or she)) The person may petition the court that entered the support order for an order requiring the immediate distribution of the prepaid support money.

((7)) (8) ((The office)) OSE may recover support money distributed to a person or to the family when OSE:

((a) Distributed the money in error((; after receipt of));

((b) Distributed the money based on a check which is later dishonored((-); or ((the office is later))

((c) Is required to refund or return the ((support)) money to the person or entity making the payment((; as follows)).

((a)) (9) ((In nonassistance cases, the office)) OSE may ((deduct and)) retain((- from subsequent support payments, any)) amounts collected on a support debt and ten percent of amounts collected as current support to recover support money as provided under subsection (8) of this section in nonassistance cases. ((The office))

((a) OSE shall send a notice to the last known address of the person or family ((prior to)) before taking action to recover ((such payments)) the support money. The notice shall:

~~(i) ((Contain a finding that a payment was distributed in error, was paid against a check that was later dishonored, or that the office was required to refund the support payment to the responsible parent)) Explain the reason why OSE is authorized to recover the support money,~~

~~(ii) Identify the ((payments the office)) money OSE will recover, and~~

~~(iii) Inform the person or family of ((the)) amounts ((that)) OSE will ((be deducted)) deduct from future collections; and~~

~~(iv) Inform the person or family they ((may request)) have twenty days from the date of the notice to file an application for an ((administrative hearing)) adjudicative proceeding as specified under ((chapter 34.04 RCW)) subsection (12) of this section to object to the notice.~~

~~(b) At the hearing, the person may contest ((the office)) OSE's findings regarding the existence and amount of the debt ((for erroneous payments or other payments the office)) OSE is seeking to recover as provided under subsection (8) of this section.~~

~~((fb)) (c) ((H)) When the person or family is no longer receiving support enforcement services, ((the office of support enforcement)) OSE may take action under RCW 74.20A.270 to recover the money.~~

~~((f8)) (10) ((H)) When the family is receiving public assistance and the applicant/recipient fails to remit support ((payments)) money to ((the office)) OSE as required, ((the office)) OSE shall ((use)) recover the support payments using the process set forth in WAC 388-14-200 ((to recover such support payments)).~~

~~(11) OSE shall mail a notice, once each quarter or more often, to the last known address of the person for whom OSE received support during the quarter, except as provided under subsection (11)(d) of this section.~~

~~(a) The person for whom OSE receives support has ninety days from the date of the notice to file an application for an adjudicative proceeding as specified under subsection (12) of this section to object to the notice.~~

~~(b) The person may only contest how OSE distributed the support money including the amounts stated in the notice.~~

~~(c) The notice shall contain the following information:~~

~~(i) The current support amount and the amount of the support debt owed under the order,~~

~~(ii) The amount of support money OSE received and the date of collection;~~

~~(iii) A description of how OSE allocated the support money between current support and the support debt;~~

~~(iv) The amount the department claims as reimbursement for public assistance paid, if applicable; and~~

~~(v) A statement of the right to request an adjudicative proceeding.~~

~~(d) OSE is not required to send a notice under this subsection when OSE mails another notice to the family or person to whom support is owed as provided under WAC 388-14-275 or this section.~~

~~(12) A person shall file an application for an adjudicative proceeding with OSE, within the time period specified in the notice, by a method showing proof of receipt.~~

~~(a) The person shall include in or with the application:
(i) A specific statement of the objections to the notice; and~~

~~(ii) A copy of the notice the person is contesting.~~

~~(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW) and chapter 388-08 WAC. If any provision in this section conflicts with chapter 388-08 WAC, the provision in this section governs.~~

WSR 90-11-049

PERMANENT RULES

DEPARTMENT OF WILDLIFE

[Order 437—Filed May 11, 1990, 4:25 p.m.]

Date of Adoption: May 10, 1990.

Purpose: To cite a more specific authority for enforcement of regulations relating to land management.

Statutory Authority for Adoption: RCW 77.12.210 and 77.12.320.

Pursuant to notice filed as WSR 90-06-090 on March 7, 1990.

Effective Date of Rule: Thirty-one days after filing.

May 10, 1990

Curt Smitch

Director

READOPTED SECTION (Readopting Order 165, filed 6/1/81)

WAC 232-12-184 AIRCRAFT—AUTHORIZED USE ON DEPARTMENT LANDS. Except as authorized by the director or the director of the department of natural resources, it is unlawful to land aircraft on lands owned, leased or controlled by the department, except in the case of a bona fide emergency.

READOPTED SECTION (Readopting Order 177, filed 1/28/82)

WAC 232-12-187 ACCESS AREAS—OTHER DEPARTMENT LANDS—WILDLIFE AGENT TO CONTROL TRAFFIC THEREON. It is unlawful to use department owned or controlled lands or waters in a manner or for a purpose contrary to signs or notices posted on those lands or to refuse or neglect to obey directions regarding use of such property by a wildlife agent. It is unlawful to use department owned or controlled lands or waters for a commercial purpose without a permit issued by the director.

READOPTED SECTION (Readopting Order 165, filed 6/1/81)

WAC 232-12-251 REMOVAL OF MINERALS, WOOD AND ARTIFACTS FROM DEPARTMENT LANDS. It is unlawful to remove petrified wood, minerals, fossils, wood products or artifacts from department lands unless such removal is authorized by a permit issued by the director.

READOPTED SECTION (Readopting Order 165, filed 6/1/81)

WAC 232-12-254 **DISCHARGE OF LITTER ON DEPARTMENT LANDS—UNLAWFUL.** It is unlawful for any person to throw, to drop, or to leave any discarded object, garbage, debris, or waste upon any of the properties owned, leased or controlled by the department except into a litter or garbage receptacle or container installed for that purpose on such property.

WSR 90-11-050

PERMANENT RULES

DEPARTMENT OF WILDLIFE

[Order 438—Filed May 11, 1990, 4:26 p.m.]

Date of Adoption: May 10, 1990.

Purpose: To adopt a specific provision for enforcement of road management agreements.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-177.

Statutory Authority for Adoption: RCW 77.12.210 and 77.12.320.

Pursuant to notice filed as WSR 90-06-089 on March 7, 1990.

Effective Date of Rule: Thirty-one days after filing.

May 10, 1990

Curt Smitch

Director

AMENDATORY SECTION (Amending Order 177, filed 1/28/82)

WAC 232-12-177 **VEHICLES USING DEPARTMENT LANDS.** (1) It is unlawful to operate a motor driven vehicle on lands owned, controlled or managed by the department except on such land or roads as may be authorized by the director.

(2) It is unlawful to operate a motor driven vehicle on a road controlled or managed by the department pursuant to road management agreement in a manner or for a purpose contrary to posted signs or notices except as authorized by the director.

WSR 90-11-051

PERMANENT RULES

DEPARTMENT OF WILDLIFE

[Order 439—Filed May 11, 1990, 4:27 p.m.]

Date of Adoption: May 10, 1990.

Purpose: To cite a more specific authority and conform the regulation to the requirements of RCW 77.21.060.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-191.

Statutory Authority for Adoption: RCW 77.21.060.

Pursuant to notice filed as WSR 90-06-088 on March 7, 1990.

Effective Date of Rule: Thirty-one days after filing.

May 10, 1990

Curt Smitch

Director

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-191 **THREE CONVICTIONS FORFEITS PRIVILEGES.** A person who has been convicted of three violations of the ~~((game))~~ wildlife code of the state of Washington (title 77 RCW) or rules ~~((of the commission))~~ adopted under that title, within a ten year period, shall not be issued another license, permit, tag, stamp or punch card for any activity described in chapter 77.32 RCW until those privileges are restored by the ~~((commission))~~ director.

WSR 90-11-052

NOTICE OF PUBLIC MEETINGS

BASIC HEALTH PLAN

(Advisory Council)

[Memorandum—May 11, 1990]

The Advisory Council for the Washington Basic Health Plan will meet to discuss strategic direction of the Basic Health Plan over the next two years and evaluation strategies. A basic health status report and a review of the 1990 legislative session will also be provided.

Date: Wednesday, May 23, 1990

Time: 2:00 p.m. - 5:00 p.m.

Place: Sea-Tac Airport

Small Auditorium

Mezzanine Level

(above Continental Airline's ticket office)

WSR 90-11-053

RULES OF COURT

STATE SUPREME COURT

[May 10, 1990]

IN THE MATTER OF THE ADOPTION OF

APR 13, RAP 18.7, CR 11, CR 71(d),

CrRLJ 8.4, RPC TERMINOLOGY, RPC 7.5(d),

RLD 13.3, RLD 13.5, RLD 13.6, RAP NO. 25700-A-455

2.2(b), RAP 4.2, RAP 4.3, RAP 5.3(a),

RAP 5.5(d), (e), (h), RAP 18.1, RAP 8.2, ORDER

RAP 8.4, RAP 9.5, RAP 9.6, RAP 9.12,

RAP 10.2(h), (i), RAP 10.4(a), (b), RAP

10.5(b), (c), RAP 12.4(a), RAP 12.5(b),

RAP 13.4(a), (d), (f), (h), (i), RAP 13.5(c)

RAP 13.6, RAP 13.7(a), (d), (e), RAP

14.3(a), (b), RAP 16.10(e), RAP 16.16(e),

RAP 17.3(c), RAP 17.4(e), RAP 17.5(c),

RAP 18.1, RAP 8.3, RAP 18.6(a), RAP

18.9(a), RAP 18.14(c), 18.23, RAP FORM

17, RPC 1.5(a), (b), (c), RPC 1.6, CR

56(h), CR 62(a), RALJ 1.2(b), RALJ 2.1,

RALJ 7.1, RALJ 7.2(c), RALJ 10.2, RALJ

11.6, RLD 2.3(f), RLD 2.5(d), RLD

2.8(b), RLD 2.9(a), RLD 5.5A(a), (b),

(e), RLD 5.5B, RLD 5.7(a), (c), (d),

RLD 10.3(b), RLD 11.1(b), (m), RLD 12.3,

RLD 12.8(b), APR 14, RAP 7.2(c), CrR 8.4, CrRLJ 11, and CRLJ 71(d)

The Board of Governors of the Washington State Bar Association having recommended the adoption of APR 13, RAP 18.7, CR 11, CR 71(d), CrRLJ 8.4, RPC Terminology, RPC 7.5(d), RLD 13.3, RLD 13.5, RLD 13.6, RAP 2.2(b), RAP 4.2, RAP 4.3, RAP 5.3(a), RAP 5.5(d), (e), (h), RAP 8.1, RAP 8.2, RAP 8.4, RAP 9.5, RAP 9.6, RAP 9.12, RAP 10.2(h), (i), RAP 10.4(a), (b), RAP 10.5(b), (c), RAP 12.4(a), RAP 12.5(b), RAP 13.4(a), (d), (f), (h), (i), RAP 13.5(c), RAP 13.6, RAP 13.7(a), (d), (e), RAP 14.3(a), (b), RAP 16.10(e), RAP 16.16(e), RAP 17.3(c), RAP 17.4(e), RAP 17.5(c), RAP 18.1, RAP 8.3, RAP 18.6(a), RAP 18.9(a), RAP 18.14(c), 18.23, RAP Form 17, RPC 1.5(a), (b), (c), RPC 1.6, CR 56(h), CR 62(a), RALJ 1.2(b), RALJ 2.1, RALJ 7.1, RALJ 7.2(c), RALJ 10.2, APR 14, RAP 7.2(c), CrR 8.4, CRLJ 11, CRLJ 71(d), RALJ 11.6, RLD 2.3(f), RLD 2.5(d), RLD 2.8(b), RLD 2.9(a), RLD 5.5A(a), (b), (e), RLD 5.5B, RLD 5.7(a), (c), (d), RLD 10.3(b), RLD 11.1(b), (m), RLD 12.3 and RLD 12.8(b), and the court having considered the proposed Rules, Amendments and comments submitted thereto, and having determined that the proposed Rules and Amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the Rules and Amendments as attached hereto are adopted;

(b) That the Rules and Amendments will be published in the special rules edition of the Washington Reports in July, 1990, and will become effective September 1, 1990.

DATED at Olympia, Washington this 10th day of May, 1990

	Callow, C.J.
Utter, J.	Andersen, J.
Brachtenbach, J.	Durham, J.
Dolliver, J.	Smith, J.
Dore, A.C.J.	Guy, J.

Reviser's note: The material contained in this filing will appear in the 90-13 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 90-11-054
RULES OF COURT
STATE SUPREME COURT
[May 10, 1990]

IN THE MATTER OF THE ADOPTION OF THE AMENDMENT TO APR 3(b) NO. 25700-A-454 ORDER

The Washington State Bar Association having recommended the proposed amendment to APR 3(b) and the

Court having determined that the amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendment will be published expeditiously in the Washington Reports and will become effective May 10, 1990.

DATED at Olympia, Washington this 10th day of May, 1990.

	Callow, C.J.
Utter, J.	Andersen, J.
Brachtenbach, J.	Smith, J.
James M. Dolliver	Durham, J.
Dore, A.C.J.	Guy, J.

APR 3(b)

(b) Qualification for Bar Examination. To qualify to sit for the bar examination, a person must:

~~(1) Be either (i) a citizen of the United States, or (ii) an alien lawfully admitted for permanent residence in accordance with federal immigration and naturalization law; and~~

(2) Present satisfactory proof of either (i) graduation from a law school approved by the Board of Governors, or (ii) completion of the law clerk program prescribed by these rules, or (iii) admission to the practice of law by examination, together with current good standing, in any state or territory of the United States or the District of Columbia, and active legal experience for at least 3 of the 5 years immediately preceding the filing of the application. "Active legal experience" shall mean experience either in the active practice of law, or as a teacher at an approved law school, or as a judge of a court of general or appellate jurisdiction, or any combination thereof, in a state or territory of the United States or in the District of Columbia.

WSR 90-11-055
RULES OF COURT
STATE SUPREME COURT
[May 10, 1990]

IN THE MATTER OF THE ADOPTION OF GR 16 NO. 25700-A-453 ORDER

The Court having considered the proposed two amendments to GR 16 and having approved the two amendments to GR 16 for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(f) the proposed two amendments as attached hereto are to be published for comment expeditiously.

(b) Comments are to be submitted to the Clerk of the Supreme Court, Temple of Justice Building, Olympia, Washington 98504, no later than June 30, 1990.

DATED at Olympia, Washington this 10th day of May, 1990.

Keith M. Callow

Chief Justice

GR 16

CAMERAS IN THE COURTROOM

Broadcasting, televising, recording, and taking photographs in the courtroom is authorized during sessions of the court, including recesses between sessions, under the following conditions:

(a) Permission shall have first been expressly granted by the judge and under such conditions as the judge may prescribe; and

(b) The media personnel will not distract participants or impair the dignity of the proceedings.

(c) No witness, juror, or party who expresses any prior objection to the judge shall be photographed. Notwithstanding such objection, the judge may allow the broadcasting, televising, recording, or photographing of other portions of the proceedings.

GR 16

CAMERAS IN THE COURTROOM

Broadcasting, televising, recording, and taking photographs in the courtroom is authorized during sessions of the court, including recesses between sessions, under the following conditions:

(a) Permission shall have first been expressly granted by the judge and under such conditions as the judge may prescribe; and

(b) The media personnel will not distract participants or impair the dignity of the proceedings.

In January, 1990 the Supreme Court ordered published a new GR 16 which set out Bench-Bar-Press Guidelines. This proposal removed the broadcast and print media guidelines from the Code of Judicial Conduct, placing them in the general rules, and eliminated the prohibition to broadcasting the testimony of a witness, juror or party who objected.

Since that proposal was published for comment the Bench-Bar-Press Committee has submitted a further amendment to GR 16. As a result of that proposal and based on comments received on GR 16 from bar members to additional versions of GR 16 are being published for comment. Comments are to be submitted to the Clerk of the Court, Temple of Justice, AV-11, Olympia, WA 98504-0511, no later than June 30, 1990. The three versions of GR 16 will be considered at the expiration of the comment period.

WSR 90-11-056

NOTICE OF PUBLIC MEETINGS PUBLIC WORKS BOARD

[Memorandum—May 14, 1990]

Notice is hereby given of a special meeting of the Public Works Board to be held on Tuesday, June 5, 1990, beginning at 8:30 a.m.

The meeting will be held at the Sheraton Tacoma Hotel in Tacoma, Washington.

The purpose of the meeting will be to present results of the solid waste needs assessment.

WSR 90-11-057

PROPOSED RULES GAMBLING COMMISSION

[Filed May 15, 1990, 9:22 a.m.]

Original Notice.

Title of Rule: WAC 230-02-030 Address of commission, provides agency location and hours information.

Purpose: Clarifies business hours, agency location and identifies commission services available to the public.

Statutory Authority for Adoption: RCW 9.46.070(18).

Statute Being Implemented: Chapter 9.46 RCW.

Summary: Provides more detail regarding commission location, hours and services.

Name of Agency Personnel Responsible for Drafting: Frank L. Miller, Deputy Director, Lacey, Washington, 438-7640; Implementation: Ronald O. Bailey, Director, Lacey, Washington, 438-7640; and Enforcement: Richard G. Nicks, Assistant Director, Lacey, Washington, 438-7690.

Name of Proponent: Washington State Gambling Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Clarifies the Gambling Commission headquarters office address, states business hours and sets forth services available to the public.

Proposal does not change existing rules.

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

The agency has considered whether this rule change is subject to the Regulatory Fairness Act and has determined that it is not.

Hearing Location: Red Lion Inn, 510 Kelso Drive, Kelso, WA 98626, (206) 636-4400, on July 13, 1990, at 10:00 a.m.

Submit Written Comments to: Washington State Gambling Commission, 4511 Woodview Drive S.E., Lacey, WA 98504-8121, by July 13, 1990.

Date of Intended Adoption: July 13, 1990.

May 15, 1990
Frank L. Miller
Deputy Director

AMENDATORY SECTION (Amending Order 193, filed 6/20/89)

WAC 230-02-030 (~~ADDRESS OF COMMISSION~~) NORMAL COMMISSION OPERATIONS - ADMINISTRATIVE OFFICE ADDRESS AND BUSINESS HOURS. (1) The administrative office of the Commission is located in Lacey, Washington. Services available are administration, information, licensing, investigation, activity report processing, and public records. Unless specifically provided elsewhere in these rules, applications for licenses, submission of materials or requests for notices or information of any kind, may be made by addressing correspondence to:

Washington State Gambling Commission
4511 Woodview Drive S.E.
Lacey, Washington 98504-8121.

(2) Normal business hours for the administrative office, unless specifically provided elsewhere in these rules, shall be 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

WSR 90-11-058
PERMANENT RULES
GAMBLING COMMISSION
[Filed May 15, 1990, 9:27 a.m.]

Date of Adoption: May 11, 1990.

Purpose: To clarify which card rooms may participate in an approved card room test; to give the director the authority to limit participation in the test in order to adequately monitor activity; and to extend the time allowed for manufacturers of pull tabs to comply with secondary verification code requirements and reduce operators inventory of games not in compliance.

Citation of Existing Rules Affected by this Order: Amending WAC 230-30-070 Control of prizes; and 230-40-125 Washington Blackjack—Rules of play—Wagering limits.

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

Pursuant to notice filed as WSR 90-07-021 and 90-07-022 on March 13, 1990.

Effective Date of Rule: Thirty-one days after filing.

May 15, 1990
Frank L. Miller
Deputy Director

AMENDATORY SECTION (Amending Order 205, filed 2/14/90, effective 3/17/90)

WAC 230-30-070 CONTROL OF PRIZES. All prizes from the operation of punchboards and pull tabs shall be awarded in cash or in merchandise.

(1) Prizes shall be cash or merchandise only. Prizes may not involve the opportunity of taking an additional chance or chances on another punchboard or of obtaining another pull tab or pull tabs. Where the prize involves the opportunity to punch again on the same punchboard, a prize must be awarded for each such punch which is not less than the highest amount of money, or worth not less than the most valuable merchandise prize, which might otherwise have been won by the punch for which the opportunity to take the second punch was awarded. Each such board must clearly indicate on its face the terms and conditions under which the opportunity to obtain the second, or step-up punch,

may be obtained and the prizes which may be won by the step-up punch.

(2) Display of prizes:

(a) All prizes shall be displayed in the immediate vicinity of the punchboard or pull tab device and such prizes shall be in full view of any person prior to that person purchasing the opportunity to play.

(b) When the prize is cash it shall be displayed as follows:

(i) If the punchboard or pull tab series contains the opportunity to win both cash and merchandise prizes, the money itself shall not be displayed, but a coupon designating the cash available to be won shall be substituted; and

(ii) If the only prizes which may be won are cash prizes, they shall be clearly and fully described or represented by a coupon displayed upon the prize flare attached to the face or displayed in the immediate vicinity of the pull tab dispensing device.

(c) The licensee shall display prizes so arranged that a customer can easily determine which prizes are available from any particular punchboard or pull tab series or device operated or located upon the premises.

(d) Upon determination of a winner of a merchandise prize, the licensee shall immediately remove that prize from any display and present it to the winner.

(e) Upon determination of a winner of any cash prize of five dollars or more, or of any merchandise prize with a retail value of five dollars or more, but prior to award of the prize, the licensee shall conspicuously delete all references to that prize being available to players from any flare, punchboard or pull tab dispensing device upon which such reference may appear, and from any other list, sign, or notice which may be posted, in such a manner that all future customers will know the prize is no longer available. The prize shall then be paid or delivered to the winner forthwith.

(3) Payment of prizes.

The licensee must pay or award to the customer or player playing the punchboard or pull tab series all such prizes that have not been deleted from the flare of the punchboard or pull tab series when the punchboard or pull tab series is completely played out.

(4) Cash in lieu of merchandise prizes.

No licensee shall offer to pay cash in lieu of merchandise prizes which may be won.

(5) Record of winners:

(a) When any person wins a cash prize of over twenty dollars or wins a merchandise prize with a retail value of more than twenty dollars from the play of any punchboard or pull tab series, the licensee or licensee's representative shall make a record of the win. The record of the win shall be made in a standard format prescribed by the commission and shall disclose at minimum the following information:

(i) The Washington state identification stamp number of the punchboard or pull tab series from which the prize was won;

(ii) The series number of the pull tab series or punchboard from which the prize was won;

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

(iv) The date the pull tab series or punchboard was placed out for play;

(v) The date the pull tab series or punchboard was removed from play;

(vi) The month, day and year of the win;

(vii) If the prize is cash, the amount of the prize won;

(viii) If the prize is merchandise, a description of the prize won and its retail value;

(ix) The printed full name of the winner;

(x) The current address of the winner which will include the street address, the city and the state.

(xi) It shall be the responsibility of the licensee to determine the identity of the winner and the licensee shall require such proof of identification as is necessary to properly establish the winner's identity. The licensee shall require the winner to sign his name in ink on the winning pull tab being presented for payment. The licensee shall not pay out any prize unless and until the winner has fully and accurately furnished to the licensee all information required by this rule to be maintained in the licensee record of the win.

(b) From October 1, 1989, until December 31, 1990, the commission shall conduct a test of an alternative method of maintaining a record of winners. This test shall not include more than 100 licensees, all of which receive written permission from the director. Charitable or nonprofit licensees participating in this test shall be prohibited from intermingling of funds allowed by WAC 230-08-010(6) and must deposit funds separately and intact as set out in WAC 230-12-020. All participants shall adhere to alternative requirements for retention of winning tabs or punches required by subsection (6) of this rule and WAC 230-30-072. In addition, effective (~~April 1~~) October 1, 1990, all participants shall use only pull tabs that utilize a secondary verification code to prohibit counterfeiting on tabs that award prizes greater than \$20.00. Such codes shall be approved by the director prior to use within this state. Punchboards are exempt from the secondary verification code requirements. During the period of the test when a person wins a cash prize of over twenty dollars or a merchandise prize with a retail value of more than twenty dollars, the following alternative winners record procedures shall apply:

(i) The winners shall be required to print their name and date of birth, in ink, upon the side of the winning punch or tab opposite the winning symbol(s);

(ii) The licensee or their representative shall then verify the winner's identity and record the date and initial the winning punch or tab.

(6) Retention of records. Every licensee shall keep the record of all prizes awarded in excess of twenty dollars, containing all of the information required in subsection (5) above, and all winning pull tabs or punchboard punches for a period of at least four months following the last day of the month in which it was removed from play and shall display the same to any representative of the commission or law enforcement officials upon demand.

(7) Defacing winning punches or tabs. The licensee shall, within twenty-four hours after a winning pull tab or punch of five dollars or more has been presented for

payment, mark or perforate the winning symbols in such a manner that the pull tab or punch cannot be presented again for payment.

(8) Value of merchandise prizes. For purposes of this rule, the retail value of a merchandise prize shall be the amount actually paid therefor by the licensed operator plus 50 percent of that actual cost.

(9) Spindle, banded, or "jar" type pull tabs played in a manner which awards merchandise prizes only. Pull tab series which award only merchandise prizes valued at no more than five dollars, are hereby permitted to employ schemes whereby certain predesignated pull tabs are free or the player is otherwise reimbursed the actual cost of said pull tabs. Flares for spindle-type pull tabs operated in this manner shall designate the total number of pull tabs in the series and the total number of pull tabs designated as free or reimbursable. Free or reimbursable pull tabs in these types of pull tab series shall not constitute a prize or prizes nor shall monies collected and later reimbursed constitute revenue for the purposes of determining gross receipts.

AMENDATORY SECTION (Amending Order 205, filed 2/14/90, effective 3/17/90)

WAC 230-40-125 WASHINGTON BLACKJACK—RULES OF PLAY—WAGERING LIMITS. Washington blackjack is a nonhouse banking, card game and shall be permitted in Class A and E card rooms only and shall be played only in the following manner:

(1) One or two standard fifty-two-card decks shall be used with suits disregarded and each card valued numerically only: Ace, 1 or 11; face cards (K, Q, J), 10 each; others according to their spots, 10 to 2. One or two decks may be used when there are six or less players. Two decks shall be used when there are seven or more players. The cards shall be dealt from a shoe at all times. The game is played with a dealer/banker and only a player may be a dealer/banker.

(2) When starting a new table the cards are cut to determine who the first dealer/banker will be. The dealer shall announce the amount of money that he or she will put into the bank. A minimum bank may be established as per individual house rule.

(3) Once the bank has been established, the player to the immediate left of the dealer places his/her wager on the bet line and the dealer covers that wager by matching it with a like amount of chips. Each player makes their wager in turn and each wager is immediately matched by the dealer. The maximum wager shall not be more than ~~(e)~~ an ten dollars and the minimum wager may be set by house rule. If the bank runs out of money (tapped out) prior to the commencement of the deal, then only those players with a wager covered will be dealt a hand. No player may be dealt more than one hand.

(4) The play begins with the dealer dealing one card face up to each covered player including himself/herself, one more card face up to each covered player, and then one down card to himself/herself. If a player holds an ace and a face card or a ten, it is a "natural" 21 and the player collects twice the amount of their bet from the dealer, unless the dealer also has a natural which results

in a tie (push). All ties result in the players and the dealer recovering their wagers.

(5) If the dealer has a "natural," he/she collects the wagers from players who do not have a "natural." If the dealer does not have a "natural," he/she pays off any player with a "natural" starting with the one closest to their left. Should the dealer not have enough money in the bank to make up the two for one payoff due on a "natural," then those hands and wagers will be frozen in place until the additional wagers are made up or the hand is over. If after the hand is over, a dealer cannot cover the two for one, the player shall get the amount of wager that was covered by the dealer.

(6) If the dealer does not have a "natural," play continues with the player on the dealer's immediate left. The dealer deals cards face up, one by one, as that player calls for them. The player's aim is to total 21 or as close to 21 without going over. When a player is satisfied with their total, they shall declare "stand." If more cards are wanted, the player declares "hit." If a player goes over a 21 point count, the hand is a "bust" and they must turn the hand down, while the dealer collects the bet.

(7) The dealer does the same with each remaining player. Any player who stands must wait while the dealer draws his or her cards. If the dealer goes bust, each standing player is paid the amount of their wager. If the dealer "stands," the down card is turned up and players whose totals are higher than the dealer's are paid. The dealer collects from any player whose total is less. Action is always to the left of the dealer. Any frozen wagers needing to be "made up" will be done in order, to the left of the dealer from losing wagers the dealer collects. Should the dealer not be able to cover all frozen wagers then those frozen wagers are released to the winning players and the deal passes immediately to the left at which time the new dealer shall announce their bank and shuffle the cards. The same shall apply if the dealer has no money in the bank. The dealer may, if allowed by house rule, add to their bank in between hands.

(8) Upon completion of the shuffle, the player to the right of the dealer shall cut the cards. After the cards have been placed into the shoe the dealer shall insert a blank card approximately three quarters of the way through the deck(s). A dealer may deal from the shoe until he/she reaches the blank card. After the blank card appears, the dealer may continue dealing that hand, but will not start a new hand. The deal must then pass to the player on the dealer's immediate left. The discards may only be reshuffled to complete the last hand.

(9) Once wagers are placed and covered on the bet line, no player, including the dealer, may touch those wagers until the winner has been determined. Any player touching the wagers may be ruled to have fouled and their wager forfeited.

(10) Any player who lifts their cards up from the table or slides their cards out of their own playing area shall be ruled to have fouled and their wager may be forfeited.

(11) No player may "buy" the bank. The deal must pass around the table to the left and no player can authorize another player to deal for him or her. A new

player entering the game may not participate as the dealer/banker until at least two other players have dealt. If a player does not wish to deal and passes the deal, that player may not play in the first two hands conducted by the next dealer. A dealer may after completing one full hand, pass the deal and be able to participate in the next hand.

(12) The dealer must stand on 17 or above and must take hits on 16 or below. If a dealer has an ace, it shall be counted as 11 (eleven) if it brings his or her total to 17 or more (but not over 21).

(13) If a player's first two cards total exactly 9, 10 or 11, they may double their wager and receive one more card. The player must then stand on those three cards. If the dealer's bank is insufficient to cover a double down wager, the player may wager an amount equal to the dealer's remaining bank. The dealer must then cover that wager. If the dealer has no bank then a player may not double down.

(14) If the dealer's face-up card is a ten, face card or ace, he/she may look at their face-down card to see if they have a natural; if his/her face-up card is anything else, they may not look at their face-down card until their turn comes to draw. Should the dealer violate this rule their hand may be ruled to have been fouled, which shall result in forfeiture of all remaining dealer wagers.

(15) If a player's first two cards are a pair, then that player may split the pair into two separate hands. The amount of the player's original bet then goes on one of the cards, and they must place an equal amount as a bet on the other card. When this player's turn to draw comes, they receive an up-card for each hand and then play each hand in order. If the dealer does not have enough in their bank to cover the doubled bet, the dealer must cover an amount equal to the value of their remaining bank. The player then has the option to divide the wagers in any manner between the two hands, not to exceed the allowable limit per hand. If the dealer has no bank then the player may divide their wager in any manner between the two hands. If a player's original bet was a minimum allowed in that game then they may not split their pair. A player may only split a pair once.

(16) The dealer will pay only on the value of the cards held by the player and shall not pay on the number of cards received or the card sequence.

(17) There shall be no credit or I.O.U. issued by any player or management.

(18) Washington blackjack shall be authorized for a one year test beginning April 1, 1990, and concluding March 31, 1991. Of the five tables authorized under RCW 9.46.0281(1) the card room licensee may utilize no more than two tables for Washington blackjack, and must notify the director ten days prior to initiating play.

(19) The director may limit the number of participants in the test when in his judgement the number of participants exceed the ability of the staff to adequately monitor the test.

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.

WSR 90-11-059**PROPOSED RULES****DEPARTMENT OF ECOLOGY**

[Order 90-19—Filed May 15, 1990, 12:05 p.m.]

Original Notice.

Title of Rule: Chapter 173-158 WAC, Floodplain management; chapter 508-60 WAC, Administration of flood control zones; and chapter 173-142 WAC, Delegation of permit program under State Flood Control Zone Act.

Purpose: Amending chapter 173-158 WAC; and repealing chapters 173-142 and 508-60 WAC.

Statutory Authority for Adoption: RCW 86.16.061.

Statute Being Implemented: Chapter 86.16 RCW.

Summary: Amendment of chapter 173-158 WAC is necessary to comply with changes made to chapter 86.16 RCW by the 1989 legislature. Repeal of chapters 173-142 and 508-60 WAC is necessary because statutory authority was repealed by the 1987 legislature.

Reasons Supporting Proposal: Chapters 173-142 and 508-60 WAC are obsolete, having no statutory basis.

Name of Agency Personnel Responsible for Drafting: Jerry Louthain, Ecology, Mailstop PV-11, Olympia, Washington 98504, (206) 459-6791; Implementation and Enforcement: D. Rodney Mack, Ecology, Mailstop PV-11, Olympia, Washington 98504, (206) 459-6777.

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: Chapters 173-142 and 508-60 WAC, both implemented aspects of the state flood control zone permit program which was eliminated by the 1987 legislature; and chapter 173-158 WAC, implements the state's authority for flood plain management under chapter 86.16 RCW, proposed changes as a result of 1989 legislation are described below and in the attached impact statement.

Proposal Changes the Following Existing Rules: Chapters 173-142 and 508-60 WAC are repealed in entirety; and chapter 173-158 WAC is amended to remove state authority to establish state-wide flood plain management rules which exceed federal requirements under the national flood insurance program (NFIP), to establish a procedure for rules for specific areas which exceed NFIP minimum requirements, to allow the state to provide technical assistance to local governments in determining the location of the 100-year flood plain, and to clarify that local governments may establish requirements exceeding the state and federal minimums.

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

The purpose of amending chapter 173-158 WAC, Flood plain management, is to remove language no longer supported by chapter 86.16 RCW. Amendments passed in 1989 removed the authorization to promulgate rules more stringent than federal flood plain requirements. The rule can no longer require that buildings be protected from flooding at levels one foot above the base flood elevation.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an impact on more than 20 percent of all industry or 10 percent of the businesses in any one industry be reviewed and altered to minimize their impact on small business. Small businesses are defined as businesses which have less than 50 employees.

The amendments proposed have been reviewed. No significant impact is expected.

WAC 173-158-020, 173-158-030(8) and 173-158-060(2) are deleted. These deletions eliminate the requirement that within special flood hazard areas development must be flood "proofed" or elevated to one foot above the base flood stage. This amendment will impose costs if local governments eliminate the local requirements currently in force. Owners of buildings built below the one foot buffer zone will have to pay higher insurance rates. The increase in costs for regular program post-firm construction will be 10 cents per \$100 of value for the building and 25 cents per \$100 of value for the contents. For a small business with a 10 percent loan on a \$70,000 structure and \$40,000 in contents the additional cost of insurance is \$170 per year. This additional insurance cost would cover the additional loan costs of \$1,600 in additional foundation at the time of building. Small businesses with larger holdings would have higher costs. These costs would only be imposed on businesses if they purchase a facility within the buffer zone. Unless the business is misled and does not know it is in a buffer these costs are undertaken willingly. The increased flood insurance costs are for most companies negligible. Ecology cannot offer mitigation given the changes in the law. Flood damage costs related to locating in the buffer will be comparable to those in other states.

WAC 173-158-030(3) and 173-158-060(1) requirements related to "critical facilities" (such as schools, hospitals, nursing homes, police, fire, emergency response installations, and installations that produce use or store hazardous waste) are also deleted. Costs related to this deletion are unlikely.

WAC 173-158-100 is deleted. Since state requirements are minimum requirements and are being reduced there is no need for a compliance date section to reduce the local requirements. WAC 173-158-110 is deleted. Ecology may no longer assume local authority. It is unlikely that this deletion will impose costs as the clause had never been used. Local jurisdictions are subject to being suspended from the national flood insurance program for noncompliance.

Several sections allow the local governments new powers. WAC 173-158-045 Technical assistance, requires ecology to assist local governments in identification of 100 year flood plains so that they may petition the federal government for a change in the flood plain designation. WAC 173-158-064 Additional state requirements, allows local governments to petition for establishment of specific flood plain areas with state requirements that exceed the federal standards. WAC 173-158-086 allows local ordinances to exceed the federal standards. WAC 173-158-084 allows ecology to review the local ordinances for compliance with minimum federal standards. If local governments utilize their power to exceed the federal standards the insurance

costs for citizens and businesses in the flood area will be reduced.

Hearing Location: June 26, 1990, Tuesday, 7:00 p.m., Skagit County Administration Building, Hearing Room A, 2nd and Kincaid Street, Mount Vernon, WA; and on June 27, 1990, Wednesday, 7:00 p.m., Pearsall Multi-service Building, Large Meeting Room, 2109 Sumner Avenue, Aberdeen, WA; and on July 10, 1990, Tuesday, 7:00 p.m., Lewis County Courthouse Annex, Meeting Rooms 2 and 3 main floor, 345 West Main Street, Chehalis, WA; and on July 11, 1990, Wednesday 7:00 p.m., Yakima County Courthouse, Hearing Room 420, 2nd and B Street, Yakima, WA.

Submit Written Comments to: Jerry Louthain, Floodplain Management, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504, by July 25, 1990.

Date of Intended Adoption: September 4, 1990.

May 14, 1990
Fred A. Olson
Deputy Director

Chapter 173-158 WAC
(~~FLOODPLAIN~~) FLOOD PLAIN MANAGEMENT

AMENDATORY SECTION (Amending Order 88-6, filed 5/4/88)

WAC 173-158-010 AUTHORITY (~~BACKGROUND~~). This chapter is adopted pursuant to chapter 86.16 RCW (~~Floodplain management~~) as amended during the (~~1987~~) 1989 legislative session. (~~Chapter 86.16 RCW was formerly titled Flood control zones by state.~~)

Note: Copies of all statutes, regulations, and other documents cited or referred to in this chapter may be viewed at the Department of Ecology, Mailstop PV-11, Olympia, Washington 98504.

AMENDATORY SECTION (Amending Order 88-6, filed 5/4/88)

WAC 173-158-020 PURPOSE. Chapter 86.16 RCW establishes state-wide authority for (~~floodplain~~) flood plain management through the adoption and administration by local governments of regulatory programs which are compliant with the minimum standards of the National Flood Insurance Program (NFIP). Chapter 86.16 RCW also directs the department of ecology to establish minimum state requirements for (~~floodplain~~) flood plain management (~~;) which equal~~ (~~or exceed~~) the NFIP minimum standards; (~~establishes authority for the department to administer floodplain management programs for local jurisdictions not participating in or meeting NFIP requirements~~) to provide assistance to local governments in identifying the location of the one hundred year (base) flood plain; and allows for the issuance of regulatory orders.

AMENDATORY SECTION (Amending Order 88-57 and 88-57A, filed 3/7/89 and 3/6/90, effective 4/6/90)

WAC 173-158-030 DEFINITIONS. For the purposes of this chapter the following definitions shall apply:

(1) "Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year. Also referred to as the "one hundred year flood."

(2) "Best available information" means in the absence of official flood insurance rate map data, communities can use data from other federal, state, or other sources provided this data has either been generated using technically defensible methods or is based on reasonable historical analysis and experience.

(3) (~~"Critical facility" means a facility for which even a slight chance of flooding would be too great. Critical facilities include but are not limited to schools, hospitals, police, fire and emergency response installations, nursing homes, installations which produce, use, or store hazardous materials or hazardous waste.~~)

(~~4~~) "Designated floodway" means the regulatory floodway which has been delineated on the flood insurance rate map (FIRM) or the

flood boundary/floodway map (FBFM) of a community's flood insurance study and is included in the community's flood damage prevention ordinance.

(~~5~~) (4) "Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; and/or
- (b) The unusual and rapid accumulation of runoff of surface waters from any source.

(~~6~~) (5) "Flood insurance rate map (FIRM)" means the official map on which the federal insurance administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

(~~7~~) (6) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(~~8~~) "~~Flood protection elevation" means one foot above the base flood elevation.~~"

(~~9~~) (7) "New construction" means structures for which the "start of construction" commenced on or after the effective date of the local ordinance.

(~~10~~) (8) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or any agency of the state or local governmental unit however designated.

(~~11~~) (9) "Special flood hazard area" means an area subject to a base or one hundred year flood; areas of special flood hazard are shown on a flood hazard boundary map or flood insurance rate map as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, or V.

(~~12~~) (10) "Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground. Manufactured homes are considered structures.

(~~13~~) (11) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(~~14~~) (12) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

- (a) Before the improvement or repair is started; or
- (b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

(~~15~~) (i) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

(~~16~~) (ii) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

(~~17~~) (13) "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

(~~18~~) (14) "Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands have one or more of the following three attributes: (a) At least periodically, the land supports predominantly hydrophytes; (b) the substrate is predominantly undrained hydric soil; and (c) the substrate is nonsoils and is saturated with water or covered by shallow water at some time during the growing season of each year.

AMENDATORY SECTION (Amending Order 88-6, filed 5/4/88)

WAC 173-158-040 REGULATORY AREA. The minimum regulatory area for state and local ((floodplain)) flood plain management regulations shall be those areas subject to a base (one hundred year) flood and designated as special flood hazard areas on the most recent maps provided by the Federal Emergency Management Agency (FEMA) for the National Flood Insurance Program (NFIP). Best available information shall be used if these maps are not available or sufficient as determined by the Federal Emergency Management Agency.

NEW SECTION

WAC 173-158-045 TECHNICAL ASSISTANCE. The department of ecology shall assist counties, cities, and towns in identifying the location of the one hundred year flood plain, and petitioning the federal government to alter its designations of where the one hundred year flood plain is located if the federally recognized location of the one hundred year flood plain is found to be inaccurate.

NEW SECTION

WAC 173-158-064 ADDITIONAL STATE REQUIREMENTS. State requirements may be established for specific flood plains that exceed the minimum federal requirements of the NFIP, in accordance with RCW 86.16.031(8) and the following:

- (1) A written request must be submitted to the department of ecology by the affected county, city, or town to initiate the process.
- (2) The location of the one hundred year flood plain must be reexamined by the affected community and the department of ecology, and has been certified by the department as being accurate for the affected areas.
- (3) The department of ecology shall negotiate with the affected community to determine the content of proposed additional requirements.
- (4) The department of ecology shall notify the public of related public meetings and public hearings.
- (5) The department of ecology must find that the proposed increased requirements are necessary due to local circumstances and general public safety.
- (6) The area where the additional requirements apply is to be clearly identified.
- (7) Additional state requirements shall be established as needed in accordance with the required state rule-making procedures.

AMENDATORY SECTION (Amending Order 88-6, filed 5/4/88)

WAC 173-158-070 ADDITIONAL FLOODWAY REQUIREMENTS. The following additional state requirements are established in accordance with RCW 86.16.041.

(1) Special flood hazard areas with designated floodways. In addition to those NFIP requirements for designated floodways, communities with designated floodways shall restrict land uses within such areas to include the prohibition of construction or reconstruction of residential structures except for: (a) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (b) repairs, reconstruction, or improvements to a structure the cost of which does not exceed fifty percent of the market value of the structure either (i) before the repair, reconstruction, or improvement is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes or to structures identified as historic places shall not be included in the fifty percent determination in (b) of this subsection.

(2) Special flood hazard areas without designated floodways. When a regulatory floodway for a stream has not been designated, the community may require that applicants for new construction and substantial improvements reasonably utilize the best available information from a federal, state, or other source to consider the cumulative effect of existing, proposed, and anticipated future development and determine that the increase in the water surface elevation of the base flood will not be more than one foot at any point in the community. Building and development near streams without a designated floodway shall comply with the requirements of 44 CFR 60.3 (b)(3) and (4), and ((c)) (c)(10) of the NFIP regulations.

NEW SECTION

WAC 173-158-084 SUBMITTAL OF LOCAL ORDINANCES. Communities shall submit to the department of ecology and to the federal Emergency Management Agency (FEMA) regional office newly adopted or amended flood damage prevention ordinances to incorporate the requirements of chapter 86.16 RCW and this chapter. Such ordinances or amendments shall take effect thirty days from filing with the department unless the department disapproves such ordinance or amendment, in writing, within that time period. The department may disapprove any ordinance or amendment which does not comply with the requirements of the NFIP, or WAC 173-158-040, 173-158-064, or 173-158-070. The department will provide assistance to communities in preparation and review of draft ordinances upon request by the community.

NEW SECTION

WAC 173-158-086 LOCAL OPTION TO EXCEED MINIMUM REQUIREMENTS. In accordance with RCW 86.16.045 a county, city, or town may adopt flood plain management ordinances or requirements that exceed the minimum federal requirements of the National Flood Insurance Program and the state requirements of this chapter without following the procedures provided in RCW 86.16.031(8) and WAC 173-158-064.

AMENDATORY SECTION (Amending Order 88-6, filed 5/4/88)

WAC 173-158-120 VARIANCES. The variance procedure contained in 44 CFR, Part 60.6 and the local flood damage prevention ordinance shall apply to ((the additional state requirements contained in WAC 173-158-060 and 173-158-070;)) this chapter unless an activity or use is expressly prohibited therein.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 173-158-060 ADDITIONAL STATE REQUIREMENTS.
WAC 173-158-100 LOCAL COMPLIANCE SCHEDULE.
WAC 173-158-110 STATE ASSUMPTION OF REGULATORY AUTHORITY.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 173-142-010 AUTHORITY.
WAC 173-142-020 PURPOSE.
WAC 173-142-030 DEFINITIONS.
WAC 173-142-040 SCOPE OF DELEGATION.
WAC 173-142-050 CONFORMITY WITH DEPARTMENT RULES.
WAC 173-142-070 REQUESTS FOR DELEGATION.
WAC 173-142-080 PROCEDURE FOR DELEGATION.
WAC 173-142-090 WITHDRAWAL OF DELEGATION.
WAC 173-142-100 PERMITS UNDER DELEGATED PROGRAMS.
WAC 173-142-110 APPEALS.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 508-60-005 REGULATORY CONTROL OVER ALL WATERS.
WAC 508-60-008 EXEMPTIONS.
WAC 508-60-010 DEFINITIONS.
WAC 508-60-020 PURPOSE.
WAC 508-60-030 DETERMINATION OF FLOODWAY AND FLOODWAY FRINGE.
WAC 508-60-040 FLOOD CHANNEL AND FLOODWAY USAGE.
WAC 508-60-050 FLOODWAY FRINGE CONSTRUCTION.
WAC 508-60-060 FLOOD PROOFING OF FLOODWAY AND FLOODWAY FRINGE STRUCTURES AND WORKS.
WAC 508-60-070 FLOW OF FLOOD WATER.
WAC 508-60-080 DECISION OF THE DEPARTMENT.

WSR 90-11-060
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 90-39—Filed May 15, 1990, 2:05 p.m.]

Date of Adoption: May 14, 1990.
 Purpose: Commercial fishing regulations.
 Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-52-07100E.
 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: Sea cucumber harvest in Area 28D is closed in order to maintain a harvestable surplus pending resolution of conflicting claims to participation in the limited entry fishery, and to maintain an orderly fishery.

Effective Date of Rule: 12:01 a.m., May 15, 1990.
 May 14, 1990
 Judith Merchant
 Deputy Director
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-52-07100F COMMERCIAL SEA CUCUMBERS. Notwithstanding the provisions of WAC 220-52-071, effective 12:01 a.m., May 15, 1990, until further notice it is unlawful to fish for or possess sea cucumbers taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Area 28D.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m., May 15, 1990:

WAC 220-52-07100E COMMERCIAL SEA CUCUMBERS. (90-34)

WSR 90-11-061
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed May 15, 1990, 2:44 p.m.]

Original Notice.
 Title of Rule: WAC 308-13-150 Landscape architect fees.

Purpose: To set fees collected by the Department of Licensing for regrading performance problems of the landscape architect registration examination uniform national examination.

Statutory Authority for Adoption: RCW 43.24.086.
 Statute Being Implemented: RCW 18.96.080.

Summary: This amendment sets forth the fee to be collected by the Department of Licensing for regrading performance answer sheets to the landscape architect registration examination uniform national examination.

Reasons Supporting Proposal: Implement the fee structure to support the landscape architect registration program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James D. Hanson, 2424 Bristol Court, Olympia, 753-6967.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment adds a new type of fee to be collected by the Department of Licensing for regrading services of performance problem answer sheets from the landscape architect registration examination uniform national examination.

Proposal Changes the Following Existing Rules: The amendment adds a new type of fee to the listing of current fees.

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

Hearing Location: Conference Room, 3rd Floor, 2424 Bristol Court, Olympia, WA 98502, on July 10, 1990, at 9:00 a.m.

Submit Written Comments to: James D. Hanson, Landscape Architect Board, P.O. Box 9649, Olympia, WA 98504, by June 18, 1990.

Date of Intended Adoption: July 10, 1990.
 May 8, 1990
 James D. Hanson
 Program Administrator

AMENDATORY SECTION (Amending WSR 90-03-031, filed 1/12/90, effective 2/12/90)

WAC 308-13-150 LANDSCAPE ARCHITECT FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application fee	\$150.00
Examination or reexamination (entire) fee	350.00
Reexamination fee	50.00
Section 1	20.00
Section 2	30.00
Section 3	100.00
Section 4	85.00
Section 5	65.00
Section 6	50.00
Exam proctor	100.00
Renewal (3 years)	450.00
Late renewal penalty	150.00
Duplicate license	25.00
Initial registration (3 years)	450.00
Reciprocity application fee	200.00
Certification	45.00
Proctoring program	125.00
Replacement certificate	20.00
<u>Examination regrading (per performance sheet)</u>	<u>25.00</u>

WSR 90-11-062**PERMANENT RULES****DEPARTMENT OF LICENSING
(Board of Registration for Architects)**

[Filed May 15, 1990, 2:50 p.m.]

Date of Adoption: May 11, 1990.

Purpose: To set forth the description of the required examination for architect registration the administrative procedures to supplement RCW 18.08.360, a description of the examination, and the application of the five-year limitation in which the examination must be completed.

Citation of Existing Rules Affected by this Order: Amending WAC 308-12-031.

Statutory Authority for Adoption: RCW 18.08.340.

Other Authority: RCW 18.08.360.

Pursuant to notice filed as WSR 90-06-066 on March 6, 1990.

Effective Date of Rule: Thirty-one days after filing.

May 11, 1990

George H. Nachtsheim

Chairman

Architect Registration Board

AMENDATORY SECTION (Amending Order PM 857, filed 8/10/89, effective 9/10/89)

WAC 308-12-031 REGISTRATION EXAMINATION. The form of the examination required of applicants shall consist of a written and an oral examination. Where RCW 18.08.360 refers to the "entire examination," it means the written examination together with the oral examination. The written examination shall be administered at times and locations the board determines appropriate.

The board adopts the architectural registration examination and grading procedures prepared by the National Council of Architectural Registration Boards as the written portion of the examination. The written examination includes computerized versions.

(1) The director shall publish an information guide concerning examination content, locations, and schedules.

(2) To pass the written examination, an applicant must achieve a passing grade on each division.

(3) The oral examination is given upon the applicant's completion of the written examination.

The purpose of the oral examination is to test in those areas of knowledge and skill not covered in the written examination.

The oral part of the examination shall include a review of the applicant's practical experience, an understanding of the law and the responsibility to safeguard life, health, and property and to promote the public welfare.

The oral examination may be conducted by the full board or by an architect member of the board. The board may waive the full board examination if the examining board member deems the applicant prepared for registration. If such waiver is not granted or if the examining board member fails the applicant, the applicant must then appear for a full board oral examination.

The board may waive the entire oral examination based upon certification by the National Council of Architectural Registration Boards of successful completion of the intern development program. Applicants may submit the "Green Cover" IDP certificate in lieu of the exhibit checklist which is required for the oral examination. This waiver of oral examination does not affect the requirement to summarize the law and rules pertaining to architecture.

If an applicant does not receive a recommendation for registration, the board will advise the applicant of the areas of deficiency and schedule another oral examination.

((The examinee will be required to retake the entire examination if all portions of the written and oral examination are not successfully completed as per RCW 18-08.360. The five-year period shall begin to run effective with the date on which the examinee first takes the examination. If the examinee does not successfully pass all portions of the written and oral examination, within five years from the date he or she first took the examination, he or she shall lose credit for all portions of the examination previously passed, and a new five-year period shall begin on the date on which the examinee begins to retake the examination.)) An applicant must successfully complete the entire examination within a five-year period. The five-year period shall begin with the month an applicant begins the examination process. Passing scores for any division of the examination may be carried forward for a period of five years from the date the applicant passed that division of the examination. Applicants shall retake any division of the examination which was passed more than five years previously, along with any division of the examination not yet passed. The oral examination is part of the entire examination and shall be completed within the five-year period.

WSR 90-11-063**PROPOSED RULES****DEPARTMENT OF HEALTH**

[Filed May 15, 1990, 3:10 p.m.]

Original Notice.

Title of Rule: Administering federal funds for drugs and treatments used for the treatment for HIV.

Purpose: To administer federal funds awarded to assist HIV infected persons in need of Zidovudine and other drugs.

Statutory Authority for Adoption: RCW 43.70.120.

Statute Being Implemented: RCW 43.70.120.

Summary: Eligibility criteria and reimbursement process for federal funds administered by the Department of Health for the drugs and treatments of the HIV virus.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dave Baird, Airdustrial Park, Building 9, Olympia, Washington, 586-4979.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Qualified individuals with the HIV virus will receive federal funds for drugs and treatments.

Proposal does not change existing rules.

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

Hearing Location: 1102 South Quince Street, Conference Room, First Floor, Olympia, WA, on June 26, 1990, at 10:30 a.m.

Submit Written Comments to: Leslie Baldwin, 1300 Quince Street, Olympia, WA 98507, by June 25, 1990.

Date of Intended Adoption: July 3, 1990.

May 14, 1990

Pam Campbell Mead
for Kristine M. Gebbie
Secretary

AMENDATORY SECTION (Amending Order 2549, filed 10/26/87)

WAC 248-168-010 PURPOSE. The department ~~((of social and health services (DSHS)))~~ shall administer federal and state funds awarded ~~and/or appropriated~~ to assist a person in need of Zidovudine, or other drugs and treatments available in the future. These drugs are used for the treatment of various stages of infection with ~~((the human immunodeficiency virus (HIV)))~~ HIV ~~((H))~~.

NEW SECTION

WAC 248-168-015 DEFINITIONS. The following words and phrases have the following meaning in chapter 248-168 WAC unless the context clearly indicates otherwise:

- (1) "AIDS" means acquired immunodeficiency syndrome.
- (2) "APDP" means AIDS prescription drug program.
- (3) "Department" or "DOH" means the Washington state department of health.
- (4) "HIV" means human immunodeficiency virus.
- (5) "NPIG" means National Poverty Income Guidelines as under sections 652 and 673 (2) of the Omnibus Budget Reconciliation Act of 1981 (Public Law 9735) and as updated annually in the Federal Register on February 16.
- (6) "Patient share" means the amount of cost borne by the patient.

AMENDATORY SECTION (Amending Order 2549, filed 10/26/87)

WAC 248-168-020 SERVICES. To the extent federal or state funds are ~~((available))~~ appropriated for the purpose of APDP approved drugs and treatments, ((DSHS)) the department shall reimburse a participating pharmacy, physician, and clinic for costs of dispensing ((Zidovudine)) APDP approved drugs and treatments to an eligible individual suffering from infection with HIV.

AMENDATORY SECTION (Amending Order 2549, filed 10/26/87)

WAC 248-168-030 REIMBURSEMENTS. ~~((Reimbursement shall be made upon receipt of documented evidence the individual receiving the Zidovudine has met medical and financial eligibility requirements as established by the department.))~~ Individuals desiring reimbursement for APDP approved drugs and treatments must provide evidence of financial eligibility as established by WAC 248-168-040. The department will make reimbursement, reduced by the patient share computed in accordance with WAC 248-168-070, to eligible participants who, in the department's judgment, demonstrate the greatest need or the most likely benefit from the treatments.

AMENDATORY SECTION (Amending Order 2549, filed 10/26/87)

WAC 248-168-040 FINANCIAL ELIGIBILITY. (1) The department ~~((shall))~~ will consider a patient eligible if he or she:

- (a) ~~((Establish medical eligibility criteria as determined by nationally recognized expert medical authorities allowing for the selection of~~

~~a patient in greatest need or who would benefit the most))~~ Has resources at or below the exemptions listed under subsection (3) of this section; and

~~((b))~~ Generally consider a patient eligible if he or she has resources at or below the exemptions listed below in subsection (3) of this section and) Is ~~((ineligible))~~ not eligible for ~~((a))~~ any other resources providing similar benefits to meet the costs of ~~((this))~~ the treatment; and

~~((c))~~ Has gross monthly income at or below three hundred seventy percent of the NPIG; and

~~((d))~~ The total cost of program covered medications is in excess of the patient's share as computed in accordance with WAC 248-168-070.

(2) ~~((Resources.))~~ The department shall consider the following in determining resources:

~~((a))~~ Income in excess of a level necessary to maintain a moderate standard of living, as defined by the department, using accepted national standards;

~~((b))~~ Savings, property, and other assets;

~~((c))~~ Government and private medical insurance programs, including Medicaid, providing partial or full coverage for drug~~((s))~~ and treatments needed in the treatment of infection with HIV; and

~~((d))~~ Local funds raised for the purpose of providing financial support for a specified patient.

(3) ~~((Exemptions are as follows))~~ The following exemptions shall not be considered in determining a patient's resources to pay for treatments covered by these regulations:

(a) A home, defined as real property owned by a patient as a principal place of residence, together with the property surrounding and contiguous thereto not to exceed five acres; and

(b) Commercial property, or property used for the purpose of producing income, ~~((shall be considered excess property and subject to the limitations of subsection (3)(b)(iii) of this section:~~

~~((i))~~ Except to the extent that its value exceeds the sum of ten thousand dollars;

~~((ii))~~ Household furnishings;

~~((iii))~~ An automobile; and

~~((iv))~~ Savings, property, or other liquid assets, to the extent the value thereof does not ~~((to))~~ exceed the sum of ten thousand dollars.

AMENDATORY SECTION (Amending Order 2549, filed 10/26/87)

WAC 248-168-050 TRANSFER OF RESOURCES WITHOUT ADEQUATE CONSIDERATION. The department shall:

(1) Consider an individual ~~((shall be))~~ ineligible for the program if the person knowingly and willfully assigns or transfers nonexempt resources at less than fair market value for the purpose of qualifying or continuing to qualify for the program within two years preceding the date of application.

(2) Shall require expiration of two years ~~((must expire))~~ before the individual will be considered eligible between the date of transfer and reapplication.

AMENDATORY SECTION (Amending Order 2549, filed 10/26/87)

WAC 248-168-060 FISCAL INFORMATION. An individual seeking coverage shall provide fiscal information upon request of the department ~~((Such information shall include))~~ including:

(1) Sources and amounts of resources to verify financial eligibility,

(2) Evidence all other available resources ~~((have been))~~ were used before requests for reimbursement from the state program are submitted to the department, and

(3) ~~((Such))~~ Other information ~~((as may be))~~ when required by the department.

NEW SECTION

WAC 248-168-070 PATIENT PARTICIPATION. The patient shall be responsible for paying part of the cost of the treatment received in any month in which his or her income exceeds one hundred eighty-five percent of the NPIG. The amount of the patient's share shall be one-sixth of the amount by which his or her income for the month exceeds one hundred eighty-five percent of the NPIG.

WSR 90-11-064
PERMANENT RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)

[Order 440—Filed May 15, 1990, 4:27 p.m.]

Date of Adoption: March 23, 1990.

Purpose: To establish 1990 Mountain goat, sheep, moose, cougar, and lynx hunting seasons.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-811.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 90-04-105 on February 7, 1990.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-28-812 differs from the proposed version filed with the Code Reviser in the following respects: The mountain goat hunting permit level in Goat Unit 6-1 (Elwha River) increased from three to five. Preliminary hunter survey data indicated a need to reduce permits. More complete data indicates five permits should be issued; several options were identified for cougar pursuit-only seasons. The commission selected option "a" which states Sept. 1-30 and Nov. 21-Jan. 15, 1991, in the cat units listed below, except closed to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest Sept. 1-Oct. 12; the cougar permit level in Cougar Unit 8 (Nooksack) increased from five to ten. Preliminary reports indicated we may exceed harvest objectives. Review of more complete reports indicated no reduction is necessary; and the cougar permit level in Cougar Unit 12 (Rainier) increased from five to seven. Preliminary data indicated the need for a more restrictive season. Review of more complete data indicated the reduction was not necessary.

Effective Date of Rule: Thirty-one days after filing.

May 14, 1990

John C. McGlenn

Chairman, Wildlife Commission

Signed by Ray Ryan, Deputy Director
per permission of John McGlenn

Reviser's note: The material contained in this filing will appear in the 90-12 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 90-11-065
PERMANENT RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)

[Order 441—Filed May 15, 1990, 4:30 p.m.]

Date of Adoption: March 23, 1990.

Purpose: To identify within the category of protected wildlife, the subcategories of threatened, sensitive or other protected wildlife, and classify the species identified into these subcategories.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-011.

Statutory Authority for Adoption: RCW 77.12.020.

Pursuant to notice filed as WSR 90-04-098 on February 7, 1990.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-12-011 differs from the proposed version filed with the Code Reviser in the following respects: In line 1, strike the word "protected"; after the word "classified", insert the words "as protected shall not be hunted or fished. Protected wildlife are designated into three subcategories:". This change was made as a result of the recommendation of the Attorney General's Office to clarify the authority of the commission to designate threatened or sensitive wildlife as subcategories of protected; in subsection (1), line 1, after the word "species" insert the words "are any wildlife species native to the state of Washington that are likely to become endangered within the foreseeable future throughout a significant portion of their range within the state without cooperative management or removal of threats". This change was made as a result of the recommendation of the Attorney General's Office to clarify the authority of the commission to designate threatened or sensitive wildlife as subcategories of protected; in subsection (1), line 5, insert the word "Oregon" before the words "silverspot butterfly". This change was made to correct an inadvertent omission when this amendatory section was filed with the Code Reviser; in subsection (1), line 2, before the words "as threatened include", strike the words "Wildlife classified" and replace with the words "Protected wildlife designated". This change was made as a result of the recommendation of the Attorney General's Office to clarify the authority of the commission to designate threatened or sensitive wildlife as subcategories of protected; in subsection (2), line 1, after the word "species" insert the words "are any wildlife species native to the state of Washington that are vulnerable or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats". This change was made as a result of the recommendation of the Attorney General's Office to clarify the authority of the commission to designate threatened or sensitive wildlife as subcategories of protected; in subsection (3), line 2, after the words "predatory birds," strike the words "threatened, sensitive". This change was made as a result of the recommendation of the Attorney General's Office to clarify the authority of the commission to designate threatened or sensitive wildlife as subcategories of protected; in subsection (3), line 2, after the words "endangered species" insert the words ", or designated as threatened species or sensitive species". This change was made as a result of the recommendation of the Attorney General's Office to clarify the authority of the commission to designate threatened or sensitive wildlife as subcategories of protected; in subsection (3), line 10, after the words "classed as" strike the words "threatened, sensitive, or". This change was made as a result of the recommendation of the Attorney General's Office to clarify the authority of the commission to designate threatened or sensitive wildlife as subcategories of protected; in subsection (3), line 10, after the words "endangered species" insert the words "or designated as

threatened species or sensitive species". This change was made as a result of the recommendation of the Attorney General's Office to clarify the authority of the commission to designate threatened or sensitive wildlife as subcategories of protected; in subsection (3), line 12, after the words "not otherwise" strike the words "designated as threatened, sensitive, or" and replace with "classified as". These changes were made as a result of the recommendation of the Attorney General's Office to clarify the authority of the commission to designate threatened or sensitive wildlife as subcategories of protected; in subsection (3), line 13, after the word "species" insert the words "or designated as threatened species or sensitive species". This change was made as a result of the recommendation of the Attorney General's Office to clarify the authority of the commission to designate threatened or sensitive wildlife as subcategories of protected; and in subsection (3), line 10, strike the word "classed" and replace it with the word "classified". These changes were made to correct grammar.

Effective Date of Rule: Thirty-one days after filing.

May 14, 1990

John C. McGlenn

Chairman, Wildlife Commission

Signed by Ray Ryan, Deputy Director
per permission of John McGlenn

AMENDATORY SECTION (Amending Order 392,
filed 5/18/89)

WAC 232-12-011 WILDLIFE CLASSIFIED AS PROTECTED ((WILDLIFE)) SHALL NOT BE HUNTED OR FISHED. PROTECTED WILDLIFE ARE DESIGNATED INTO THREE SUBCATEGORIES: THREATENED, SENSITIVE, AND OTHER. (1) Threatened species are any wildlife species native to the state of Washington that are likely to become endangered within the foreseeable future throughout a significant portion of their range within the state without cooperative management or removal of threats.

Protected wildlife designated as threatened include ferruginous hawk, *Buteoregalis*; bald eagle, *Haliaeetus leucocephalus*; western pond turtle, *Clemmys marmorata*; green sea turtle, *Cheloniia mydas*; loggerhead sea turtle, *Caretta caretta*; Oregon silverspot butterfly, *Speyeria zerene hippolyta*; pygmy rabbit, *Brachylagus idahoensis*.

(2) Sensitive species are any wildlife species native to the state of Washington that are vulnerable or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats.

(3) Other protected wildlife.

Other ((P)) protected wildlife include((s)) all birds not classified as game birds, predatory birds, or endangered species, or designated as threatened species or sensitive species; and fur seal, *Callorhinus ursinus*; fisher, *Martes pennanti*; wolverine, *Gulo luscus*; western gray squirrel, *Sciurus griseus*; Douglas squirrel, *Tamiasciurus douglasii*; red squirrel, *Tamiasciurus hudsonicus*; flying squirrel, *Glaucomys sabrinus*; golden-mantled ground

squirrel, *Callospermophilus saturatus*; chipmunks, *Eutamias*; cony or pika, *Ochotona princeps*; hoary marmot, *Marmota caligata* and *olympus*; ((~~pygmy rabbit, *Brachylagus idahoensis*~~)) all wild turtles not otherwise classified ((classed)) as endangered species, or designated as threatened species or sensitive species; mammals of the order Cetacea, including whales, porpoises, and mammals of the suborder Pinnipedia not otherwise classified ((designated)) as endangered species, or designated as threatened species or sensitive species. This section shall not apply to hair seals and sea lions which are threatening to damage or are damaging commercial fishing gear being utilized in a lawful manner or when said mammals are damaging or threatening to damage commercial fish being lawfully taken with commercial gear.

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.

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 90-11-066

PERMANENT RULES

DEPARTMENT OF WILDLIFE

(Wildlife Commission)

[Order 442—Filed May 15, 1990, 4:32 p.m.]

Date of Adoption: March 23, 1990.

Purpose: To identify and classify native wildlife species that have need of protection and/or management to ensure their survival as free-ranging populations in Washington and to define the process by which listing, management, recovery, and delisting of a species can be achieved. These rules are established to ensure that consistent procedures and criteria are followed when classifying wildlife as endangered, threatened, or sensitive.

Statutory Authority for Adoption: RCW 77.12.020.

Pursuant to notice filed as WSR 90-04-099 on February 7, 1990.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-12-297 differs from the proposed version filed with the Code Reviser in the following respects: In section 1.1, line 7, following the word "endangered", insert the words "or the protected wildlife subcategories". This language was added at the suggestion of the Attorney General's Office to clarify the commission's authority to classify wildlife; in section 2.1, line 2, following the word "endangered", insert the words "or to or from the protected wildlife subcategories". This language was added at the suggestion of the Attorney General's Office to clarify the commission's authority to classify wildlife; in section 5.1, line 1, strike the word "will" and replace it with the word "may". This language was added at the suggestion of the Attorney General's Office to clarify the commission's authority to classify wildlife; in section 6.1, line 1, strike the word "will" and replace it with the word "may".

This language was added at the suggestion of the Attorney General's Office to clarify the commission's authority to classify wildlife; in section 4.2, line 2, strike the word "or" and insert the words "or meet recovery plan goals," after the words "pursuant to section 3.3," in line 3. These changes were made to place emphasis on recovery plan goals; add sections 5.1.4 and 6.1.3, both to read "The commission requests the agency review a species of concern". These sections were added to allow the commission to request the initiation of the listing and delisting process for classifying wildlife as endangered, threatened, or sensitive; and add section 7.3 to read "For the purpose of delisting, the status report will include a review of recovery plan goals". This section was added to place emphasis on recovery plan goals.

Effective Date of Rule: Thirty-one days after filing.

May 14, 1990

John C. McGlenn

Chairman, Wildlife Commission

Signed by Ray Ryan, Deputy Director
per permission of John McGlenn

NEW SECTION

WAC 232-12-297 ENDANGERED, THREATENED, AND SENSITIVE WILDLIFE SPECIES CLASSIFICATION

PURPOSE

1.1 The purpose of this rule is to identify and classify native wildlife species that have need of protection and/or management to ensure their survival as free-ranging populations in Washington and to define the process by which listing, management, recovery, and de-listing of a species can be achieved. These rules are established to ensure that consistent procedures and criteria are followed when classifying wildlife as endangered, or the protected wildlife subcategories threatened or sensitive.

DEFINITIONS

For purposes of this rule, the following definitions apply:

- 2.1 "Classify" and all derivatives means to list or de-list wildlife species to or from endangered, or to or from the protected wildlife subcategories threatened or sensitive.
- 2.2 "List" and all derivatives means to change the classification status of a wildlife species to endangered, threatened, or sensitive.
- 2.3 "De-list" and its derivatives means to change the classification of endangered, threatened, or sensitive species to a classification other than endangered, threatened, or sensitive.
- 2.4 "Endangered" means any wildlife species native to the state of Washington that is seriously threatened with extinction throughout all or a significant portion of its range within the state.
- 2.5 "Threatened" means any wildlife species native to the state of Washington that is likely to become an endangered species within the foreseeable future

throughout a significant portion of its range within the state without cooperative management or removal of threats.

- 2.6 "Sensitive" means any wildlife species native to the state of Washington that is vulnerable or declining and is likely to become endangered or threatened in a significant portion of its range within the state without cooperative management or removal of threats.
- 2.7 "Species" means any group of animals classified as a species or subspecies as commonly accepted by the scientific community.
- 2.8 "Native" means any wildlife species naturally occurring in Washington for purposes of breeding, resting, or foraging, excluding introduced species not found historically in this state.
- 2.9 "Significant portion of its range" means that portion of a species' range likely to be essential to the long term survival of the population in Washington.

LISTING CRITERIA

- 3.1 The Commission shall list a wildlife species as endangered, threatened, or sensitive solely on the basis of the biological status of the species being considered, based on the preponderance of scientific data available, except as noted in Section 3.4.
- 3.2 If a species is listed as endangered or threatened under the federal Endangered Species Act, the Agency will recommend to the Commission that it be listed as endangered or threatened as specified in Section 9.1. If listed, the Agency will proceed with development of a recovery plan pursuant to Section 11.1.
- 3.3 Species may be listed as endangered, threatened, or sensitive only when populations are in danger of failing, declining, or are vulnerable, due to factors including but not restricted to limited numbers, disease, predation, exploitation, or habitat loss or change, pursuant to Section 7.1.
- 3.4 Where a species of the class Insecta, based on substantial evidence, is determined to present an unreasonable risk to public health, the Commission may make the determination that the species need not be listed as endangered, threatened, or sensitive.

DE-LISTING CRITERIA

- 4.1 The Commission shall de-list a wildlife species from endangered, threatened, or sensitive solely on the basis of the biological status of the species being considered, based on the preponderance of scientific data available.
- 4.2 A species may be de-listed from endangered, threatened, or sensitive only when populations are no longer in danger of failing, declining, are no longer vulnerable, pursuant to Section 3.3, or meet

recovery plan goals, and when it no longer meets the definitions in sections 2.4, 2.5, or 2.6.

INITIATION OF LISTING PROCESS

- 5.1 Any one of the following events may initiate the listing process.
- 5.1.1 The Agency determines that a species population may be in danger of failing, declining, or vulnerable, pursuant to Section 3.3.
- 5.1.2 A petition is received at the Agency from an interested person. The petition should be addressed to the Director. It should set forth specific evidence and scientific data which shows that the species may be failing, declining, or vulnerable, pursuant to Section 3.3. Within 60 days, the Agency shall either deny the petition, stating the reasons, or initiate the classification process.
- 5.1.3 An emergency, as defined by the Administrative Procedure Act, Chapter 34.05 RCW. The listing of any species previously classified under emergency rule shall be governed by the provisions of this Section.
- 5.1.4 The Commission requests the agency review a species of concern.
- 5.2 Upon initiation of the listing process the Agency shall publish a public notice in the Washington Register, and notify those parties who have expressed their interest to the department, announcing the initiation of the classification process and calling for scientific information relevant to the species status report under consideration pursuant to Section 7.1.

INITIATION OF DE-LISTING PROCESS

- 6.1 Any one of the following events may initiate the de-listing process:
- 6.1.1 The Agency determines that a species population may no longer be in danger of failing, declining, or vulnerable, pursuant to Section 3.3.
- 6.1.2 The Agency receives a petition from an interested person. The petition should be addressed to the Director. It should set forth specific evidence and scientific data which shows that the species may no longer be failing, declining, or vulnerable, pursuant to Section 3.3. Within 60 days, the Agency shall either deny the petition, stating the reasons, or initiate the de-listing process.
- 6.1.3 The Commission requests the agency review a species of concern.
- 6.2 Upon initiation of the de-listing process the Agency shall publish a public notice in the Washington

Register, and notify those parties who have expressed their interest to the Department, announcing the initiation of the de-listing process and calling for scientific information relevant to the species status report under consideration pursuant to Section 7.1.

SPECIES STATUS REVIEW AND AGENCY RECOMMENDATIONS

- 7.1 Except in an emergency under 5.1.3 above, prior to making a classification recommendation to the commission, the Agency shall prepare a preliminary species status report. The report will include a review of information relevant to the species' status in Washington and address factors affecting its status, including those given under Section 3.3. The status report shall be reviewed by the public and scientific community. The status report will include, but not be limited to an analysis of:
- 7.1.1 Historic, current, and future species population trends
- 7.1.2 Natural history, including ecological relationships (e.g. food habits, home range, habitat selection patterns).
- 7.1.3 Historic and current habitat trends.
- 7.1.4 Population demographics (e.g. survival and mortality rates, reproductive success) and their relationship to long term sustainability.
- 7.1.5 Historic and current species management activities.
- 7.2 Except in an emergency under 5.1.3 above, the Agency shall prepare recommendations for species classification, based upon scientific data contained in the status report. Documents shall be prepared to determine the environmental consequences of adopting the recommendations pursuant to requirements of the State Environmental Policy Act (SEPA).
- 7.3 For the purpose of de-listing, the status report will include a review of recovery plan goals.

PUBLIC REVIEW

- 8.1 Except in an emergency under 5.1.3 above, prior to making a recommendation to the commission, the Agency shall provide an opportunity for interested parties to submit new scientific data relevant to the status report, classification recommendation, and any SEPA findings.
- 8.1.1 The Agency shall allow at least 90 days for public comment.
- 8.1.2 The Agency will hold at least one public meeting in each of its administrative regions during the public review period.

FINAL RECOMMENDATIONS AND COMMISSION ACTION

- 9.1 After the close of the public comment period, the Agency shall complete a final status report and classification recommendation. SEPA documents will be prepared, as necessary, for the final Agency recommendation for classification. The classification recommendation will be presented to the Commission for action. The final species status report, Agency classification recommendation, and SEPA documents will be made available to the public at least 30 days prior to the Commission meeting.
- 9.2 Notice of the proposed Commission action will be published at least 30 days prior to the Commission meeting.

PERIODIC SPECIES STATUS REVIEW

- 10.1 The Agency shall conduct a review of each endangered, threatened, or sensitive wildlife species at least every five years after the date of its listing. This review shall include an update of the species status report to determine whether the status of the species warrants its current listing status or deserves reclassification.
- 10.1.1 The Agency shall notify any parties who have expressed their interest to the department of the periodic status review. This notice shall occur at least one year prior to end of the five year period required by Section 10.1.
- 10.2 The status of all de-listed species shall be reviewed at least once, five years following the date of de-listing.
- 10.3 The Department shall evaluate the necessity of changing the classification of the species being reviewed. The Agency shall report its findings to the Commission at a Commission meeting. The Agency shall notify the public of its findings at least 30 days prior to presenting the findings to the Commission.
- 10.3.1 If the Agency determines that new information suggests that classification of a species should be changed from its present state, the Agency shall initiate classification procedures provided for in these rules starting with Section 5.1.
- 10.3.2 If the Agency determines that conditions have not changed significantly and that the classification of the species should remain unchanged, the Agency shall recommend to the Commission that the species being reviewed shall retain its present classification status.
- 10.4 Nothing in these rules shall be construed to automatically de-list a species without formal Commission action.

RECOVERY AND MANAGEMENT OF LISTED SPECIES

- 11.1 The Agency shall write a recovery plan for species listed as endangered or threatened. The Agency will write a management plan for species listed as sensitive. Recovery and management plans shall address the listing criteria described in Sections 3.1 and 3.3, and shall include, but are not limited to:
- 11.1.1 Target population objectives
- 11.1.2 Criteria for reclassification
- 11.1.3 An implementation plan for reaching population objectives which will promote cooperative management and be sensitive to landowner needs and property rights. The plan will specify resources needed from and impacts to the Department, other agencies (including federal, state, and local), tribes, landowners, and other interest groups. The plan shall consider various approaches to meeting recovery objectives including, but not limited to regulation, mitigation, acquisition, incentive, and compensation mechanisms.
- 11.1.4 Public education needs
- 11.1.5 A species monitoring plan, which requires periodic review to allow the incorporation of new information into the status report.
- 11.2 Preparation of recovery and management plans will be initiated by the Agency within one year after the date of listing.
- 11.2.1 Recovery and management plans for species listed prior to 1990 or during the five years following the adoption of these rules shall be completed within 5 years after the date of listing or adoption of these rules, whichever comes later. Development of recovery plans for endangered species will receive higher priority than threatened or sensitive species.
- 11.2.2 Recovery and management plans for species listed after five years following the adoption of these rules shall be completed within three years after the date of listing.
- 11.2.3 The Agency will publish a notice in the Washington Register and notify any parties who have expressed interest to the department interested parties of the initiation of recovery plan development.
- 11.2.4 If the deadlines defined in Sections 11.2.1 and 11.2.2 are not met the Department shall notify the public and report the reasons for missing the deadline and the strategy for completing the plan at a Commission meeting. The intent of this Section is to recognize current Department personnel resources are limiting and that development of recovery plans for

some of the species may require significant involvement by interests outside of the Department, and therefore take longer to complete.

- 11.3 The Agency shall provide an opportunity for interested public to comment on the recovery plan and any SEPA documents.

CLASSIFICATION PROCEDURES REVIEW

- 12.1 The Agency and an ad hoc public group with members representing a broad spectrum of interests, shall meet as needed to accomplish the following:

12.1.1 Monitor the progress of the development of recovery and management plans and status reviews, highlight problems, and make recommendations to the department and other interested parties to improve the effectiveness of these processes.

12.1.2 Review these classification procedures six years after the adoption of these rules and report its findings to the Commission.

AUTHORITY

- 13.1 The Commission has the authority to classify wildlife as endangered under RCW 77.12.020. Species classified as endangered are listed under WAC 232-12-014, as amended.
- 13.2 Threatened and sensitive species shall be classified as subcategories of protected wildlife. The Commission has the authority to classify wildlife as protected under RCW 77.12.020. Species classified as protected are listed under WAC 232-12-011, as amended.

WSR 90-11-067

**WITHDRAWAL OF PROPOSED RULES
THE EVERGREEN STATE COLLEGE**

(By the Code Reviser's Office)

[Filed May 15, 1990, 4:35 p.m.]

WAC 174-136-040 and 174-136-042, proposed by The Evergreen State College in WSR 89-22-031, appearing in issue 89-22 of the State Register, which was distributed on November 15, 1989, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 90-11-068

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF LICENSING**

(By the Code Reviser's Office)

[Filed May 15, 1990, 4:36 p.m.]

WAC 308-320-100, proposed by the Department of Licensing in WSR 89-22-117, appearing in issue 89-22 of the State Register, which was distributed on November 15, 1989, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 90-11-069

**WITHDRAWAL OF PROPOSED RULES
BOARD OF PHARMACY**

(By the Code Reviser's Office)

[Filed May 15, 1990, 4:37 p.m.]

WAC 360-10-050, proposed by the Board of Pharmacy in WSR 89-22-101, appearing in issue 89-22 of the State Register, which was distributed on November 15, 1989, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 90-11-070

**WITHDRAWAL OF PROPOSED RULES
BOARD OF PHARMACY**

(By the Code Reviser's Office)

[Filed May 15, 1990, 4:38 p.m.]

WAC 360-16A-050, proposed by the Board of Pharmacy in WSR 89-22-067, appearing in issue 89-22 of the State Register, which was distributed on November 15, 1989, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 90-11-071

**EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 90-38—Filed May 16, 1990, 10:11 a.m.]

Date of Adoption: May 14, 1990.
Purpose: Commercial fishing regulations.
Citation of Existing Rules Affected by this Order:
Amending WAC 220-33-030.

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: There has been a long-standing annual shad fishery in this area because its physical characteristics allow shad to be harvested without an incidental salmonid catch. Shad are available and a harvest opportunity should be provided. The setting of seasons is done by the Columbia River Compact.

Effective Date of Rule: 4:00 a.m., May 21, 1990.

May 14, 1990
Judith Merchant
Deputy Director
for Joseph R. Blum
Director

NEW SECTION

WAC 220-33-03000B COMMERCIAL SHAD – COLUMBIA RIVER *Notwithstanding the provisions of WAC 220-33-030, it is unlawful to take, or possess shad for commercial purposes except as provided for in this section:*

(1) *Shad Area 2S*

*Open daily 4 AM to 10 PM: May 21-25
May 29-June 1
June 4-8
June 11-15*

Gear: Gill Net, Single-wall, unslackened, floater net, 5 3/8 to 6 1/4 inches, 10 lb breaking strength.

(2) *Camas – Washougal Reef Area*

*Open weekly, 4 AM Monday to 11:59 PM Friday:
May 21-25
May 29-June 1
June 4-8
June 11-15
June 18-22
June 25-29*

Gear: Gill Net, Single-wall, unslacked, floater net, 5 3/8 to 6 1/4 inches, 30 lb breaking strength.

(3) *Only shad may be kept and sold. All salmon and sturgeon must be released and returned to the water immediately.*

WSR 90-11-072

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Orders 89-63, 90-03, 90-04, 90-05, 90-07 and 90-09—Filed May 16, 1990, 12:18 p.m.]

Date of Adoption: May 15, 1990.

Purpose: Adoption of revised shoreline master programs into the state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-220 Grays Harbor County; 173-19-3514 Tacoma, city of; 173-19-360 San Juan County; 173-19-3601 Friday Harbor, town of; 173-19-420 Thurston County; 173-19-4201 Bucoda, town of; 173-19-4202 Lacey, city of; 173-19-4203 Olympia, city of; 173-19-4204 Tenino, town of; 173-19-4205 Tumwater, city of; and 173-19-4206 Yelm, town of.

Statutory Authority for Adoption: RCW 90.58.200.

Pursuant to notice filed as WSR 90-08-122 on April 4, 1990.

Changes Other than Editing from Proposed to Adopted Version: The shoreline master program (SMP) revisions for Thurston region (Thurston County, the towns of Bucoda, Tenino and Yelm, and the cities of Lacey, Olympia and Tumwater), for the city of Tacoma, and for the town of Friday Harbor are all being adopted as proposed by the local jurisdictions. The administrative revision proposed by Grays Harbor County has been changed, with concurrence of the county as per correspondence received May 15, 1990, to make it consistent with current shoreland management law. The revision proposed to enable Ocosta School District to fill for an athletic field is not being adopted at this time. The revision proposed for San Juan County has been changed to clarify the administrator's responsibilities in granting administrative variances for accessory structures to single family residences.

Effective Date of Rule: Thirty-one days after filing.

May 15, 1990
Fred Olson
Deputy Director

AMENDATORY SECTION (Amending Order DE 88-52, filed 9/8/88)

WAC 173-19-220 GRAYS HARBOR COUNTY. Grays Harbor County master program approved August 6, 1975. Revision approved December 2, 1977. Revision approved July 17, 1978. Revision approved March 27, 1980. Revision approved June 3, 1986. Revision approved August 21, 1987. ~~{Revision approved April 5, 1988.}~~ Revision approved April 5, 1988. Revision approved September 6, 1988. Revision approved May 15, 1990.

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 DE 87-34, filed 9/18/87)

WAC 173-19-3514 TACOMA, CITY OF. City of Tacoma master program approved April 5, 1977. Revision approved December 5, 1979. Revision approved March 17, 1981. Revision approved November 23, 1981. Revision approved April 6, 1982. Revision approved May 24, 1983. Revision approved March 1, 1984. Revision approved May 9, 1984. Revision approved April 18,

1985. Revision approved July 23, 1986. Revision approved September 16, 1987. Revision approved May 15, 1990.

AMENDATORY SECTION (Amending Order DE 88-22 [and DE 88-22A], filed 4/19/89 [and 3/14/90])

WAC 173-19-360 SAN JUAN COUNTY. San Juan County master program approved May 28, 1976. Revision approved October 29, 1976. Revision approved April 13, 1981. Revision approved October 30, 1984. Revision approved April 19, 1989. Revision approved March 14, 1990. Revision approved May 15, 1990.

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.

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

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

WAC 173-19-3601 FRIDAY HARBOR, TOWN OF. Town of Friday Harbor master program approved July 14, 1978. Revision approved January 5, 1979. Revision approved May 15, 1990.

AMENDATORY SECTION (Amending Order DE 87-28, filed 9/30/87)

WAC 173-19-420 THURSTON COUNTY. Thurston County master program approved May 21, 1976. Revision approved August 27, 1976. Revision approved August 7, 1979. Revision approved September 23, 1981. Revision approved March 4, 1982. Revision approved August 30, 1984. Revision approved September 29, 1987. Revision approved May 15, 1990.

AMENDATORY SECTION (Amending Order DE 84-30, filed 9/14/84)

WAC 173-19-4201 BUCODA, TOWN OF. Town of Bucoda master program approved May 21, 1976. Revision approved August 30, 1984. Revision approved May 15, 1990.

AMENDATORY SECTION (Amending Order DE 84-30, filed 9/14/84)

WAC 173-19-4202 LACEY, CITY OF. City of Lacey master program approved May 21, 1976. Revision approved January 5, 1982. Revision approved August 30, 1984. Revision approved May 15, 1990.

AMENDATORY SECTION (Amending Order DE 87-28, filed 9/30/87)

WAC 173-19-4203 OLYMPIA, CITY OF. City of Olympia master program approved May 21, 1976. Revision approved March 29, 1984. Revision approved April 30, 1984. Revision approved August 30, 1984. Revision approved September 29, 1987. Revision approved May 15, 1990.

AMENDATORY SECTION (Amending Order DE 84-30, filed 9/14/84)

WAC 173-19-4204 TENINO, TOWN OF. Town of Tenino master program approved May 21, 1976. Revision approved August 30, 1984. Revision approved May 15, 1990.

AMENDATORY SECTION (Amending Order DE 87-28, filed 9/30/87)

WAC 173-19-4205 TUMWATER, CITY OF. City of Tumwater master program approved May 21, 1976. Revision approved August 30, 1984. Revision approved September 29, 1987. Revision approved May 15, 1990.

AMENDATORY SECTION (Amending Order DE 84-30, filed 9/24/84 [9/14/84])

WAC 173-19-4206 YELM, TOWN OF. Town of Yelm master program approved May 21, 1976. Revision approved January 5, 1982. Revision approved August 30, 1984. Revision approved May 15, 1990.

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

WSR 90-11-073

NOTICE OF PUBLIC MEETINGS WHATCOM COMMUNITY COLLEGE

[Memorandum—May 15, 1990]

The board of trustees of Whatcom Community College has changed its regular meeting from June 12, 1990, to June 18, 1990, at 2:00 p.m. in the board room at the Cordata Facility, 237 West Kellogg Road, Bellingham, WA 98226.

WSR 90-11-074

PROPOSED RULES DEPARTMENT OF ECOLOGY

[Order 90-16—Filed May 16, 1990, 2:11 p.m.]

Original Notice.

Title of Rule: Water quality standards for ground waters of the state of Washington, chapter 173-200 WAC.

Purpose: The purpose of this chapter is to reduce or eliminate the discharge of contaminants to the state's ground waters. To do this, this chapter establishes ground water quality standards which provide for the protection of existing and future beneficial uses of ground water.

Statutory Authority for Adoption: RCW 90.48.035.

Statute Being Implemented: Chapter 90.48 RCW.

Summary: Chapter 90.48 RCW states that the department shall promulgate, amend, or rescind rules and regulations relating to standards of quality for waters of the state and for substances discharged therein in order to maintain the highest possible standards of all waters of the state.

Name of Agency Personnel Responsible for Drafting: Nancy Winters, Prudential, 438-7066; Implementation and Enforcement: Stan Springer, Prudential, 438-7090.

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: See Purpose above.

Proposal does not change existing rules.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT

Purpose: The purpose of this analysis is to provide the Washington State Department of Ecology (Ecology) with a Small Business Economic Impact Statement (SBEIS) on the effects of proposed regulations to eliminate, to the maximum extent practical, the discharge of contaminants to the state's ground waters. This SBEIS is written according to the requirements of the Regulatory Fairness Act and the Administrative Procedure Act, as amended chapters 19.85 and 34.05 RCW.

Small business impacts: In summary, we have found that most businesses in Washington state are not likely to be affected directly by the proposed regulations, based on the assumptions of this study; business groups expected to be most affected include fruit and vegetable processors, fruit and vegetable packers, meat processors, and dairy products. These types of businesses use large quantities of water, are not hooked up to municipal treatment facilities, and utilize ponds, lagoons, leach fields, and/or spray application of waste discharge; small businesses would be disproportionately impacted by the application process itself, which requires professional/technical expertise and administrative time; and small businesses will be disproportionately impacted by capital costs and by operating costs which may be required to achieve AKART (all known, available, and reasonable methods of treatment) and meet the proposed ground water quality standards.

Study approach and findings: To identify any disproportionate economic impacts of these new regulations on small businesses, the study focused attention on SIC codes of interest—business groups whose discharge of potential ground water contaminants are not regulated under existing laws.

The SIC codes of interest include fruit and vegetable packers, meat processors, dairy processors, and fruit and vegetable processors. These groups are characterized by business types: Whose typical waste stream contains constituents that may exceed the proposed standards; whose waste discharge is not likely to go to a municipal waste treatment facility; and whose SIC codes represent both large and small businesses.

An estimated 60 percent of businesses in the state could potentially be impacted by the proposed regulations. Our analysis shows, however, that the businesses which would be expected to experience new impacts due to these regulations actually constitute only a very small fraction of the total businesses in the state.

The relatively small number of businesses newly affected by the proposed regulations in this analysis can be

explained this way: five broad categories of businesses either do not discharge to the ground or already must comply with laws whose standards meet or exceed those of the draft regulations. These are businesses which are permitted to discharge to surface waters only; businesses which discharge to municipal treatment facilities which, in turn, discharge to surface waters; businesses already complying with the state Hazardous Waste Management Act, which implements the federal Resource Conservation and Recovery Act (RCRA); businesses which utilize best management practices for agricultural operations including fertilizer and chemical application and manure storage ponds; and businesses in which all firms have more than 50 employees.

Compliance costs: Costs of complying with the proposed regulations will be disproportionately greater for small businesses than large businesses. Permit application costs cover technical expertise and administration. Evaluation and monitoring costs cover the evaluation and monitoring of the waste discharge and its interaction with soil, rainfall, geologic characteristics, and ground water. Permit evaluation and monitoring costs could vary from a one-time cost of \$1,600 to initial and ongoing costs of as much as \$200,000. Additionally, there will be some disproportionate impacts on small businesses for improved technology to meet the proposed standards. The primary technologies which may need upgrading under the proposed regulations are ponds, lagoons, leach fields and land treatment application systems. Ponds and lagoons will require lining, leach fields and percolation ponds will no longer be acceptable technologies, and spray application will need to meet agronomic standards in compliance with the proposed regulations. Technology costs could range from zero (no new technology required) to over 1 million dollars per year.

Possible mitigation steps: Possible steps to mitigate any disproportionate economic impacts on small businesses include the following: Provide application preparation assistance in the form of technical assistance, grants, and visits/consultation with small business advisors; develop general permits that specify application requirements, industry by industry; offer effluent and ground water analysis assistance through lower-cost laboratory tests, grants or loans; offset monitoring costs, such as well drilling and sampling, through favorable loans and grants; and establish a low-interest revolving loan fund for small and medium sized firms facing large capital costs for lagoon construction or other facilities required to achieve AKART.

Hearing Location: Lacey, EFSEC Meeting Room, 4224 6th Avenue S.E., Building #1, on June 26, 1990, at 1:00 p.m.; and at Vancouver, Clark County PUD Auditorium, 1200 Fort Vancouver Way, on June 26, 1990, at 7:00 p.m.; and at Wenatchee, Wenatchee Valley College, 1300 5th, on June 27, 1990, at 7:00 p.m.; and at Everett, City Council Chambers, 3002 Wetmore, on June 27, 1990, at 7:00 p.m.; and at Pasco, Franklin County PUD, 1411 West Clark, on June 28, 1990, at 7:00 p.m.

Submit Written Comments to: Barbara Stuart, Department of Ecology, Water Quality Program, Mailstop PV-11, by July 9, 1990.

Date of Intended Adoption: October 17, 1990.

May 14, 1990
Fred A. Olson
Deputy Director

Chapter 173-200 WAC
WATER QUALITY STANDARDS FOR GROUND WATERS OF
THE STATE OF WASHINGTON

NEW SECTION

WAC 173-200-010 INTRODUCTION. (1) This chapter implements chapter 90.48 RCW, the Water Pollution Control Act and chapter 90.54 RCW, the Water Resources Act of 1971.

(2) This chapter applies to all ground waters of the state that occur in a saturated zone or stratum beneath the surface of land or below a surface water body. This chapter shall not apply to contaminant concentrations found in saturated soils where those contaminants are chemicals or nutrients that have been applied at agronomic rates for agricultural purposes or under approved methods of land treatment if those contaminants will not cause pollution of any ground waters below the root zone.

(3) The goal of this chapter is to maintain the highest quality of the state's ground waters and protect existing and future beneficial uses of the ground water through the reduction or elimination of the discharge of contaminants to the state's ground waters.

(4) To implement this goal this chapter establishes ground water quality standards which, together with the state's technology-based treatment requirements, provide for the protection of the environment and human health and protection of existing and future beneficial uses of ground waters.

NEW SECTION

WAC 173-200-020 DEFINITIONS. As used in this chapter:

(1) "Activity" means any site, area, facility, structure, vehicle, installation, or discharge which may produce pollution.

(2) "Anthropogenic contaminant" means any human-made chemical that is not naturally found in ground water.

(3) "Artificial ground water" means ground water that has been put in place through means, such as irrigation, other than natural recharge.

(4) "Background water quality" means the concentrations of chemical, physical, biological, or radiological constituents, or other characteristics in or of ground water at a particular point in time and upgradient of an activity that have not been affected by that activity.

(5) "Beneficial uses" means uses of waters of the state which include but are not limited to use for domestic, stock watering, industrial, commercial, agricultural, irrigation, mining, fish and wildlife maintenance and enhancement, recreation, generation of electric power and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state.

(6) "Best management practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance of procedures, and other management practices, to prevent or reduce the pollution of ground waters of the state. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material storage.

(7) "Carcinogen" means any substance or agent that produces or tends to produce cancer in humans. For implementation of this chapter, the term carcinogen will apply to all substances on the United States Environmental Protection Agency lists of A (known human) and B (probable human) carcinogens.

(8) "Contaminant" means any chemical, physical, biological, or radiological substance that does not occur naturally in ground water or that naturally occurs but at greater than natural levels.

(9) "Criteria" means numerical or narrative values that represent the maximum allowable contaminant concentrations in the ground water.

(10) "Department" means the Washington state department of ecology.

(11) "Early warning value" means a concentration set in accordance with WAC 173-200-070 that is a percentage of a ground water quality enforcement limit.

(12) "Enforcement limit" means the value assigned to any contaminant for the purposes of regulating that contaminant.

(13) "Ground water" means water in a saturated zone or stratum beneath the surface of land or below a surface water body.

(14) "Human-caused pollution" means pollution resulting from human activity.

(15) "Isolated ground water" means ground water fully separated from other ground waters by an impermeable layer of rock or strata.

(16) "Maximum contaminant level" or "MCL" means the maximum concentration of a contaminant in water established by either the state board of health or the Environmental Protection Agency under the Federal Safe Drinking Water Act (42 U.S.C. 300f et seq.) and published in 40 C.F.R. 141 as presently promulgated or as subsequently amended or repromulgated, whichever concentration is more stringent.

(17) "Maximum contaminant level goal" or "MCLG" means the maximum concentration of a contaminant established by the Environmental Protection Agency under the Federal Safe Drinking Water Act (42 U.S.C. 300f et seq.) and published in 40 C.F.R. 141 as presently promulgated or subsequently amended or repromulgated, for which no known or anticipated adverse effects on human health occur including an adequate margin of safety.

(18) "Method detection limit" means the minimum concentration of an analyte that can be measured and reported with ninety-nine percent confidence that the analyte is greater than zero.

(19) "Natural ground water quality" means water quality that was present before any human-caused pollution.

(20) "Naturally nonpotable ground waters" means those ground waters that are unsuitable for drinking water because of natural ground water quality and for which current treatment methods are considered unreasonable and impractical.

(21) "Permit" means a department authorization, license, or equivalent control document issued to a facility, activity, or entity authorized to treat, store, dispose, or discharge materials or wastes. This includes, but is not limited to, state waste discharge permits issued pursuant to chapter 173-216 WAC, permits for dangerous waste management facilities issued pursuant to chapter 173-303 WAC, and permits for ground water withdrawal issued pursuant to chapter 90.44 RCW.

(22) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatsoever.

(23) "Point of compliance" means the point or points, set in accordance with WAC 173-200-060, where the ground water quality enforcement limit shall be met for that activity.

(24) "Pollution" means such contamination, or other alteration of the physical, chemical or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(25) "Practical quantification level" means the level at which a contaminant can be reliably quantified by a department-approved method of analysis.

(26) "Primary contaminant" means a contaminant that is not a carcinogen but is considered health threatening.

(27) "Root zone" means the zone that extends from the surface of the soil to the depth of the lowest most root and is specific to a species of plant, group of plants, or crop.

(28) "Saturated zone" means the zone below the water table in which all interstices are filled with water.

(29) "Seasonal ground water" means ground water that exists for a temporary period of the year and is usually associated with a particular activity or phenomenon.

(30) "Secondary contaminant" means any contaminant in ground water that may alter the taste, odor, color, or appearance of ground water. At lower concentrations, secondary contaminants deter public acceptance and indirectly affect the suitability of ground water as a source of drinking water. At considerably higher concentrations these substances may adversely affect human health and impair other beneficial uses of ground water.

(31) "Secondary maximum contaminant level" means the maximum concentration of a secondary contaminant in water established by the Environmental Protection Agency under the Federal Safe Drinking Water Act (42 U.S.C. 300f et seq.) and published in 40 C.F.R. 143 as presently promulgated or as subsequently amended or repromulgated, whichever concentration is more stringent.

(32) "State waste discharge permit" means a permit issued in accordance with the state waste discharge permit program, chapter 173-216 WAC.

NEW SECTION

WAC 173-200-030 ANTIDEGRADATION POLICY. (1) The antidegradation policy of the state of Washington, is generally guided by chapter 90.48 RCW, the Water Pollution Control Act, and chapter 90.54 RCW, the Water Resources Act of 1971. The goal of this policy is to ensure the purity of the state's ground waters and to protect the natural environment.

(2) The antidegradation policy is as follows:

(a) Existing and future beneficial uses shall be maintained and protected and no degradation that would interfere with or become injurious to beneficial uses shall be allowed.

(b) No degradation shall be allowed of high quality ground waters constituting an outstanding national resource, such as waters of national and state parks and wildlife refuges, and waters of exceptional recreational or ecological significance.

(c) Whenever ground waters are of a higher quality than the criteria assigned for said waters, the existing water quality shall be protected, and contaminants that will reduce the existing quality thereof shall not be allowed to enter such waters, except in those instances where it can be demonstrated to the department's satisfaction that:

(i) An overriding consideration of the public interest will be served; and

(ii) All contaminants proposed for discharge into said ground waters shall be provided with all known, available, and reasonable methods of prevention, control, and treatment before discharge.

NEW SECTION

WAC 173-200-040 CRITERIA. (1) The department acknowledges that ground waters in the state of Washington support many different beneficial uses. The purpose of these criteria is to establish maximum contaminant concentrations for the protection of a variety of beneficial uses of Washington's ground water.

(a) The department has determined that drinking water is the beneficial use generally requiring the highest quality of ground water.

(b) Providing protection to the level of drinking water standards will provide protection for a great variety of existing and future beneficial uses.

(c) The department recognizes that some ground waters of the state support environmental systems with existing and future beneficial uses requiring more stringent protection than that provided by human health based criteria. These ground waters and dependent uses will be protected by either or both of the following:

(i) Designation of an area and its associated ground water as a special protection area in accordance with WAC 173-200-090.

(ii) Establishment of enforcement limits as close to the natural ground water quality as possible for activities that may adversely affect those ground waters in accordance with WAC 173-200-050.

(d) The use of criteria designed to protect drinking water quality shall in no way be interpreted to mean that all ground waters are used for drinking water or that all ground waters are presently suitable for drinking water.

(2) The following criteria shall apply to all ground waters in the state of Washington:

(a) Ground water concentrations shall not exceed the numeric criteria listed in Table 1, except as described in WAC 173-200-050.

(b) For noncarcinogens listed in Table 1, the criteria are the levels at which no known or anticipated adverse effects on human health occur.

Criteria for noncarcinogens shall be based on the most stringent concentration of the following and those listed in Table 1:

(i) Maximum contaminant level goals;

(ii) Maximum contaminant levels;

(iii) Secondary maximum contaminant levels; and

(iv) Maximum contaminant levels published in chapter 248-54 WAC as presently promulgated or subsequently amended or repromulgated.

(c) For carcinogens listed in Table 1, the criteria are the concentrations that are anticipated to result in a total incremental human cancer risk of less than 1 in 1,000,000, and were estimated using the following equation and standard exposure assumptions:

$$\text{Ground Water Criteria (ug/l)} = \frac{\text{RISK} \times \text{BW} \times \text{LIFE} \times \text{UCF}}{\text{CPF} \times \text{DWIR} \times \text{DUR}}$$

Where:

RISK = Human cancer risk level (1 in 1,000,000)

BW = Body Weight (70 kg)

LIFE = Lifetime (70 years)

UCF = Unit conversion factor (1,000 ug/mg)

CPF = Cancer potency factor as published in the IRIS data base (1/mg/kg/day)

DWIR = Drinking water ingestion rate (2.0 liters/day)

DUR = Duration of exposure (30 years)

For volatile carcinogens, exposure from showering was incorporated into the criteria by doubling the cancer potency factor.

(3) For contaminants for which no numeric criteria have been established, enforcement limits shall be established in accordance with WAC 173-200-050.

**TABLE 1
GROUND WATER QUALITY CRITERIA**

CONTAMINANT	CRITERIA	
I. NONCARCINOGENS		
A. PRIMARY CONTAMINANTS		
Barium*	1.0	milligrams/liter (mg/l)
Cadmium*	0.01	mg/l
Chromium*	0.05	mg/l
Lead*	0.05	mg/l
Mercury*	0.002	mg/l
Selenium*	0.01	mg/l
Silver*	0.05	mg/l
Fluoride	4	mg/l
Nitrate (as N)	10	mg/l
Endrin	0.0002	mg/l
Methoxychlor	0.1	mg/l
1,1,1-Trichloroethane	0.20	mg/l
2-4 D	0.10	mg/l
2,4,5-TP Silvex	0.01	mg/l
Total Coliform Bacteria	1/100	ml
B. SECONDARY CONTAMINANTS		
Copper*	1.0	mg/l
Iron*	0.30	mg/l
Manganese*	0.05	mg/l
Zinc*	5.0	mg/l
Chloride	250	mg/l
Sulfate	250	mg/l
Total Dissolved Solids	500	mg/l
Foaming Agents	0.5	mg/l
pH	6.5-8.5	
Corrosivity	noncorrosive	
Color	15 color units	
Odor	3 threshold odor units	
II. RADIONUCLIDE		
Gross Alpha Particle Activity	15	pico Curie/liter (pCi/l)
Gross Beta Particle Activity	4	millirems/year (mrem/y)
Radium 226 & 228	5	pCi/l
Radium -226	3	pCi/l
III. CARCINOGENS		
Acrylamide	0.02	micrograms/liter ug/l
Acrylonitrile	0.07	ug/l
Aldrin	0.005	ug/l
Aniline	14	ug/l
Aramite	3	ug/l

CONTAMINANT	CRITERIA	CONTAMINANT	CRITERIA
Arsenic*	0.05 (ug/l)	N-Nitroso-di-n-butylamine	0.02 ug/l
Azobenzene	0.7 ug/l	N-Nitroso-N-methylethylamine	0.004 ug/l
Benzene	1.0 ug/l	PAH	0.01 ug/l
Benzidine	0.0004 ug/l	PBBs	0.01 ug/l
Benzo(a)pyrene	0.008 ug/l	PCBs	0.01 ug/l
Benotrichloride	0.007 ug/l	o-Phenylenediamine	0.005 ug/l
Benzyl chloride	0.5 ug/l	Propylene oxide	0.01 ug/l
Bis(chloroethyl)ether	0.07 ug/l	2,3,7,8-Tetrachlorodibenzo-p-dioxin	0.000006ug/l
Bis(chloromethyl)ether	0.0004 ug/l	Tetrachloroethylene	
Bis(2-ethylhexyl) phthalate	6.0 ug/l	(perchloroethylene)	0.8 ug/l
Bromodichloromethane	0.3 ug/l	α,p,p,p-Tetrachlorotoluene	0.004 ug/l
Bromoform	5 ug/l	2,4 Toluenediamine	0.002 ug/l
Carbazole	5 ug/l	o-Toluidine	0.2 ug/l
Carbon tetrachloride	0.3 ug/l	Toxaphene	0.08 ug/l
Chlordane	0.06 ug/l	Trichloroethylene	3 ug/l
Chlorodibromomethane	0.5 ug/l	2,4,6-Trichlorophenol	4 ug/l
Chloroform	7.0 ug/l	Trimethyl phosphate	2 ug/l
4 Chloro-2-methyl aniline	0.1 ug/l	Vinyl chloride	0.02 ug/l
4 Chloro-2-methyl aniline hydrochloride	0.2 ug/l		
o-Chloronitrobenzene	3 ug/l		
p-Chloronitrobenzene	5 ug/l		
Chlorthalonil	30 ug/l		
Diallate	1 ug/l		
DDT (includes DDE and DDD)	0.3 ug/l		
1,2 Dibromoethane	0.001 ug/l		
1,4 Dichlorobenzene	4 ug/l		
3,3' Dichlorobenzidine	0.2 ug/l		
1,1 Dichloroethane	1.0 ug/l		
1,2 Dichloroethane (ethylene chloride)	0.5 ug/l		
1,2 Dichloropropane	0.6 ug/l		
1,3 Dichloropropene	0.2 ug/l		
Dichlorvos	0.3 ug/l		
Dieldrin	0.005 ug/l		
3,3' Dimethoxybenzidine	6 ug/l		
3,3 Dimethylbenzidine	0.007 ug/l		
1,2 Dimethylhydrazine	60 ug/l		
2,4 Dinitrotoluene	0.1 ug/l		
2,6 Dinitrotoluene	0.1 ug/l		
1,4 Dioxane	0.000005ug/l		
1,2 Diphenylhydrazine	0.09 ug/l		
Direct Black 38	0.009 ug/l		
Direct Blue 6	0.009 ug/l		
Direct Brown 95	0.009 ug/l		
Epichlorohydrin	8 ug/l		
Ethyl acrylate	2 ug/l		
Ethylene dibromide	0.001 ug/l		
Ethylene thiourea	2 ug/l		
Folpet	20 ug/l		
Furazolidone	0.02 ug/l		
Furium	0.002 ug/l		
Furmecyclox	3 ug/l		
Heptachlor	0.02 ug/l		
Heptachlor Epoxide	0.009 ug/l		
Hexachlorobenzene	0.05 ug/l		
Hexachlorocyclohexane (alpha)	0.001 ug/l		
Hexachlorocyclohexane (technical)	0.05 ug/l		
Hexachlorodibenzo-p-dioxin, mix	0.00001 ug/l		
Hydrazine/Hydrazine sulfate	0.03 ug/l		
Lindane	0.06 ug/l		
2 Methoxy-5-nitroaniline	2 ug/l		
2 Methylaniline	0.2 ug/l		
2 Methylaniline hydrochloride	0.5 ug/l		
4,4' Methylene bis(N,N'-dimethyl) aniline	2 ug/l		
Methylene chloride (dichloromethane)	5 ug/l		
Mirex	0.05 ug/l		
Nitrofurazone	0.06 ug/l		
N-Nitrosodiethanolamine	0.03 ug/l		
N-Nitrosodiethylamine	0.0005 ug/l		
N-Nitrosodimethylamine	0.002 ug/l		
N-Nitrosodiphenylamine	17 ug/l		
N-Nitroso-di-n-propylamine	0.01 ug/l		
N-Nitrosopyrrolidine	0.04 ug/l		
		*metals are measured as total metals	

NEW SECTION

WAC 173-200-050 GROUND WATER QUALITY ENFORCEMENT LIMIT. (1) A ground water quality enforcement limit is a value assigned to any contaminant for the purposes of protecting existing ground water quality and preventing ground water pollution.

(2) Enforcement limits shall be defined on a case-by-case basis and shall be met at the point of compliance as defined in WAC 173-200-060. When the point of compliance is established at or in close proximity to the property boundary, enforcement limits shall be established sufficiently below criteria to provide an adequate margin of safety to ensure pollution does not extend beyond the property boundary.

(3) All enforcement limits shall, at a minimum, be based on all known, available, and reasonable methods of prevention, control, and treatment.

(a) Except as described in (b) of this subsection, the department shall consider all of the following in establishing enforcement limits:

- (i) The antidegradation policy;
- (ii) Establishment of an enforcement limit as near the natural ground water quality as practical;
- (iii) Overall protection of human health and the environment;
- (iv) Whether the potentially affected area has been designated as a special protection area;
- (v) Protection of existing and future beneficial uses;
- (vi) Effects of the presence of multiple chemicals, multiple exposure pathways in accordance with (e) of this subsection, and toxicity of individual contaminants;
- (vii) Local land use plans, policies, or ordinances including wellhead protection programs;
- (viii) Pollution of other media such as soils or surface waters; and
- (ix) Any other considerations the department deems pertinent.

(b) Where a criterion is established for a given contaminant, the enforcement limit shall not exceed the criterion except as follows:

(i) When the natural ground water quality for a contaminant exceeds the criterion, the enforcement limit for that contaminant shall be equal to the natural level.

(ii) When the background level of a contaminant that resulted from human-caused pollution exceed a criterion, the enforcement limit shall not exceed the background level. Enforcement limits based on elevated background levels resulting from human-caused pollution shall in no way be construed to allow continued pollution of the receiving ground water.

(iii) When the method detection limit is higher than the criterion, the enforcement limit shall be established to ensure the criterion shall not be exceeded in the ground water. Evaluation for such enforcement limits shall be performed in accordance with WAC 173-200-080(5).

(iv) Enforcement limits for naturally nonpotable ground water may exceed secondary contaminant criteria when it can be demonstrated to the department's satisfaction that:

- (A) Human health and the environment are protected;
- (B) Existing and future beneficial uses are not harmed; and
- (C) All known, available, and reasonable methods of prevention, control, and treatment will not result in concentrations less than the secondary contaminant criteria.

(v) Enforcement limits may exceed criteria in isolated artificial or seasonal ground waters when all of the following conditions exist:

(A) The isolated artificial or seasonal ground waters are of insufficient quantity for use as a drinking water source;

(B) Established enforcement limits will not cause harm to other existing and future beneficial uses including support of seasonal wetlands; and

(C) Accumulation of contaminants will not cause adverse acute or chronic effects to human health or the environment.

(vi) In rare circumstances the department may allow an enforcement limit to exceed a criterion for an activity for a period not to exceed five years without reconsideration of the evidence presented in subitems (A), (B), and (C) of this subdivision, and if all of the following conditions are met:

(A) The permit holder or responsible person demonstrates to the department's satisfaction that an enforcement limit that exceeds a criterion is necessary to provide greater benefit to the environment as a whole and to protect other media such as air, surface water, soil, or sediments;

(B) The activity has been demonstrated to be in the overriding public interest of human health and the environment;

(C) The department selects, from a variety of control technologies available for reducing and eliminating contamination from each potentially affected media, the technologies that minimize impacts to all affected media; and

(D) The action has been recommended by department staff and approved by the director of the department or his/her designee.

(vii) Enforcement limits for cleanup actions conducted under the Model Toxics Control Act (chapter 70.105D RCW) shall be established in accordance with chapter 173-340 WAC.

(4) Where a criterion is not established for an anthropogenic contaminant, the enforcement limit shall not exceed the practical quantification level except:

(a) Where there is clear and convincing evidence that a lower concentration would better protect human health and the environment (based on published health advisories and risk assessments), the department shall establish a more stringent enforcement limit;

(b) If clear and convincing evidence can be provided to the department that an alternative concentration will provide protection to human health and the environment, the department may establish an enforcement limit higher than the practical quantification level.

(5) For a contaminant that is not an anthropogenic contaminant and for which no criterion has been established, the enforcement limit shall be established based on the best available scientific knowledge including proposed state or federal maximum contaminant levels, maximum contaminant level goals, published health advisories, and risk assessments.

(6) For charges with multiple contaminants and multiple routes of exposure, enforcement limits shall be addressed as follows:

(a) Estimated doses of individual contaminants from one or more routes of exposure are assumed to be additive unless evidence is available to suggest otherwise.

(b) Adverse effects of multiple contaminants with similar types of toxic responses are assumed to be additive unless evidence is available to suggest otherwise.

(c) Human cancer risks associated with multiple carcinogens are assumed to be additive unless evidence is available to suggest otherwise and shall not exceed a total incremental human cancer risk of 1 in 1,000,000.

(7) The enforcement limit for a specific activity may be established through, but not limited to the following mechanisms: A state administrative rule, a state waste discharge permit, other department permit, or administrative order.

(8) The ground water quality at the point of compliance for an activity may temporarily exceed an enforcement limit while the activity is under an enforceable schedule of compliance.

NEW SECTION

WAC 173-200-060 POINT OF COMPLIANCE. (1) Compliance with the enforcement limits shall be maintained throughout the site from the uppermost level of the saturated zone extending vertically to the lowest depth that could potentially be affected by an activity.

(2) The point of compliance is the point or points where the ground water quality enforcement limit, set in accordance with WAC 173-200-050, shall be met.

(3) The department shall establish the point of compliance for an activity in the ground water as near the source as technically, hydrogeologically, and geographically feasible.

(4) An alternative point of compliance, established at a point some distance from the source up to but not exceeding the property boundary, may be approved by the department as follows:

(a) An alternative point of compliance may be approved in the following situations:

(i) When all known, available, and reasonable methods of prevention, control, and treatment result in an exceedance of the criteria at the point of compliance.

(ii) When a point of compliance is defined in another state administrative rule including, but not limited to, Minimum functional standards for solid waste handling (chapter 173-304 WAC), Dangerous waste regulations (chapter 173-303 WAC), and the Model Toxics Control Act - Cleanup regulations (chapter 173-340 WAC).

(b) In determining an alternative point of compliance, the department shall consider, at a minimum, the following factors:

(i) Effectiveness of all known, available, and reasonable methods of prevention, control, and treatment;

(ii) The contaminant volume, type, mobility, and characteristics;

(iii) Design and life span of the activity;

(iv) Existing and anticipated land and ground water uses; and

(v) Remedial options if an enforcement level is exceeded at the point of compliance.

(5) The department recognizes that evaluation of the impact of an activity at the designated point of compliance may be impractical, and the department may allow evaluation of that activity at some other point, in accordance with WAC 173-200-100 and 173-200-080(5).

NEW SECTION

WAC 173-200-070 EARLY WARNING VALUE. (1) The purpose of an early warning value is to prevent pollution by providing early detection of increasing contaminant concentrations that may approach or exceed enforcement limits.

(2) Whenever an enforcement limit is established above background ground water quality, an early warning value may be established, as appropriate.

(3) Early warning values shall be required when an alternative point of compliance is established and the enforcement limit is established at the background ground water quality in such a manner as to make detection of increasing contaminant concentrations reasonable.

(4) Early warning values shall be established as a percentage of the enforcement limits upon consideration by the department of factors including, but not limited to, the following:

(a) The enforcement limit relative to background ground water quality;

(b) The availability, reliability, and reasonableness of analytical methods;

(c) The chemical, physical, and biological characteristics of the contaminants;

(d) The reliability of all known, available and reasonable methods of prevention, control, and treatment;

(e) The anticipated increases in contaminant levels at the point of compliance; and

(f) The potential harm to existing and future beneficial uses.

(5) It shall not be considered a violation of these rules when contaminants are detected in concentrations exceeding an early warning value, but not exceeding an enforcement limit, unless there is failure to notify the department or respond as required in accordance with subsection (6) of this section.

(6) The following procedures apply when a contaminant is detected at a point of compliance or an alternative point of compliance and an early warning value is attained or exceeded.

(a) The permit holder or responsible person shall notify the department, in writing, within ten calendar days from detection of the early warning value, that the early warning value has been attained or exceeded. The notification shall contain, at a minimum, the following information:

(i) The concentrations of contaminants that attained or exceeded early warning values;

(ii) Concentrations of other contaminants monitored;

(iii) The location(s) and date(s) sampled; and

(iv) Concentrations of contaminants determined during previous sampling events.

(b) When notification is received, the department may require the permit holder or responsible person to perform one or more of the following:

(i) Take no action.

(ii) Resample to verify results.

(iii) Increase monitoring or modify the monitoring plan or evaluation procedures.

(iv) Develop and implement a trend analysis to determine the likelihood of exceeding the enforcement limit.

(v) Prepare and submit a report documenting the changes in ground water quality and discuss and propose alternative methods of operation that will reduce impacts to ground water.

(vi) Take such actions as the department deems necessary, if the department determines that there is a likelihood of exceeding an enforcement limit at the point of compliance.

NEW SECTION

WAC 173-200-080 EVALUATION. (1) The purpose of this section is to establish minimum requirements for evaluating the impacts of an activity on the ground water quality, determine compliance with this chapter, and prevent pollution by early detection of contaminants.

(2) At the department's request a permit holder or responsible person shall prepare and submit for departmental approval a ground water quality evaluation program for its activity, if the department determines a potential to pollute the ground water exists. Each evaluation program shall be based on soil and hydrogeologic characteristics and be capable of assessing impacts on ground water at the point of compliance.

(3) A ground water evaluation program established by the department may include, but not be limited to, any of the following:

- (a) Ground water monitoring for a specific activity;
- (b) Ground water monitoring at selected sites for a group of activities;
- (c) Monitoring of the vadose zone;
- (d) Evaluation and monitoring of effluent quality;
- (e) Evaluation within a treatment process;
- (f) Evaluation of management practices.

(4) In the evaluation program the permit holder or responsible person shall include information on the following:

- (a) The chemical, physical, and biological characteristics of the contaminants;
- (b) The availability and adequacy of analytical methods;
- (c) The complexity and capability of assessing the hydrogeologic system;
- (d) The reliability of all known, available, and reasonable methods of prevention, control, and treatment;
- (e) The location of the point or points of compliance or alternative point of compliance; and
- (f) Such other information that the department deems necessary.

(5) When it is impractical to evaluate the impact of an activity at the designated point of compliance, for example when the method detection limit exceeds a criterion, evaluation shall be designed to provide a reasonable estimate of conditions in the ground water at a point of compliance.

(6) These evaluation requirements pertain to activities that are not already covered by state regulation which have specific monitoring requirements such as chapter 173-303 WAC, Dangerous waste regulations, chapter 173-304 WAC, Minimum functional standards for solid waste handling, and chapter 173-340 WAC, the Model Toxics Control Act - cleanup regulations.

(7) For those activities for which the department has not issued permits and that have the potential to pollute the ground water, evaluation shall be conducted according to the following:

- (a) Evaluation procedures shall be included in department guidelines, policies, and best management practices to ensure an activity is in compliance with the ground water quality standards;
- (b) For those activities regulated by other agencies but not regulated by department rule, the department will pursue evaluation of the activity through a memorandum of understanding with the regulating agency.

NEW SECTION

WAC 173-200-090 SPECIAL PROTECTION AREAS. (1) The purpose of a special protection area is to identify and designate ground waters that require special consideration or increased protection because of one or more unique characteristics.

(2) The unique characteristics of a special protection area shall be considered by the department when regulating activities, developing regulations, guidelines, and policies, and when prioritizing department resources for ground water quality protection programs.

(3) The characteristics to guide designation of a special protection area shall include, but not be limited to, the following:

(a) Ground waters that support a beneficial use or an ecological system requiring more stringent criteria than drinking water;

(b) Ground waters, including, but not limited to, recharge areas and wellhead protection areas, that are vulnerable to pollution because of hydrogeologic characteristics; and

(c) Sole source aquifer status by federal designation.

(4) Special protection areas may be proposed for designation at any time by the department upon its own initiative or at the request of another state agency or local government.

(a) The requestor of designation shall provide sufficient information for the department to determine if the proposed designation is in the best interest of the public. This information shall include, but not be limited to:

- (i) A rationale for the proposed designation;
- (ii) Supporting data for the proposed designation;
- (iii) A description of the proposed area including geographic and hydrologic boundaries;
- (iv) Documentation of coordination with affected state and local agencies, tribes, and water user groups; and
- (v) Such other information as the department deems necessary.

(b) In coordination with the department, the initiator of the request for designation shall hold at least one public meeting and take written comment for the purpose of receiving comments from the public, affected local, state and federal agencies, tribes, and other persons. Documentation of the public review process and comments received shall be submitted to the department.

(c) The department shall review the request for designation, provide written notification to all affected local, state and federal governments, and tribes, and hold at least one public hearing within the county or counties containing the proposed special protection area.

(5) The department shall designate said ground waters as a special protection area if the department determines:

- (a) The special protection area contains one or more of the characteristics described in subsection (2) of this section; and
- (b) Such a designation is in the public interest.

NEW SECTION

WAC 173-200-100 IMPLEMENTATION AND ENFORCEMENT. (1) The requirements of this chapter shall be met for all ground waters to meet the requirements of this chapter at all places and at all times.

(2) No person shall engage in any activity that violates or causes the violation of this chapter.

(3) This chapter shall be enforced through all legal, equitable, and other methods available to the department including, but not limited to: Issuance of state waste discharge permits, other departmental permits, regulatory orders, court actions, review and approval of plans and specifications, evaluation of compliance with all known, available, and reasonable methods of prevention, control, and treatment of a waste prior to discharge, and pursuit of memoranda of understanding between the department and other regulatory agencies.

(4) Permits issued or reissued by the department shall be conditioned in such a manner as to authorize only activities that will not cause violations of this chapter.

(a) Any applicant for any departmental permit shall evaluate the potential impact of its proposed activity on the ground water quality.

(b) For reissued permits, the permit holder shall evaluate the impacts of its activities on ground water quality, and, if necessary to achieve compliance with ground water quality enforcement limits determine a department approved schedule of compliance.

(5) For permit holders in compliance with the terms and conditions of a department permit and whose activity violates this chapter, the department is electing, from among the enforcement mechanisms available to it for the enforcement of WAC 173-200-040 and 173-200-050, to precede any civil or criminal penalty with a compliance order or permit modification.

(6) The department shall pursue memoranda of understanding with other state agencies to develop policies and rules that will require all known, available, and reasonable methods of prevention, control, and treatment to achieve compliance with this chapter. Departmental orders, memoranda of understanding, and best management practices shall be modified by the department whenever an activity authorized by such orders or BMPs or pursuant to such memoranda of understanding violates this chapter.

(7) The department shall pursue memoranda of understanding with other state agencies, federal agencies, and tribal authorities to coordinate ground water management activities.

(8) For persons whose activity violates this chapter but is in compliance with best management practices adopted by rule in chapter 248-96 WAC, WAC 173-304-300(4), RCW 15.58.150 (2)(c), WAC 16-228-180(1), or 16-228-185, the department is electing, from among the enforcement mechanisms available to it for the enforcement of WAC 173-200-040 and 173-200-050, to precede any civil or criminal penalty with a compliance order.

(9) When a distinction cannot be made among ground water, surface water, or sediments the applicable standard shall depend on which beneficial use is or could be adversely affected. If beneficial uses of more than one resource are affected, the most restrictive standard shall apply.

(10) The department shall give due consideration to the precision and accuracy of sampling and analytical methods used when determining compliance with this chapter.

(11) The analytical testing methods for determining compliance with this chapter shall be approved in writing by the department prior to the performance of analyses.

WSR 90-11-075

**NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE**

[Memorandum—May 16, 1990]

Board of Trustees Agenda
Thursday, May 17, 1990
Lynnwood Hall, Room 424
3:00 p.m.— 5:25 p.m.

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and brailled or taped information for blind individuals will be provided upon request when adequate notice is given.

WSR 90-11-076

**NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE**

[Memorandum—May 3, 1990]

BOARD OF TRUSTEES
Regular Meeting Schedule
1990-91

DATE	TIME
Thursday, July 26, 1990	3:00 p.m.
Thursday, September 6, 1990	3:00 p.m.
Tuesday, October 9, 1990	3:00 p.m.
Thursday, November 1, 1990	3:00 p.m.
Thursday, December 6, 1990	3:00 p.m.
Thursday, January 10, 1991	3:00 p.m.
Thursday, February 7, 1991	3:00 p.m.
Thursday, March 7, 1991	3:00 p.m.
Thursday, April 4, 1991	3:00 p.m.
Thursday, May 2, 1991	3:00 p.m.
Thursday, June 6, 1991	3:00 p.m.

**WSR 90-11-077
PERMANENT RULES
YAKIMA VALLEY
COMMUNITY COLLEGE**
[Filed May 16, 1990, 2:22 p.m.]

Date of Adoption: May 3, 1990.

Purpose: To regulate use of campus facilities, and, specifically, to regulate use of alcohol on campus.

Citation of Existing Rules Affected by this Order: Amending WAC 132P-136-040.

Statutory Authority for Adoption: RCW 28B.50.140 (1)(7).

Pursuant to notice filed as WSR 90-07-058 on April 4, 1990 [March 20, 1990].

Effective Date of Rule: Thirty-one days after filing.

May 14, 1990
Lani-Kai Swanhart
Assistant Attorney General

AMENDATORY SECTION (Amending Order 72-2, filed 12/4/72)

WAC 132P-136-040 REGULATIONS. (1) Custodians shall be present at all times when college facilities are used unless special arrangements have been made. The custodian's duties normally include the operation of lights, heat, ventilation, and such duties incidental to maintaining order the preventing persons from entering unauthorized parts of the building. When necessary in the larger buildings, a fireman shall be on duty. Other custodians in the building with regularly assigned cleaning areas are not to be considered as available for these duties.

(2) Elaborate decorations or adjustments in space should not be expected or planned by groups using buildings or grounds.

(3) The college does not have pianos located where they are readily available. Renting groups should not expect the college to move these pianos without charges for tuning and cost if damaged in moving. (A charge of \$25 will be made if a piano is moved.)

(4) Disorderly conduct ((or the use of intoxicants)) shall be prohibited within the college. Applicants must assume responsibility for compliance with these rules and for any damage which may be done to the property.

(5) Where partisan political meetings are requested, or discussions of initiatives, referendums, or other pending legislation, it is expected that such requests will be made by the county central committee of the party or by nonpartisan candidates. Such requests should come only during periods of political action of general interest to the public in Yakima.

(6) Improvement organizations, community clubs, service organizations and other such organizations shall meet all of the requirements and costs as stated.

(7) The advisor of any Yakima Valley College group of students may request the use of buildings or equipment to be placed under his charge for any student group functions or entertainment. Such events will be free of rental.

(8) The use of intoxicants shall be prohibited on campus unless expressly authorized by the college.

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 90-11-078**PERMANENT RULES****WASHINGTON STATE UNIVERSITY**

[Order 90-1—Filed May 16, 1990, 2:27 p.m., effective July 1, 1990]

Date of Adoption: March 30, 1990.

Purpose: These rules are adopted to change parking regulations for Washington State University, Pullman campus. These rules replace chapter 504-17 WAC.

Citation of Existing Rules Affected by this Order:
Repealing WAC 504-17-010, 504-17-020, 504-17-030, 504-17-040, 504-17-050, 504-17-060, 504-17-070, 504-17-080, 504-17-090, 504-17-100, 504-17-110, 504-17-120, 504-17-130, 504-17-140, 504-17-150, 504-17-160, 504-17-170, 504-17-180, 504-17-185, 504-17-195, 504-17-200, 504-17-215, 504-17-220, 504-17-235, 504-17-240, 504-17-250, 504-17-900, 504-17-910 and 504-17-930.

Statutory Authority for Adoption: RCW 28B.30.125, 28B.30.150, 28B.10.560 and chapter 34.05 RCW.

Pursuant to notice filed as WSR 90-05-060 on February 21, 1990.

Effective Date of Rule: July 1, 1990.

April 2, 1990

Samuel H. Smith
President

Chapter 504-15 WAC
CAMPUS TRAFFIC AND PARKING REGULATIONS

WAC**PART I: INTRODUCTION**

504-15-010	Authorization.
504-15-020	Purposes of regulations.
504-15-030	Knowledge of parking regulations.
504-15-040	Applicable parking and traffic laws and regulations.
504-15-050	Emergencies.
504-15-060	Advisory and governing bodies.
504-15-080	Severability.
504-15-100	Definitions.

PART II: ENFORCEMENT

504-15-200	Enforcement authority.
504-15-210	Times of enforcement.
504-15-220	Signed and marked areas.
504-15-250	Motorcycles, mopeds, and bicycles.
504-15-300	Responsibility for citations.
504-15-350	Use of areas for emergency, maintenance, or special needs.
504-15-360	Liability.

PART III: PARKING PERMITS

504-15-410	Issuance and use of permits.
504-15-420	Consent to withholding of fines.
504-15-430	Change in residence or license plates.
504-15-440	Term of permit—Transfer of permit.

504-15-450	Replacement permits, indicators, and gate cards.
504-15-460	False information.
504-15-470	Recall of permits and gate cards.
504-15-510	Permits—General.
504-15-520	Permits—Form and display.
504-15-540	Zone permits—Availability and use.
504-15-560	Other permits—Availability and use.
504-15-580	Special indicator decals/hangers.
504-15-600	Handicapped permits.
504-15-650	Permit fees.
504-15-750	WSU/UI reciprocal agreement.

PART IV: FINES, SANCTIONS, AND APPEALS

504-15-810	Violations, fines, and sanctions.
504-15-830	Other violations and sanctions.
504-15-860	Appeals procedure.

PART V: TRAFFIC RULES

504-15-900	Speed limits.
504-15-920	Closed and restricted areas.
504-15-940	Pedestrians.

PART I: INTRODUCTION**NEW SECTION**

WAC 504-15-010 **AUTHORIZATION.** Pursuant to the authority granted by RCW 28B.30.125, 28B.30.150, 28B.10.560, and chapter 34.05 RCW, the board of regents of Washington State University establishes the following regulations to govern parking and traffic on campus.

NEW SECTION

WAC 504-15-020 **PURPOSES OF REGULATIONS.** The purposes of these regulations are to:

- (1) Expedite university business and provide maximum safety and convenience;
- (2) Regulate parking, with priority given to:
 - (a) Services of the university;
 - (b) Persons who need vehicles in connection with their work; and
 - (c) Staff and students who need private vehicles because of a disability or other approved reason; and
- (3) Provide and maintain suitable campus parking and traffic facilities.

NEW SECTION

WAC 504-15-030 **KNOWLEDGE OF PARKING REGULATIONS.** It is the responsibility of all individuals parking on the campus to read and fully understand these regulations. Lack of knowledge of these regulations will not be accepted as grounds for dismissal of citations.

NEW SECTION

WAC 504-15-040 **APPLICABLE PARKING AND TRAFFIC LAWS AND REGULATIONS.** The following regulations apply upon state lands owned and/or controlled by Washington State University—Pullman:

- (1) The motor vehicle and other traffic laws of the state of Washington (Revised Code of Washington);

(2) The Washington State University parking and traffic regulations.

NEW SECTION

WAC 504-15-050 EMERGENCIES. The president of Washington State University shall have authority to suspend, modify, or repeal any or all provisions in this chapter in the event of an emergency, disaster, or other like contingency. Such action shall be limited in duration and scope to meeting the dangers of the contingency.

NEW SECTION

WAC 504-15-060 ADVISORY AND GOVERNING BODIES. (1) The traffic control subcommittee of the university planning committee. This subcommittee:

- (a) Makes recommendations on regulations governing campus traffic and parking control;
- (b) Reviews the administration and enforcement of traffic and parking regulations;
- (c) Makes recommendations for physical improvements in parking facilities;
- (d) Consults, where appropriate, with Pullman authorities on traffic matters;
- (e) Coordinates campus traffic planning with the work of the university planning committee; and
- (f) Reviews alternative modes of transportation.

(2) The parking appeals committee. This presidential standing committee has members representing faculty, staff, and students. The committee:

- (a) Establishes and maintains an appeals procedure for parking violations on campus;
- (b) Hears appeals as requested and renders decisions; and
- (c) Informs parking services of recurring problems related to the enforcement of parking rules and regulations.

(3) Washington State University parking and police services. These departments are responsible for the cooperative administration and enforcement of these regulations. This responsibility also involves recommending the installation of appropriate traffic and parking signs, maintaining a registration record system, issuing permits, patrolling the university campus, and keeping a record of the violations, warnings, court summonses, and arrests.

NEW SECTION

WAC 504-15-080 SEVERABILITY. If any provision of this chapter, chapter 504-15 WAC, or its application to any person or circumstance is held invalid, the remainder of the chapter or its application to other persons or circumstances is unaffected.

NEW SECTION

WAC 504-15-100 DEFINITIONS. The definitions in this section are applicable within the context of these regulations.

(1) Campus. Describes all property owned, leased, and/or controlled by Washington State University in

Pullman which is or may hereafter be dedicated mainly to the educational, research, housing, recreational, parking, or other activities of Washington State University.

(2) Commuter student. Any student who does not live in a residence hall (dormitory). All students living in fraternities, sororities, university housing (other than residence halls), and private housing are considered to be commuter students.

(3) Dormitory. See residence hall.

(4) Gate card. A plastic card that activates the gates controlling access to certain parking areas.

(5) Handicap zone. A parking zone identified with a sign bearing the international handicap symbol that is restricted at all times to use by vehicles bearing a valid WSU handicap parking permit or indicator.

(6) Holiday or university holiday. A day when all university facilities are generally closed (e.g., Thanksgiving Day, Christmas Day, New Year's Day). Vacation days are not considered holidays. See definition of vacation.

(7) Housing area. Housing units or apartments, and their respective parking areas, that are owned by the university, but are not included as residence halls.

(8) Illegal use of permit. A parking violation in which a citation is issued under the following circumstances:

(a) Use of a legal permit/indicator on the wrong vehicle.

(b) Use of a counterfeit permit/indicator.

(c) Use of a permit/indicator obtained under false pretenses.

(d) Use of a modified permit/indicator.

(e) Use and/or retention of a resident priority permit/indicator by an unauthorized person.

(f) Use of a visitor permit by a person who is not a visitor. See definition of visitor.

(g) Use of a University of Idaho parking permit by WSU faculty, staff, or students.

(9) Indicator. A decal displayed adjacent to a parking permit which more clearly defines the parking areas available to a permit holder.

(10) Loading zone. A loading dock, or an area signed "loading zone" adjacent to a facility, in a parking area, or near a residence hall. Such an area is intended for loading and unloading bulky or voluminous material. Loading zones are restricted at all times.

(11) Moped. Any two-wheeled or three-wheeled motor vehicle with an engine displacement of 50 cc or less.

(12) Motorcycle. Any two-wheeled or three-wheeled motor vehicle with an engine displacement greater than 50 cc.

(13) Motor vehicle. All motor-driven conveyances except wheelchairs.

(14) No parking zone. Any area not specifically marked and/or signed for parking. Such areas include, but are not limited to areas with adjacent curbs or rails painted yellow or red.

(15) Park/parking. This refers to the placement or standing of a vehicle, with or without a driver in attendance, and with or without the engine running.

(16) Parking permit. A vinyl, plastic, or paper instrument sanctioned by parking services that is displayed from a vehicle, and authorizes parking in specified areas.

(17) Resident student. A student living in a residence hall.

(18) Residence hall. The following living units are considered residence halls: Streit Hall, Perham Hall, Regents Hall, Scott Hall, Coman Hall, Wilmer Hall, Davis Hall, Duncan-Dunn Hall, Community Hall, Stevens Hall, McCroskey Hall, Gannon Hall, Goldsworthy Hall, McEachern Hall, Orton Hall, Rogers Hall, Stephenson Complex, Stimson Hall, Waller Hall, and Kruegel McAllister Hall.

(19) Service vehicle. A vehicle used to provide a service for the university or a tenant or contractor of the university (e.g., a university-owned vehicle or a privately-owned vehicle with a valid service permit displayed).

(20) Service zone. Parking spaces designated for the use of university vehicles, other government-owned vehicles, and vehicles displaying a service indicator or commercial permit. Authorized vehicles may park in these zones for a maximum of fifteen minutes, except for vehicles that display a commercial permit, or a service indicator issued for an extended time. Service zones are restricted at all times.

(21) Resident priority zone. A parking area close to a residence hall. Parking in these areas is assigned to resident students by residence life personnel, and/or residence hall officers.

(22) Staff. For the purposes of these regulations, "staff" includes all faculty, classified staff, administrative and professional employees, temporary employees, and other support personnel employed by the university, and the personnel of other activities located on campus. Teaching assistants, research assistants, and other students employed by the university are not "staff."

(23) Student. Any person who has been admitted to the university, and who is either attending classes, or actively pursuing a degree or certificate.

(24) Summer session. The summer session includes all summer school sessions beginning on the first day of the earliest session, and ending on the last day of the latest session.

(25) University holiday. See holiday.

(26) Vacation. A period of time when classes or final exams are not in session. Except for holidays that fall within this period, the business offices of the university are open during this time.

(27) Vehicle. See motor vehicle.

(28) Visitors. Persons who are not staff or students and who only visit the campus on an occasional basis.

(29) Wheel lock. A device used to temporarily immobilize a vehicle (i.e., on-the-spot impoundment).

PART II: ENFORCEMENT

NEW SECTION

WAC 504-15-200 ENFORCEMENT AUTHORITY. Parking services is charged with the impartial enforcement of these regulations. Enforcement personnel have authority to issue parking citations, to impound vehicles, and to control access to areas.

NEW SECTION

WAC 504-15-210 TIMES OF ENFORCEMENT. Parking regulations are subject to enforcement at all times.

(1) Permit areas: All parking zones are limited to authorized permit holders during specific hours. These hours are posted in each parking zone either at the entrance to parking areas, or along roadways where parking is marked. Restricted spaces are enforced at all times. See subsection (4) of this section, Special conditions.

(2) Restricted spaces: These spaces are restricted for their designated purpose at all times (twenty-four hours a day, seven days a week):

- (a) Handicapped.
- (b) Gray zones (resident priority areas).
- (c) Load/unload.
- (d) Service.
- (e) Reserved.
- (f) Reserved (bagged) meters.
- (g) Specially signed areas.
- (h) Housing areas.

(3) Metered spaces: Parking meters are in effect during the times posted on each meter. During these times the meter must be paid the posted amount. Additional time cannot be purchased beyond the meter's posted time limit (e.g., a two-hour meter will allow a maximum of two hours to be purchased at one time).

(4) Special conditions: The parking regulations are enforced every day, twenty-four hours a day. However, during the following periods special conditions exist, and the regulations are modified.

(a) During the following times, permits are not required in blue and gray zones:

- (i) At the start of each semester from Monday of registration week through the sixth day of class.
- (ii) During vacation periods and between semesters.
- (iii) During finals week.

(b) During the summer session, gray zones are open to all valid WSU parking permits, except housing permits.

(c) During the following times, housing permits are not required in housing areas:

- (i) At the start of each semester from Monday of registration week through the sixth day of class.
- (ii) During finals week.

(d) During the period when the university is officially on summer business hours, all metered spaces and permit areas which are not restricted will be open parking after 4:00 p.m. This period varies from year to year, and does not include periods when individual departments change their business hours outside the university's official summer business hours.

NEW SECTION

WAC 504-15-220 SIGNED AND MARKED AREAS. (1) Parking on campus is permitted only in the marked and/or signed spaces in areas and on streets. All other areas outside these designated areas are "no parking zones." Each parking area has signs or markings to indicate the type of permit or permits required, and the times they are required.

(2) Individual parking spaces are marked, and no vehicle may be parked so as to occupy any portion of more than one parking space. The fact that other vehicles were parked in a manner requiring a vehicle to occupy a portion of more than one space shall not constitute an excuse for a violation of this rule.

(3) Standing (the stopping of a vehicle with the driver remaining in it) is permitted in marked parking spaces, except metered spaces and restricted spaces, even though the vehicle does not have a valid parking permit. Double parking while "standing" is not permitted.

(4) Should there be a conflict between these regulations, map designation, and on-site signs regarding parking instructions, the on-site sign takes precedence.

(5) Permit areas and restricted spaces are not always signed individually.

NEW SECTION

WAC 504-15-250 MOTORCYCLES, MOPEDS, AND BICYCLES. (1) The general traffic regulations applicable to motor vehicles apply equally to motorcycles, mopeds, and bicycles. Motorcycles or mopeds may not be driven on sidewalks or in the mall area. Bicycles may be used on sidewalks, though pedestrians always have the right of way. Owners of motorcycles and mopeds are responsible for all violations including violations issued even if said vehicle is moved by someone else after being legally parked.

(2) The university classifies mopeds and motorcycles by engine displacement (also referred to as engine size). This definition applies only to parking at the university and does not replace or supersede the definitions established by the state of Washington for licensing or traffic purposes.

(3) Mopeds: Mopeds may park only in the following locations with a valid moped permit:

(a) A designated moped parking area marked by signs and/or the letters "MP" on the parking surface.

(b) A bicycle rack unless the rack is signed to exclude mopeds.

Mopeds may not park in marked motorcycle areas at any time.

(4) Motorcycles: Motorcycles may park only in spaces which are marked by signs, or the letter "M" painted on the parking surface. Motorcycles must display a valid WSU motorcycle permit. Motorcycles may not park in designated moped areas at any time.

NEW SECTION

WAC 504-15-300 RESPONSIBILITY FOR CITATIONS. (1) Each permit registrant shall be responsible for parking citations on vehicles:

(a) Registered with parking services; and/or

(b) Displaying the registrant's permit.

(2) Owners of vehicles will be held primarily liable for citations.

NEW SECTION

WAC 504-15-350 USE OF AREAS FOR EMERGENCY, MAINTENANCE, OR SPECIAL NEEDS. The university reserves the right to close any campus

parking area at any time it is deemed necessary for maintenance, safety, or to meet special needs. Parking services will provide notice to users when possible.

Public safety and maintenance personnel performing official duties may deviate from these regulations as required to conduct emergency procedures and/or maintenance activities prescribed by the university.

NEW SECTION

WAC 504-15-360 LIABILITY. The university assumes no responsibility for the care and protection of any vehicle or its contents at any time the vehicle is on university property.

PART III: PARKING PERMITS

NEW SECTION

WAC 504-15-410 ISSUANCE AND USE OF PERMITS. Parking permits are available at parking services, located in the safety building, upon application and the payment of the appropriate fees. The applicant will receive a parking permit and/or indicator which specifies parking area(s) where the vehicle may be parked.

Temporary parking permits may be obtained from police services when the parking services office is closed.

Housing area parking permits are issued by the respective apartment housing offices.

NEW SECTION

WAC 504-15-420 CONSENT TO WITHHOLDING OF FINES. All permit applications shall provide that the university may withhold unpaid fines from any sums owed the permit holder and to treat the same as a debt.

NEW SECTION

WAC 504-15-430 CHANGE IN RESIDENCE OR LICENSE PLATES. Permit holders changing residence or license plates after initial application must contact parking services and complete the necessary forms. Failure to do so may result in continued responsibility for citations issued to the old license plate and a loss of parking privileges.

NEW SECTION

WAC 504-15-440 TERM OF PERMIT—TRANSFER OF PERMIT. Permits are valid up to and including the expiration date on the permit.

The ownership of permits is generally not transferrable, but exceptions can be made by parking services provided that the:

(1) Person relinquishing ownership and the eligible purchaser appear in person at parking services when requesting such a transfer;

(2) Former owner relinquishes all ownership or claim to the permit, and pays all outstanding fines; and

(3) New owner completes a new application form for the permit.

If a replacement permit is requested, the old permit must be removed and presented to parking services to be eligible for a replacement or a refund.

NEW SECTION

WAC 504-15-450 REPLACEMENT PERMITS, INDICATORS, AND GATE CARDS. (1) Sold or traded vehicles. Failure to advise parking services of a sale or trade for registration purposes may result in continued responsibility to the permit holder for citations received on that permit.

The permit holder has responsibility for removing parking permits prior to selling or trading a vehicle. The identifiable remnants of the original permit must be presented to parking services to receive a free replacement. Persons failing to comply with this requirement shall pay the cost of a new permit.

(2) Lost/stolen permits. Permit holders are responsible for the security of their permits. The theft or loss of a parking permit should be reported to parking services immediately upon discovery. A stolen permit will be replaced once at no cost, but only if a theft report of the permit has been filed in the appropriate police jurisdiction. The second time the permit is reported stolen, the replacement fee will be ten dollars; the third time, twenty dollars; and thereafter, the original cost of the stolen permit. A lost permit will be replaced once for ten dollars; the second time, twenty dollars; and thereafter at the original cost of the permit. Lost, or stolen permits must be returned to the parking services office immediately if recovered.

(3) Windshield replacements. When a permit-bearing windshield is replaced, the permit replacement fee will be waived if proof of replacement is presented.

(4) Gate card replacement. A lost, stolen, or damaged gate card will be replaced for five dollars.

NEW SECTION

WAC 504-15-460 FALSE INFORMATION. No person shall obtain, attempt to obtain, or use in a manner contrary to these regulations, a modified, stolen, lost, or counterfeit parking permit or a permit issued upon false information. A violation of this section includes giving a false name, address, Social Security number, and/or other information known to be false. It also includes the use of a visitor, conference, and commercial permit by staff or students. Violation of this provision shall constitute the illegal use of a parking permit, and will be subject to citation and fine.

NEW SECTION

WAC 504-15-470 RECALL OF PERMITS AND GATE CARDS. Parking permits are the property of the university and may be recalled by the parking manager when:

- (1) The purpose for which the permit or gate card was issued changes or no longer exists;
- (2) A permit or gate card is used on an unauthorized vehicle or by an unauthorized person;
- (3) A parking permit application is falsified;

(4) A counterfeit, modified, lost/stolen permit or gate card is used; or

(5) The parking fee is unpaid.

NEW SECTION

WAC 504-15-510 PERMITS—GENERAL. The university will issue permits for designated areas of the campus. Any vehicle parked on university property, other than a pay area or metered space must clearly display a current university permit for a given area during the posted hours when permits are required.

NEW SECTION

WAC 504-15-520 PERMITS—FORM AND DISPLAY. All permits must be displayed in the approved position on the vehicle with permit numbers visible. Permits not displayed in accordance with the provisions of this section are not valid, and vehicles displaying them improperly are subject to citation.

(1) Autos and trucks:

(a) Hanging permits, both annual and temporary, must be displayed hanging from the rear-view mirror post.

(b) Transferable cards and affixed decals must be displayed on the front windshield at the lower left corner (driver's side). Decals must be mounted completely by means of their own adhesive (not by tape).

(2) Motorcycles and mopeds: Motorcycle and moped permits must be mounted completely by means of their own adhesive and prominently displayed on the left rear side of the vehicle or on top of the rear tail light.

NEW SECTION

WAC 504-15-540 ZONE PERMITS—AVAILABILITY AND USE. The management and assignment of parking zones is designed to provide a reliable parking space to permit holders. However, uncontrolled access to parking areas and unexpected parking demand make it impossible to guarantee a parking space in a permit holder's assigned zone. Every effort will be made via surveys and limits on permit sales, to ensure that permit holders are not displaced from their assigned zones. The only exception to this will be that the sale of blue permits will not be limited.

Staff and students are generally assigned to specific parking areas, called zones. Parking zones are color-coded with respect to their price and numbered with respect to the specific parking area assignment of each permit holder. Permit holders may park in their assigned zone as reflected by the combination of color and number on their permit and corresponding sign, or they may park in other zones as described below.

(1) Orange permits: Orange permit holders may park in their numerically assigned orange zone, or in any green, yellow, red, or blue zone. These permits may be available on a temporary basis during the summer session.

(2) Green permits: Green permit holders may park in their numerically assigned green zone, or in any yellow, red, or blue zone. These permits may be available on a temporary basis during the summer session.

(3) Yellow permits: Yellow permit holders may park in their numerically assigned yellow zone, or in any red or blue zone. These permits may be available on a temporary basis.

(4) Red permits: Red permit holders may park in any red or blue zones. These permits may be available on a temporary basis.

(5) Gray permits (resident priority parking): Gray permit holders may park in their numerically assigned gray zone, or in any blue zone. These permits may be available on a temporary basis.

(6) Blue permits (peripheral parking): Blue permit holders may park in any blue zone. These permits are available on a temporary basis.

NEW SECTION

WAC 504-15-560 OTHER PERMITS—AVAILABILITY AND USE. (1) Visitor permits: Visitor permits are available on an annual or daily basis to visitors of the university. Annual visitor permits are valid in green, yellow, red and blue zones, and parking spaces signed for visitors only. Daily visitor permits may be assigned to specific zones on a space-available basis. If a parking zone is not specified on the permit, it is valid in the same parking areas as an annual visitor permit. Visitor permits are not valid in orange zones, meters, or restricted spaces.

(2) Golden cougar permits: Golden cougar permits are special visitor permits that are issued to retired faculty and staff free of charge. They are issued on an annual basis and are valid in green, yellow, red, blue zones, and visitor-only parking spaces. Faculty and staff who remain regularly employed by the university after formal retirement are not eligible to use a golden cougar permit in lieu of a regular paid permit.

(3) President's associates decals: President's associate decals are issued to eligible members of WSU foundation. They are valid in green, yellow, red, blue zones, and visitor-only parking spaces. However, WSU faculty, staff, and students may not use a president's associates decal in lieu of a paid zone permit.

(4) Conference permits: Conference permits are available to visitors who participate in conferences held on the university campus. They are available on a daily basis only. Conference permits may be assigned to specific zones on a space-available basis. If a parking zone is not specified on the permit, it is valid in green, yellow, red, blue zones, and visitor-only parking spaces. Conference permits are not valid in orange zones, meters, or restricted spaces.

(5) Motorcycle permits: Motorcycle permits are valid within boundaries of areas specifically posted and/or marked for motorcycle permits. Motorcycle permits are available on an annual basis.

(6) Moped permits: Moped permits are valid within boundaries of areas specifically posted and/or marked for moped permits. Moped permits are available on an annual basis.

(7) Commercial permits: Commercial permits are issued to vendors, suppliers, and service representatives of outside companies performing a service for the university. Commercial permits are available on an annual or

daily basis. Annual commercial permits are valid in service zones, and green, yellow, red and blue zones, and parking spaces signed for visitors only. Daily commercial permits may be assigned to specific zones on a space-available basis. If a parking zone is not specified on the permit, it is valid in the same parking areas as an annual commercial permit. Commercial permits are not valid in orange zones, meters, or other restricted spaces.

(8) Construction permits: A construction permit is issued to personnel who are working on a construction or remodel site on campus. Construction permits are available on a temporary basis only, and are assigned to a specific parking area.

(9) Housing permits: A housing permit is issued to eligible residents of university apartments. Housing permits are valid only in specific housing parking areas.

(10) Carpool: Bona fide carpools with four or more participants will be given preference in the assignment of parking zones, and will be issued a permit instrument that will facilitate the carpool. This includes access to no more than two zones of the same fee level. If the carpool requires access to zones of various fee rates, the highest fee rate will be charged for use of the carpool permit. Obtaining or using a carpool permit under false pretenses constitutes the illegal use of a permit.

NEW SECTION

WAC 504-15-580 SPECIAL INDICATOR DECALS/HANGERS. Special indicator decals or hangers may be issued to staff and student permit holders who have otherwise valid parking permits in the following cases:

(1) Service indicator decals/hangers which are valid for a maximum of fifteen minutes in a marked service zone. A separate mall service indicator allows a maximum of fifteen-minute parking in the pedestrian mall. These are available to staff or students who must use a private vehicle for university business. They are issued on an annual or daily basis after the approval of the parking manager or his/her designee.

(2) Resident priority indicator decals/hangers which are valid for a specific parking area within the gray parking zones. These are issued to eligible resident students who have been assigned to priority parking.

(3) Night parking indicator decals/hangers which are valid in parking zones up to thirty minutes after the permit times begin, and thirty minutes before the permit times end. For example, if permits are required in a parking zone from 7:00 a.m. to 5:00 p.m., the night parking indicator is valid in that zone from 4:30 p.m. until 7:30 a.m. Night parking indicators are not valid at any time in gray zones, meter spaces, restricted spaces, or parking zones that require a parking permit at all times.

(4) Reserved parking indicator decals/hangers which are valid in parking spaces that are signed for the corresponding permit and indicator.

NEW SECTION

WAC 504-15-600 HANDICAPPED PERMITS. The university and parking services strongly supports the

provision of designated handicapped parking spaces at a reasonable proximity to campus buildings for people of disability.

There are two types of handicapped permits:

(1) Permanent physical disability. An annual handicap permit is available to permanently disabled university employees and students at the established fee. Holders of annual permits may park in orange, green, yellow, red, and blue zones, meter spaces, and for unlimited periods of time in parking zones with time limitations. They may not park in gray zones, service zones, or reserved spaces. The fee for an annual handicap permit is equal to the blue zone fee.

(2) Temporary physical disability. Temporary handicap permits will be issued to temporarily disabled staff and students for a maximum of six weeks, although they may be renewed. Holders may park in assigned areas as determined by parking services.

Employees and students must obtain a temporary disability form from parking services. These disabled parking privileges will be granted only after submission of the form that shows the applicant meets established physical limitations. The form must be completed by a health care provider. Parking services will not accept substitute forms or letters.

NEW SECTION

WAC 504-15-650 PERMIT FEES. (1) Schedules for parking fees, parking administrative fees, meter rates, prorata and refund schedules, and the effective date thereof will be submitted to the president or his/her designee and to the board of regents for approval by motion and will thereafter be proofed in the public area of the parking services office, and filed with the university rules coordinator.

(2) Handicap permits will be issued free of charge to those who have their vehicle identified with a state disability license plate or other indicator in accordance with RCW 46.16.380.

(3) Payments: Fees may be paid at parking services by cash, check, or money order. A payroll deduction plan is available for permanent university employees and eligible graduate students during the fall semester only.

(4) The annual fee for any shorter period relative to all permits shall be prorated.

(5) The proper fee must be paid for all vehicles parked in metered areas unless otherwise authorized.

(6) Staff members whose work schedules qualify them for night time differential pay may purchase a permit for one-half the regular fee. Verification will be required.

(7) Refunds: Annual permits being relinquished may be returned to parking services for a prorata refund. Identifiable remnants of the permit must be returned. Provision of the permit holder's copy of the permit receipt will facilitate the refund process. A minimum ten-dollar service charge will be retained by parking services. Further, the balance of any fees and fines owed parking services will be deducted from any refund due. No refunds will be granted after 5:00 p.m. Friday of the third week of the spring semester. Refunds for temporary permits will not be granted.

NEW SECTION

WAC 504-15-750 WSU/UI RECIPROCAL AGREEMENT. (1) Purpose: Washington State University and the University of Idaho have developed a cooperative parking agreement for the purpose of enhancing the accessibility to either campus for faculty, staff, and students participating in cooperative programs. Selected parking permits from each university have been deemed valid in specific parking areas.

(2) University of Idaho permit holders at WSU: The following applies to University of Idaho permit holders who wish to park at Washington State University:

(a) UI gold permits are valid in WSU green, yellow, red, and blue zones.

(b) UI red permits are valid in WSU yellow, red, and blue zones.

(c) UI blue permits are valid in WSU blue zones.

(d) UI green permits (housing, visitor permits, or commercial permits) are not valid at Washington State University.

(e) UI parking permits are not valid in WSU orange zones, gray zones, or housing areas.

(f) Annual or temporary permits may be available for other parking areas on a space-available basis, and for an additional fee.

(3) WSU faculty, staff, and students assigned to, enrolled at, or who pay fees to Washington State University or employees of other activities or agencies located on the Pullman campus must display a WSU parking permit when parking at WSU. Any attempt by the above personnel to use a UI parking permit in lieu of a WSU permit may result in a fifty-dollar fine for illegal use of a parking permit.

(4) WSU permit holders at UI: The following applies to Washington State University permit holders who wish to park at the University of Idaho. It is provided for information only, and is subject to change by the UI. WSU permit holders are subject to all UI parking and traffic regulations.

(a) WSU orange, green, and golden cougar permits are valid in UI gold, red, and blue areas.

(b) WSU yellow, red, blue, and gray permits are valid in UI red and blue areas.

(c) WSU housing permits and visitor permits are not valid at the University of Idaho.

PART IV: FINES, SANCTIONS, AND APPEALS

NEW SECTION

WAC 504-15-810 VIOLATIONS, FINES, AND SANCTIONS. (1) Violations and fines: Parking violations will be processed by the University. Fines must be paid at parking services in the safety building at the following rates:

(a) Meter violation	\$ 5.00
(b) Overtime in time zone	\$ 5.00
(c) No parking permit	\$ 15.00
(d) No parking permit for this area	\$ 10.00
(e) No parking zone	\$ 10.00
(f) Improper display	\$ 3.00
(g) Blocking traffic	\$ 15.00

(h) Handicap (disability) zone	\$ 25.00
(i) Fire zone	\$ 25.00
(j) Parking in reserved area	\$ 25.00
(k) Illegal use of permit	\$ 50.00
(l) Display of lost or stolen permit	\$100.00
(m) Wheel lock fee	\$ 35.00
(n) All other parking violations	\$ 10.00

(2) Reduction of fines: Fines for violations in subsection (1)(a) and (b) of this section paid within twenty-four hours will be reduced by one-half. Eligible violations received on Friday or Saturday can be paid on the following Monday to satisfy the twenty-four hour requirement. Mailed fines must be postmarked within twenty-four hours to receive the one-half reduction. If a permit holder of record neglects to display his/her permit and receives a notice of violation for No parking permit, (subsection (1)(c) of this section), that fine will be reduced to three dollars when possession of a valid parking permit for the location is verified by the parking services within twenty-four hours.

(3) Visitors: The first violation of the notices listed in subsection (1)(c) of this section, No parking permit, and subsection (1)(d) of this section, No parking permit for this area, issued to visitors are considered warning notices upon presentation to the parking services office.

NEW SECTION

WAC 504-15-830 OTHER VIOLATIONS AND SANCTIONS. (1) Late payment of fines: Forty-five days after issuance of a notice of violation a five-dollar charge shall be added to all unpaid parking violations. If a student or staff member fails to pay the fine assessed for any violation, the fine will be referred to the WSU controller's office for collection. The controller may, if other collection efforts fail, deduct outstanding fines from the salary warrants of employees or withhold the amount of the outstanding fines from damage deposits or other funds held for any student in order to secure payment. Where collection efforts are unsuccessful, the controller may notify the registrar to refrain from issuing student transcripts or to withhold permission to reenroll for a subsequent term until outstanding fines are paid. The procedures discussed above are not exclusive, however, and failure by anyone to pay fines may lead to towing or use of the wheel lock device described in these regulations. Nor are the procedures discussed above a precondition to towing or use of the wheel lock.

(2) Impound by wheel lock or towing:

(a) Any vehicle with an accumulation of three or more unpaid parking violations, or any vehicle displaying a lost or stolen permit may be temporarily immobilized by use of a wheel lock device placed on a wheel. A thirty-five dollar fee will be assessed on vehicles which are immobilized with a wheel lock.

(b) Any vehicle may be towed away if the vehicle:

(i) Has been immobilized by wheel lock more than twenty-four hours: or

(ii) Is illegally parked in a marked tow-away zone; or

(iii) Is a hazard or obstruction to vehicular or pedestrian traffic (including, but not limited to, vehicles

parked at curbs or rails painted yellow or red or in crosswalks); or

(iv) Cannot be impounded with a wheel lock device.

(c) The driver and/or owner of a towed vehicle shall pay towing and storage expenses.

(d) Any vehicle immobilized by use of the wheel lock device in excess of twenty-four hours in a location where towing away is impossible or impractical will be assessed a storage fee of five dollars for each calendar day or portion thereof, beyond the first twenty-four hours.

(e) The university assumes no responsibility in the event of damages resulting from towing, use of wheel lock devices, storage, or attempts to move a vehicle with a wheel lock device installed.

(f) No vehicle impounded by towing or wheel lock devices, shall be released until the following fines are paid in cash:

(i) All unpaid parking violation penalties against said vehicle and any other vehicle registered to the violator;

(ii) A thirty-five dollar wheel lock fee;

(iii) All towing and storage fees.

(g) Any vehicle impounded pursuant to these regulations in excess of thirty calendar days shall be considered an abandoned vehicle and shall be disposed of in accordance with chapter 46.55 RCW.

(h) A person wishing to challenge the validity of any fines or fees imposed under this subsection may appeal such fines or fees as elsewhere provided in these regulations. However, in order to secure release of the vehicle, such person must pay the amount of such fines or fees as a bond which will be refunded to the extent the appeal is successful.

(i) An accumulation of six unpaid violations during any twelve-month period, exclusive of meter violations, and overtime in time zone violations, will subject the violator to revocation or denial of parking privileges. Vehicles without permits which accumulate the above number of violations may be prohibited from parking on university property.

(3) Failure to pay fines: Failure to pay a fine or comply with other penalties assessed pursuant to these regulations, after exhausting or failing to exercise appeals provided for in these regulations, constitutes a violation of RCW 28B.10.560. A citation or complaint for such violation may be issued and filed with the district court.

NEW SECTION

WAC 504-15-860 APPEALS PROCEDURE. (1) Purpose: The parking appeals committee serves two primary functions:

(a) To assure an impartial evaluation of the circumstances relating to a particular parking violation; and

(b) To aid in the appraisal of parking and traffic problems.

(2) Procedure: Any person who has received notice of a parking violation may appeal the alleged violation. The appellant may request more information from parking services. The appeal must be in writing and received at parking services in the safety building within ten days after receipt of notice of the violation. Forms for this purpose are available from parking services. The parking appeals committee will make an initial decision on the

appeal within twenty days during the academic year and forty-five days during the summer months after receipt of the appeal. The committee will serve a brief statement of the reasons for its decision on appellant within ten days of the decision.

(3) Review of initial decision: If the appellant is dissatisfied with the initial decision, he/she may request a hearing before a hearing officer. Such request must be made within ten days of service of the notice of the initial decision. If no such request is received, the initial decision shall be final. During the review hearing the appellant and representatives of parking services may present and cross-examine witnesses. The hearing officer shall render a decision in writing and serve appellant with the decision within five days after the review hearing.

(4) Appeal to district court: RCW 28B.10.560 provides that a person who is not satisfied with the final decision of the university may appeal to district court. The application for appeal to district court shall be in writing and must be filed at the parking services office in the safety building within ten days after service of written notice of the final decision. Parking services will forward the documents relating to the appeal to the district court.

PART V: TRAFFIC RULES

NEW SECTION

WAC 504-15-900 SPEED LIMITS. Driving on campus roads and streets is permitted at any time, unless otherwise posted or restricted by signs and/or by these regulations. The maximum speed limit unless otherwise posted is twenty-five miles per hour.

NEW SECTION

WAC 504-15-920 CLOSED AND RESTRICTED AREAS. In certain designated areas on campus, such as the mall in the campus core, driving is restricted to mall service vehicles and vehicles bearing handicap permits.

NEW SECTION

WAC 504-15-940 PEDESTRIANS. (1) When traffic control signals are in place at intersections, pedestrians shall be subject to them.

(2) When traffic control signals are not in place or not in operation at pedestrian crossings, a vehicle must yield the right of way, by slowing down or stopping, when the pedestrian in the crossing is upon the same half of the roadway as the vehicle, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(3) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(4) Pedestrians who are between adjacent intersections at which traffic control signals are in operation must not cross at any place except in a marked crosswalk.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 504-17-010	AUTHORIZATION.
WAC 504-17-020	PURPOSES OF REGULATIONS.
WAC 504-17-030	APPLICABLE PARKING AND TRAFFIC REGULATIONS.
WAC 504-17-040	DEFINITIONS.
WAC 504-17-050	EMERGENCIES.
WAC 504-17-060	SPEED LIMITS.
WAC 504-17-070	CLOSED AND RESTRICTED AREAS.
WAC 504-17-080	PEDESTRIANS.
WAC 504-17-090	MOTORCYCLES, MOPEDS AND BICYCLES.
WAC 504-17-100	PARKING.
WAC 504-17-110	SPECIAL CONDITIONS.
WAC 504-17-120	PARKING AREAS.
WAC 504-17-130	PARKING PERMITS—GENERAL INFORMATION.
WAC 504-17-140	PARKING PERMITS—STAFF.
WAC 504-17-150	PARKING PERMITS—STUDENTS.
WAC 504-17-160	PARKING PERMITS—VISITORS.
WAC 504-17-170	PARKING PERMITS—CONTRACTORS.
WAC 504-17-180	PARKING PERMITS—MOTORCYCLES.
WAC 504-17-185	PARKING PERMIT FEES.
WAC 504-17-195	WSU/UI RECIPROCAL PARKING AGREEMENT.
WAC 504-17-200	ADMINISTRATION.
WAC 504-17-215	RESPONSIBLE PERSONS.
WAC 504-17-220	ENFORCEMENT—FINES.
WAC 504-17-235	ENFORCEMENT—ACCUMULATED VIOLATIONS, WHEEL LOCK, WHEEL LOCK FEES, TOWING.
WAC 504-17-240	APPEALS PROCEDURE.
WAC 504-17-250	FAILURE TO PAY FINES.
WAC 504-17-900	REPEAL AND SAVINGS.
WAC 504-17-910	SEVERABILITY.
WAC 504-17-930	EFFECTIVE DATE.

WSR 90-11-079
PERMANENT RULES
DEPARTMENT OF HEALTH
(Board of Pharmacy)

[Order 055—Filed May 16, 1990, 2:37 p.m.]

Date of Adoption: May 14, 1990.

Purpose: To extend the time limit for pharmacist preceptors to complete the board approved training program.

Citation of Existing Rules Affected by this Order: Amending WAC 360-10-050 Requirements for preceptor certification.

Statutory Authority for Adoption: RCW 18.64.005.
Pursuant to notice filed as WSR 90-03-053 on January 17, 1990.

Effective Date of Rule: Thirty days after filing.

May 14, 1990
Joyce A. Gillie
Vice-Chair

AMENDATORY SECTION (Amending Order 211, filed 3/2/88)

WAC 360-10-050 REQUIREMENTS FOR PRECEPTOR CERTIFICATION. (1) A pharmacist who is licensed and actively engaged in practice in a Class A pharmacy in the state of Washington, and who has met certification requirements prescribed in this section of the regulation and who has completed a board approved training program within the last five years, and who has been certified by the board of pharmacy shall be known as "pharmacist preceptor." The requirement for completion of an approved training program becomes effective January 1, (~~1990~~) 1991.

(2) The pharmacist preceptor must have completed twelve months as a licensed pharmacist engaged in the practice of pharmacy as defined in RCW 18.64.011(11).

(3) Any preceptor or preceptor applicant who has been found guilty of a drug or narcotic violation or whose pharmacist license has been revoked, suspended, or placed on probation by the state board of pharmacy shall not be eligible for certification as a preceptor, until completion of the probationary period, and a showing of good cause for certification as a pharmacist preceptor.

(4) The preceptor shall be responsible for the quality of the internship training under his/her supervision and he/she shall assure that the intern actually engages in pharmaceutical activities during that training period.

(5) The board of pharmacy shall withdraw a preceptor's certification upon proof that the preceptor failed to meet or maintain the requirements as stated in this section.

(6) In considering the approval of special internship programs pursuant to WAC 360-10-080, the board may approve alternative qualification requirements for the preceptors of such programs.

WSR 90-11-080
PERMANENT RULES
DEPARTMENT OF HEALTH
(Optometry Board)

[Order 056—Filed May 16, 1990, 2:39 p.m.]

Date of Adoption: May 12, 1990.

Purpose: Expand the exam eligibility requirement to include a national pharmacology test. Update examination subjects and the grading of the revised examination.

Citation of Existing Rules Affected by this Order: Amending WAC 308-53-075, 308-53-084 and 308-53-085.

Statutory Authority for Adoption: RCW 18.54.070.

Pursuant to notice filed as WSR 90-08-106 on April 4, 1990.

Effective Date of Rule: Thirty-one days after filing.

May 12, 1990

Jeffrey A. Forrey O.D.

AMENDATORY SECTION (Amending Order PM 598, filed 6/5/86)

WAC 308-53-075 EXAMINATION ELIGIBILITY. To be eligible to take the state optometry examination, the applicant must:

(1) Be a graduate of a school or college of optometry accredited by the Council on Optometric Education of the American Optometric Association and approved by the Washington state board of optometry;

(2) Satisfy the application requirements for examination as published in the annual application instructions; ~~((and))~~

(3) Have successfully completed all written parts of the National Board of Examiners in Optometry (NBEO) examinations; and

(4) Effective January 1, 1991, have successfully completed all written parts of the International Association of Examiners in Optometry (IAB) examination in treatment and management of ocular disease.

AMENDATORY SECTION (Amending Order PM 646, filed 4/14/87)

WAC 308-53-084 EXAMINATION SUBJECTS. Every ~~((qualified applicant for a license as an optometrist))~~ eligible applicant as a prerequisite to licensure shall successfully pass ((and)) examinations((The examinations)) which may include, but not be limited to, the following ~~((subjects and types of examination))~~ tests:

~~(1) ((Successful completion of a written test on Washington state law pertaining to the practice of optometry is required of all applicants.~~

~~(2) Every applicant shall complete a practical examination conducted by the board, which may include, but not be limited to: Funduscopy, lensometry, retinoscopy, biomicroscopy, tonometry, radiuscope, and two oral interviews on diagnostic and patient management procedures. Each applicant must furnish his/her own patient for the practical examination.))~~ Major tests: Pathology, oral interview, ophthalmoscopy.

(2) Moderate tests: Contact lens, gonioscopy, biomicroscopy, tonometry.

(3) Minor tests: Lensometry and jurisprudence. Each applicant must furnish his/her own patient for the practical tests.

AMENDATORY SECTION (Amending Order PM 646, filed 4/14/87)

WAC 308-53-085 GRADING EXAMINATIONS. ~~((To successfully pass the examination, an applicant must:~~

~~(1) Pass the practical examination section with a minimum average score of seventy-five, with no score below sixty-five;~~

~~(2) Pass both oral interviews on diagnostic and patient management procedures with a minimum score of seventy-five on each interview section;~~

~~(3) Obtain a minimum score of seventy-five on the written examination on Washington state law relating to optometry:)) Each test will be weighted as major, moderate, or minor. An applicant is deemed failing the examination if he/she fails one major test, two moderate tests, or one moderate test and two minor tests.~~

**WSR 90-11-081
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistant)**

[Filed May 16, 1990, 2:41 p.m.]

Original Notice.

Title of Rule: Amending WAC 388-29-100 Standards of assistance—Basic requirements.

Purpose: Requires DSHS to provide the full grant standard to homeless families and persons in shelters and homeowners, rather than the shelter at no cost standard.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Effective April 23, 1990, the payment standard includes homeless families or persons; lacking a fixed, regular, and adequate nighttime residence; residing in a public or privately operated shelter that is designed to provide temporary living accommodations; or provided temporary lodging through a public or privately funded emergency shelter program. The payment standard includes a person owning, purchasing, or renting their home.

Reasons Supporting Proposal: The governor signed SSB 6407, effective April 23, 1990, with the proviso that, "as the act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, it shall take effect immediately." Legislation requires homeless families and persons in shelters to receive the full grant standard rather than the shelter at no cost standard. The secretary of DSHS authorized that persons owning, purchasing, or renting receive the full grant standard.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dave Monfort, Division of Income Assistance, 586-4594.

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 June 27, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Health and Social Services, Mailstop OB-33H, Olympia, Washington 98504, by June 27, 1990.

Date of Intended Adoption: July 12, 1990.

May 16, 1990

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2947, filed 3/1/90, effective 4/1/90)

WAC 388-29-100 STANDARDS OF ASSISTANCE—BASIC REQUIREMENTS. (1) The statewide monthly need standards for basic requirements shall be:

(a) Households with an obligation to pay shelter costs effective August 1, 1989.

Treat households residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as renters if the household member makes any utility payment in lieu of a rental payment.

This need standard includes a recipient owning, purchasing, or renting their home.

Effective April 23, 1990, this need standard includes homeless families or persons:

- (i) Lacking a fixed, regular, and adequate nighttime residence;
- (ii) Residing in a public or privately operated shelter designed to provide temporary living accommodations; or
- (iii) Provided temporary lodging through a public or privately funded emergency shelter program.

Recipients in Household	Need Standard
1	\$ 579
2	733
3	907
4	1,068
5	1,230
6	1,395
7	1,612
8	1,784
9	1,959
10 or more	2,129

(b) Households without shelter costs effective August 1, 1989, except as described under subsection (1)(a) of this section.

The monthly standard for clients without shelter costs includes requirements for food, clothing, personal maintenance and necessary incidentals, household maintenance, and transportation.

Recipients in Household	Need Standard
1	\$ 341
2	432
3	535
4	630
5	725
6	823
7	951
8	1,052
9	1,155
10 or more	1,256

(2) One hundred eighty-five percent of the statewide monthly need standard for basic requirements is:

(a) Households with shelter costs effective August 1, 1989.

Recipients in Household	185% of Need Standard
1	\$ 1,071
2	1,356
3	1,677
4	1,975
5	2,275
6	2,580

Recipients in Household	185% of Need Standard
7	2,982
8	3,300
9	3,624
10 or more	3,938

(b) Households without shelter costs effective August 1, 1989.

Recipients in Household	185% of Need Standard
1	\$ 630
2	799
3	989
4	1,165
5	1,341
6	1,522
7	1,759
8	1,946
9	2,136
10 or more	2,323

(3) The statewide monthly payment standard shall be:

(a) Effective January 1, 1990, payment standards for households with shelter costs reflecting a ratable reduction of 44.9 percent of need standards.

Treat households residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as renters if the household member makes any utility payment in lieu of a rental payment.

This payment standard includes a recipient owning, purchasing, or renting their home.

Effective April 23, 1990, this payment standard includes homeless families or persons:

(i) Lacking a fixed, regular, and adequate nighttime residence;

(ii) Residing in a public or privately operated shelter designed to provide temporary living accommodations; or

(iii) Provided temporary lodging through a public or privately funded emergency shelter program.

Recipients in Household	Payment Standard
1	\$ 320
2	404
3	501
4	589
5	679
6	771
7	890
8	985
9	1,082
10 or more	1,176

(b) Effective January 1, 1990, payment standards for households without shelter costs reflecting a ratable reduction of 44.9 percent of the need standard, except as described under subsection (3)(a) of this section.

The monthly payment standard for clients without shelter costs shall include requirements for food, clothing, personal maintenance and necessary incidentals, transportation, and household maintenance.

Recipients in Household	Payment Standard
1	\$ 188
2	238
3	295
4	347
5	400
6	453
7	524
8	580
9	637
10 or more	692

WSR 90-11-082
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2981—Filed May 16, 1990, 2:45 p.m.]

Date of Adoption: May 16, 1990.

Purpose: Requires DSHS to provide the full grant standard to homeless families and persons in shelters and homeowners, rather than the shelter at no cost standard.

Citation of Existing Rules Affected by this Order: Amending WAC 388-29-100 Standards of assistance—Basic requirements.

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: The governor signed SSB 6407, effective April 23, 1990, with the proviso that, "as the act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, it shall take effect immediately." Legislation requires homeless families and persons in shelters to receive the full grant standard rather than the shelter at no cost standard. The secretary of DSHS authorized that persons owning, purchasing, or renting receive the full grant standard.

Effective Date of Rule: May 17, 1990, 12:01 a.m.

May 16, 1990
 Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2947, filed 3/1/90, effective 4/1/90)

WAC 388-29-100 STANDARDS OF ASSISTANCE—BASIC REQUIREMENTS. (1) The statewide monthly need standards for basic requirements shall be:

(a) Households with an obligation to pay shelter costs effective August 1, 1989.

Treat households residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as renters if the household member makes any utility payment in lieu of a rental payment.

This need standard includes a recipient owning, purchasing, or renting their home.

Effective April 23, 1990, this need standard includes homeless families or persons:

(i) Lacking a fixed, regular, and adequate nighttime residence;

(ii) Residing in a public or privately operated shelter designed to provide temporary living accommodations; or

(iii) Provided temporary lodging through a public or privately funded emergency shelter program.

Recipients in Household	Need Standard
1	\$ 579
2	733
3	907
4	1,068
5	1,230
6	1,395
7	1,612
8	1,784
9	1,959
10 or more	2,129

(b) Households without shelter costs effective August 1, 1989, except as described under subsection (1)(a) of this section.

The monthly standard for clients without shelter costs includes requirements for food, clothing, personal maintenance and necessary incidentals, household maintenance, and transportation.

Recipients in Household	Need Standard
1	\$ 341
2	432
3	535
4	630
5	725
6	823
7	951
8	1,052
9	1,155
10 or more	1,256

(2) One hundred eighty-five percent of the statewide monthly need standard for basic requirements is:

(a) Households with shelter costs effective August 1, 1989.

Recipients in Household	185% of Need Standard
1	\$ 1,071
2	1,356
3	1,677
4	1,975
5	2,275
6	2,580
7	2,982
8	3,300
9	3,624
10 or more	3,938

(b) Households without shelter costs effective August 1, 1989.

Recipients in Household	185% of Need Standard
1	\$ 630
2	799
3	989
4	1,165

Recipients in Household	185% of Need Standard
5	1,341
6	1,522
7	1,759
8	1,946
9	2,136
10 or more	2,323

(3) The statewide monthly payment standard shall be:

(a) Effective January 1, 1990, payment standards for households with shelter costs reflecting a ratable reduction of 44.9 percent of need standards.

Treat households residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as renters if the household member makes any utility payment in lieu of a rental payment.

This payment standard includes a recipient owning, purchasing, or renting their home.

Effective April 23, 1990, this payment standard includes homeless families or persons:

(i) Lacking a fixed, regular, and adequate nighttime residence;

(ii) Residing in a public or privately operated shelter designed to provide temporary living accommodations; or

(iii) Provided temporary lodging through a public or privately funded emergency shelter program.

Recipients in Household	Payment Standard
1	\$ 320
2	404
3	501
4	589
5	679
6	771
7	890
8	985
9	1,082
10 or more	1,176

(b) Effective January 1, 1990, payment standards for households without shelter costs reflecting a ratable reduction of 44.9 percent of the need standard, except as described under subsection (3)(a) of this section.

The monthly payment standard for clients without shelter costs shall include requirements for food, clothing, personal maintenance and necessary incidentals, transportation, and household maintenance.

Recipients in Household	Payment Standard
1	\$ 188
2	238
3	295
4	347
5	400
6	453
7	524

Recipients in Household	Payment Standard
8	580
9	637
10 or more	692

WSR 90-11-083
PERMANENT RULES
DEPARTMENT OF HEALTH
(Board of Dental Examiners)

[Order 057—Filed May 17, 1990, 2:28 p.m.]

Date of Adoption: May 5, 1990.

Purpose: To adopt WAC 308-40-115, a new rule defining the word "facility" as found in RCW 18.32.195.

Statutory Authority for Adoption: RCW 18.32.035
 Authority for adoption.

Other Authority: The rule implements RCW 18.32.195.

Pursuant to notice filed as WSR 90-07-067 on March 21, 1990.

Effective Date of Rule: Thirty days after filing.

May 5, 1990

Dr. Johnny N. Johnson, D.D.S.
 Chair

NEW SECTION

WAC 308-40-115 LICENSES—PERSONS LICENSED OR QUALIFIED OUT-OF-STATE WHO ARE FACULTY AT SCHOOL OF DENTISTRY—CONDITIONS. (1) Definitions.

(a) Facility is defined as the building housing the School of Dentistry on the University of Washington campus, and other buildings, designated by the dean of the dental school and approved by the board.

(b) Clinics situated away from the School of Dentistry on the University of Washington campus, must be recommended by the dean in writing and approved by the board. The recommendation must list the rationale for including each location as a University of Washington School of Dentistry facility.

WSR 90-11-084
COLUMBIA RIVER
GORGE COMMISSION

[Filed May 17, 1990, 2:33 p.m.]

Reviser's note: The following material has not been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

I HEREBY CERTIFY that the copy shown below is a true, full and correct copy of temporary rule(s) adopted on May 8, 1990, by the Columbia River Gorge Commission to become effective immediately through August 6, 1990.

The within matter having come before the Columbia River Gorge Commission after all procedures having

been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises.

NOW THEREFORE, IT IS HEREBY ORDERED that the following action be taken: Amending 350-20-015 and 350-20-010(6) as Administrative Rules of the Columbia River Gorge Commission.

DATED this 15th day of May, 1990.

By: Richard P. Benner
 Executive Director

Statutory Authority: RCW 43.97.015, chapter 499, Laws of 1987.

For Further Information Contact: Richard P. Benner, Executive Director, (509) 493-3323.

TEMPORARY RULE AMENDMENT
 STATEMENT OF NEED

350-20-010(6)

Need for rule amendment: Failure to amend the current rule will require the commission or [to] review development proposals it has already approved simply because an applicant has failed to seek an extension of the validity of an approval within 12 months of the original approval. This may delay individual development plans and will require additional, unnecessary work and cost by the commission; and the amendment is needed to prevent the commission from having to review for a second time applications already approved solely because an applicant fails to request an extension within 12 months.

Authority: ORS 196.150 to OR 196.165 and RCW 43.97.015 to 43.97.035.

Documents relied upon: Commission development review tally sheet and requests for extensions.

350-20-015

Need for rule amendment: Failure to amend the current rule will require the commission to schedule additional meetings to hear a growing number of appeals. Additional appeal hearings will interfere with the commission's ability to complete a management plan in a timely manner to the prejudice of many landowners and local and state agencies in the scenic area; and the amendment is needed to allow the commission to spread its appeal load over a longer period of time in order to devote its principal attention to completion of the management plan.

Authority: ORS 196.150 to OR 196.165 and RCW 43.97.015 to 43.97.035.

Documents relied upon: Commission appeal files.

COLUMBIA RIVER GORGE COMMISSION

Temporary Rule Amendment

350-20

350-20-010. Decision of the Director.

(1) In making a decision on a proposed development action the Director shall:

(a) Consult with the applicant and such agencies as the Director deems appropriate;

(b) Consider information submitted by the applicant and all other relevant information available;

(c) Consider all comments submitted pursuant to 350-20-009(7); and

(d) Solicit and consider the comments of the Forest Service.

(2) The Director shall approve a major development action and new residential development only if it is consistent with the standards of section 6 and the purposes of P.L. 99-663 and the Final Interim Guidelines referred to in section 350-20-004. In approving a proposed development action, the Director may impose conditions as necessary to ensure consistency with the standards and guidelines of 350-20-004.

(3) The Director shall issue a decision on a proposed development action including findings of fact and conclusions of law and any conditions to ensure consistency with the standards of section 6 and the purposes of P.L. 99-663 and the Final Interim Guidelines referred to in section 350-20-004 within thirty (30) working days after acceptance of the application unless the applicant consents to an extension of time.

(4) The Director shall mail a copy of the decision to the applicant, the Commission, the Forest Service, the States of Oregon and Washington, the Indian Tribes, the planning director of the applicable county or city and each person who submitted comments under 350-20-009(7). The decision shall set forth the rights of appeal under 350-20-011.

(5) The decision of the Director shall be final unless a Notice of Appeal is filed in accordance with 350-20-011 or a Notice of Commission Initiated Review is filed in accordance with 350-20-013.

(6) The decision of the Director approving a proposed development action shall become void

(a) in [one year] two years if the development action is not undertaken within that [year] period, or

(b) when the development action is discontinued for any reason for one continuous year or more.

(7) An applicant may request an extension of the validity of a development approval. Such request shall be considered an Administrative Action and shall be submitted to the Executive Director prior to the expiration of such approval, in writing, stating the reason why an extension should be granted. The Executive Director may grant an extension of up to twelve (12) months in the validity of a development approval if it is determined that conditions, for which the applicant was not responsible, would prevent the applicant from commencing his operation within the original time limitation.

COLUMBIA RIVER GORGE COMMISSION

Temporary Rule Amendment

350-20

350-20-015. Hearing Date and Notice.

(1) The Commission shall at the earliest practical date set a time and place to hear an appeal. In any event, the Commission shall conduct a hearing within

forty-five (45) working days after the receipt of a Notice of Appeal or Notice of Commission Initiated Review, [unless the parties agree to a later date] or as soon thereafter as the Commission schedule allows.

(2) Notice of Hearing shall be mailed to all parties at least ten (10) working days in advance of the scheduled hearing in the form prescribed in 350-16-010, the Commission's Administrative Procedures Rule.

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.

WSR 90-11-085

COLUMBIA RIVER
GORGE COMMISSION

[Filed May 17, 1990, 2:35 p.m.]

Reviser's note: The following material has not been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

I HEREBY CERTIFY that the copy shown below is a true, full and correct copy of rule(s) adopted on May 8, 1990, by the Columbia River Gorge Commission to become effective upon filing.

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

Notice of Intended Action in Code Revisers Register: Yes.

NOW THEREFORE, IT IS HEREBY ORDERED that the following action to be taken: Amending 350-20 and 350-16 as administrative rules of the Columbia River Gorge Commission.

DATED this 15th day of May, 1990.

By: Richard P. Benner
Executive Director

Statutory Authority: RCW 43.97.015 to 43.97.035, chapter 499, Laws of 1987.

For Further Information Contact: Richard P. Benner, Executive Director, (509) 493-3323.

Reviser's note: The material contained in this filing will appear in the 90-13 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 90-11-086

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-41—Filed May 17, 1990, 3:02 p.m.]

Date of Adoption: May 17, 1990.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-02000M; and amending WAC 220-24-020.

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: A harvestable quota of chinook salmon is available for troll fishermen. Based upon landing information approximately 11,350 chinook salmon are available for harvest from the original quota of 26,100. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council, and is consistent with federal regulations.

Effective Date of Rule: 12:01 a.m., May 18, 1990.

May 17, 1990
Joseph R. Blum
Director

NEW SECTION

WAC 220-24-02000N LAWFUL ACTS—TROLL FISHERY. Notwithstanding the provisions of WAC 220-24-010, WAC 220-24-020 and WAC 220-24-030, effective immediately it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear in the waters west of the Bonilla-Tatoosh Line, the Pacific Ocean, or waters west of a line drawn true north-south through Buoy 10 at the mouth of the Columbia River except as provided for in this section:

(1) Effective 12:01 a.m. May 18, 1990 it is lawful to fish for and possess all salmon species other than coho salmon taken from the above waters except for those waters of a conservation zone at the mouth of the Columbia River bounded by a line projected six miles due west from North Head along 46 18'00" north latitude to 124 13'18" west longitude, thence southerly along a line 167 true to 46 11'06" north latitude, 124 11'00" west longitude (the Columbia River Buoy), thence northeasterly along the Red Buoy Line to the tip of the south jetty from which conservation zone no salmon may be taken.

(2) The above open area will close when the quota of 26,100 salmon are taken, or June 15, 1990.

(3) Lawful terminal gear is restricted to single point, single shank barbless hooks.

(4) No chinook salmon less than 28 inches in total length or 21.5 inches head-off length may be retained.

(5) It is unlawful to fish for or possess salmon taken for commercial purposes with any gear other than troll gear in the open fishery area.

(6) It is unlawful to transport through Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, or 4 or land in the State of Washington any salmon taken for commercial purposes contrary to the provisions of Chapter 220-33 WAC or Chapter 220-47 WAC relative to seasons and species provided for in this section.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM May 18, 1990:

WAC 220-24-02000M LAWFUL ACTS—TROLL FISHERY

WSR 90-11-087

NOTICE OF PUBLIC MEETINGS SEATTLE COMMUNITY COLLEGES

[Memorandum—May 14, 1990]

In compliance with the open meeting law notice provisions, the board of trustees of Seattle Community College District has scheduled a working session, to be held at 3:00 p.m. on Tuesday, May 29, 1990, in the meeting room of the Siegal Education and Service Center, 1500 Harvard, Seattle, WA 98122.

WSR 90-11-088

PROPOSED RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed May 17, 1990, 3:59 p.m.]

Original Notice.

Title of Rule: Chapter 392-196 WAC, School personnel—Teacher assistance program.

Purpose: To set forth policies and procedures for the operation of a teacher assistance program, including the conditions for the receipt of state moneys for such purpose by school districts of the state.

Statutory Authority for Adoption: RCW 28A.67.240.

Statute Being Implemented: RCW 28A.67.240.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Old Capitol Building, (206) 753-2298; Implementation: Doyle Winter, Superintendent of Public Instruction, Old Capitol Building, (206) 753-1800; and Enforcement: Ted Andrews, Superintendent of Public Instruction, Old Capitol Building, (206) 753-3222.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

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

Proposal does not change existing rules.

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

Hearing Location: Superintendent of Public Instruction, Wanamaker Conference Room, Old Capitol Building, Olympia, Washington 98504, on June 28, 1990, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, Superintendent of Public Instruction, Legal Services, Olympia, Washington 98504, by June 26, 1990.

Date of Intended Adoption: July 3, 1990.

May 17, 1990
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 17, filed 10/20/89, effective 11/20/89)

WAC 392-196-030 DEFINITION—BEGINNING TEACHER(~~(/EXPERIENCED TEACHER)~~) STIPEND. As used in this chapter, the term "beginning teacher stipend" shall mean an amount paid by a school district to a beginning teacher(~~(/experienced teacher)~~) for three days of attendance at the required workshops or training sessions. Such stipend, including the amount and conditions applicable, shall be set forth in a supplemental contract in accordance with and subject to the provisions of RCW (~~(28A.67.074)~~) 28A.405.240.

NEW SECTION

WAC 392-196-037 EXPERIENCED TEACHER PARTICIPATION. "Experienced teachers" shall not be required to participate in this program nor attend the superintendent of public instruction sponsored mentor workshops and shall not receive a stipend. Districts shall be reimbursed for up to twenty-four hours substitute teacher expenses (per team) associated with participation of experienced teachers if such funds are available after all nominated beginning teachers have been included.

AMENDATORY SECTION (Amending Order 17, filed 10/20/89, effective 11/20/89)

WAC 392-196-040 DEFINITION—EDUCATIONAL SERVICE DISTRICT SPONSORED WORKSHOP. As used in this chapter, the term "educational service district sponsored workshop" shall mean an in-service training program sponsored by the educational service district for the purpose of providing professional training for beginning(~~(/experienced)~~) teachers and mentors with particular emphasis upon improving communications skills and developing support teams. Such workshops shall be no more than one day in length and shall not be held during school hours.

AMENDATORY SECTION (Amending Order 17, filed 10/20/89, effective 11/20/89)

WAC 392-196-045 DEFINITION—SCHOOL DISTRICT WORKSHOPS. As used in this chapter, the term "school district workshops" shall mean an in-service training program sponsored or approved by the school district for the purpose of providing professional training for the mentors and the beginning (~~(or participating experienced)~~) teachers in one or more of the following:

- (1) Communication skills;
- (2) Teacher effectiveness; and/or
- (3) School district policies and procedures.

Such workshops shall be no longer than two days in length, but need not be consecutive days, and shall not be held during school hours. School districts will be provided fifty dollars per team, per workshop to support the costs associated with providing two days of training.

AMENDATORY SECTION (Amending Order 17, filed 10/20/89, effective 11/20/89)

WAC 392-196-066 BEGINNING TEACHER(~~(/EXPERIENCED TEACHER)~~) STIPEND—MINIMUM AMOUNT. The minimum amount of the beginning teacher(~~(/experienced teacher)~~) stipend shall be two hundred forty dollars.

AMENDATORY SECTION (Amending Order 17, filed 10/20/89, effective 11/20/89)

WAC 392-196-080 SCHOOL DISTRICT APPLICATION TO SPI FOR PARTICIPATION IN THE TEACHER ASSISTANCE PROGRAM. Any district may apply to the superintendent of public instruction for participation in the teacher assistance program. The application shall require the superintendent of the district to provide the following assurances:

(1) The board of directors of the district has reviewed the requirements of this chapter and has agreed to the conditions therein.

(2) The mentor teacher shall be paid a mentor teacher stipend.

(3) The beginning(~~(/experienced)~~) teacher shall be paid a beginning(~~(/experienced)~~) teacher stipend.

(4) The beginning(~~(/experienced)~~) teacher and mentor shall be required to attend and shall be reimbursed by the district for travel expenses for attendance at the educational service district sponsored workshops or training sessions.

(5) The mentor (~~(teacher, the)~~) and beginning (~~(teacher, and the experienced)~~) teachers shall be released from teaching responsibilities in order to jointly or separately observe each other or observe colleagues in teaching situations.

(6) The district shall provide for or approve two days of workshops as training sessions as defined in WAC 392-196-045. The mentor and beginning (~~(or participating experienced)~~) teachers shall be required to attend together and shall be reimbursed by the district for expenses for attendance at the two school district sponsored or approved workshops or training sessions.

(7) The total released time from classroom teaching as required by subsection (5) of this section shall be at least twenty-four scheduled instructional hours per school year but no more than twenty-four scheduled instructional hours shall be paid for with funds made available under this chapter.

(8) Mentor teachers shall not be involved in evaluations of their beginning (~~(or experienced)~~) teachers conducted pursuant to RCW (~~(28A.67.065)~~) 28A.405.100.

(9) The mentor (~~(teacher,)~~) and beginning teacher(~~(and experienced teacher)~~) shall be required to complete and forward to the superintendent of public instruction such evaluation reports of the teacher assistance program as requested by the superintendent of public instruction.

(10) Mentor teachers shall periodically inform their principals respecting the contents of training sessions and other program activities.

(11) The superintendent of the district shall supply the superintendent of public instruction, at times specified by the superintendent of public instruction, such information as requested regarding the teacher assistance program, including agendas and evaluation material from each district sponsored or approved workshop or training session.

AMENDATORY SECTION (Amending Order 17, filed 10/20/89, effective 11/20/89)

WAC 392-196-085 SELECTION PROCESS. Nominations for the teacher assistance program must be received by the office of the superintendent of public instruction by 5:00 p.m. September 15(~~(; 1989)~~).

~~A maximum of nine hundred beginning teacher and mentor teams and a maximum of one hundred experienced teacher and mentor teams will be selected~~) of a given year: PROVIDED, That if September 15 falls on a weekend, the nominations must be received by the office of the superintendent of public instruction by 5:00 p.m. on the Monday following September 15. Applications will be accepted based upon date of receipt at the office of the superintendent of public instruction until funding is depleted.

AMENDATORY SECTION (Amending Order 17, filed 10/20/89, effective 11/20/89)

WAC 392-196-100 DISTRIBUTION OF STATE MONEYS FOR THE TEACHER ASSISTANCE PROGRAM. The superintendent of public instruction shall issue grant awards (~~(for the 1989-90 school year for a maximum of one thousand seven hundred thirty dollars per mentor-beginning teacher team)~~) to the participating school districts according to the dollar amount per team established pursuant to WAC 392-196-095.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-196-051 EXPERIENCED TEACHER—DEFINITION.

WAC 392-196-052 EXPERIENCED TEACHER PARTICIPATION.

WAC 392-196-070 EXPERIENCED TEACHER PARTICIPATION.

WAC 392-196-072 SUPERINTENDENT OF PUBLIC INSTRUCTION CONSULTATION.

WAC 392-196-075 EXPERIENCED TEACHER—SELECTION CRITERIA.

WSR 90-11-089
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed May 18, 1990, 10:56 a.m.]

Original Notice.

Title of Rule: Chapter 16-752 WAC, rules relating to Lythrum quarantine.

Purpose: To protect Washington wetlands from further Lythrum (Purple loosestrife) infestation.

Statutory Authority for Adoption: Chapters 17.10 and 17.24 RCW.

Statute Being Implemented: Chapters 17.10 and 17.24 RCW.

Summary: This proposal would prohibit all plants and plant parts of the Lythrum species and any hybrid cross thereof from being transported, bought, sold, offered for sale or distributed into or within the state of Washington. Plants or seeds for research or other scientific activities would be allowed under permit from the director. Violations of the quarantine would be subject to penalty.

Reasons Supporting Proposal: Lythrum has the potential to cause serious harm to wetlands and to adversely impact native plants and destroy bird and small mammal habitats. Escaped ornamentals and movement of wild plants has been a source of infestation. The quarantine is necessary to preserve Washington wetlands from further infestation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: William E. Brookreson, 6120 Capitol Boulevard, Tumwater, WA, 586-5306.

Name of Proponent: Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal would prohibit plants and plant parts of the Lythrum species and any hybrid cross thereof from being transported, bought, sold, offered for sale or distributed into or within the state of Washington. The purpose and anticipated effect would be to prevent further Lythrum infestation in the state of Washington.

Proposal does not change existing rules.

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

Hearing Location: General Administration Building, 1st Floor, Auditorium, Corner of 11th and Columbia, Olympia, Washington 98504, on June 29, 1990, at 1:00 p.m.; and at the P.U.D. Auditorium, 312 West 3rd Avenue, Moses Lake, WA 98837, on July 2, 1990, at 1:00 p.m.

Submit Written Comments to: William E. Brookreson, 406 General Administration Building, AX-41, Olympia, WA 98504, by July 2, 1990.

Date of Intended Adoption: July 18, 1990.

May 17, 1990

William E. Brookreson
 Assistant Director

LYTHRUM QUARANTINE

NEW SECTION

WAC 16-752-400 ESTABLISHING QUARANTINE. The Lythrum species (Purple loosestrife) is an aggressive, semi-aquatic, herbaceous perennial weed that has infested wetlands in the state of Washington causing serious harm to native plants and destroying habitat for birds and small mammals. Some varieties of loosestrife are cultivated and sold as nursery stock in the horticultural industry. The director of agriculture, pursuant to the powers provided in chapter 17.24 RCW and RCW 17.10.074 (1)(c), and chapter 15.13 RCW, has determined that the regulation and exclusion of this plant, plant parts, and seeds is necessary to preserve Washington wetlands from further infestation.

NEW SECTION

WAC 16-752-405 LYTHRUM QUARANTINE—REGULATED ARTICLES. The following are regulated articles:

(1) All plants and plant parts of the Lythrum species, Lythrum salicaria and Lythrum virgatum, and any hybrid cross thereof. This includes, but is not limited to, purple loosestrife and plants with horticultural names: The beacon, fire candle, brightness, lady sackville, Mr. Robert, Robert's, happy, roseum superbum, purple spire, rose queen, the rocket, morden pink, morden gleam, morden rose, dropmore purple, and tomentosum.

(2) All seeds of plants of the Lythrum species Lythrum salicaria and Lythrum virgatum.

NEW SECTION

WAC 16-752-410 LYTHRUM QUARANTINE—PROHIBITED ACTS. It is prohibited to transport, buy, sell, offer for sale, or to distribute plants or seeds of the species Lythrum salicaria or Lythrum virgatum into or within the state of Washington. It is further prohibited to transplant wild plants and/or plant parts of these species in the state of Washington.

This prohibition shall not apply to plants or seeds collected for herbariums, research in control methods, creation of pressed specimens for educational or identification purposes and other scientific activities: PROVIDED, That all activities requiring live plants and/or viable seed, except pressed specimens, are conducted under a permit from the director and are conducted so as to ensure that no infestation is created.

NEW SECTION

WAC 16-752-415 DISPOSITION OF REGULATED ARTICLES. Any plants, plant parts or seeds transported, bought, sold, offered for sale, or planted in violation of this order shall be subject to destruction or shipment back out-of-state if the director determines that such shipment does not present a danger of infestation.

NEW SECTION

WAC 16-752-420 PENALTIES. Any person who violates the terms of this quarantine shall be guilty of a misdemeanor and for each subsequent violation, shall be guilty of a gross misdemeanor. The director may also impose a civil penalty in an amount not more than one thousand dollars for each violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated this chapter and may be subject to the civil penalty.

WSR 90-11-090
RULES COORDINATOR
DEPARTMENT OF REVENUE
 [Filed May 18, 1990, 11:58 a.m.]

As required in RCW 34.05.310(3) the rules coordinator for the Department of Revenue is Les Jaster, Rules Coordinator, Interpretations and Appeals, Department of Revenue, Mailstop AX-02, Olympia, Washington 98504-0090.

D. I. Okamoto
 Director

WSR 90-11-091
PERMANENT RULES
DEPARTMENT OF LICENSING
 [Filed May 18, 1990, 3:12 p.m.]

Date of Adoption: May 15, 1990.

Purpose: Implementation of chapter 343, Laws of 1989 and chapter 65.20 RCW.

Statutory Authority for Adoption: RCW 65.20.110.

Pursuant to notice filed as WSR 90-06-015 on February 27, 1990.

Effective Date of Rule: Thirty-one days after filing.

May 17, 1990
 Mary Faulk
 Director

NEW SECTION

WAC 308-56A-500 **DEFINITIONS:** The definitions set forth in chapter 65.20.020 RCW shall apply to sections 505 through 520 of this chapter.

NEW SECTION

WAC 308-56A-505 **ELIMINATION OF MANUFACTURED HOME TITLE - ELIGIBILITY:** (1) Any manufactured home purchased or having all ownership transferred to new owners after March 1, 1990, may have the title eliminated or not issued under chapter 46.12 RCW by perfecting ownership as real property pursuant to chapter 65.20 RCW.

(2) Any existing manufactured home affixed to land owned by the homeowner on March 1, 1990, or thereafter may have the title issued under chapter 46.12 RCW eliminated by perfecting ownership as real property pursuant to chapter 65.20 RCW.

NEW SECTION

WAC 308-56A-510 **ELIMINATION OF MANUFACTURED HOME TITLE - APPLICATION:** (1) All applications to eliminate or not issue title under chapter 46.12 RCW, and perfect ownership as real property under chapter 65.20 RCW or to transfer ownership in real property to a title under chapter 46.12 RCW, must be signed by all persons having an interest in the land and in the manufactured home. Signatories shall include but are not limited to all owners in the community property, all secured parties of the land and

manufactured home, and all community property transferees.

(2) Manufactured homes shall be affixed to land prior to making application for title elimination or not issue pursuant to chapter 65.20 RCW. In the event a manufactured home is being removed to land and the process of affixing has not been completed, a certification from the issuing authority that a building permit has been issued for affixing the manufactured home to the land will be accepted. If the applicant fails to satisfy the conditions of the building permit, the elimination or not issue of title is void as to chapter 65.20 RCW.

NEW SECTION

WAC 308-56A-515 **ELIMINATION OF MANUFACTURED HOME TITLE - WHEN PERFECTED:** A manufactured home title elimination or not issue as to chapter 46.12 RCW is perfected when the department issues notice to the owners and secured parties that the provisions of chapter 65.20 RCW have been satisfied and the effective date thereof. The effective date shall be the date the approved documents are recorded with the county in which the manufactured home is affixed.

If an applicant fails to complete the elimination or not issue title conditions after the documents are recorded, the elimination or not issue of the title is void as to chapter 65.20 RCW.

NEW SECTION

WAC 308-56A-520 **ELIMINATION OF MANUFACTURED HOME TITLE - FEES:** The director and the director's agents shall charge and collect the following fees when processing a title elimination or not issue and for a title reinstatement after a title has been eliminated to a manufactured home as provided in chapter 65.20 RCW:

(1) Fees as provided in RCW 46.01.140 for each application.

(2) Fees as provided in RCW 46.12.040.

(3) A fee to defray the cost of processing documents and performing services as required by chapter 65.20 RCW of twenty-five dollars for each application. For the purposes of this subsection, an application to transfer a manufactured home from one land location to another is considered one application.

WSR 90-11-092
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed May 18, 1990, 3:26 p.m.]

Original Notice.

Title of Rule: WAC 440-44-030 Certificate of need review fees.

Purpose: Increase fees for certificate of need application review to cover program costs.

Statutory Authority for Adoption: Chapter 70.38 RCW.

Statute Being Implemented: Chapter 70.38 RCW.

Summary: The fees are increased approximately 19 percent.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kristina Sparks, 1300 South Quince Street, Olympia, EY-19, 753-5857.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: It is necessary to increase the fees for certificate of need application review to cover legal support costs formerly paid by the Department of Social and Health Services, and to cover increasing program costs.

Proposal Changes the Following Existing Rules: Increase in fee for reviewing certificate of need applications.

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

Hearing Location: General Administration Auditorium, 11th and Columbia, Olympia, Washington, on June 28, 1990, at 1:00 p.m.

Submit Written Comments to: Leslie Baldwin, 1300 South Quince Street, Olympia, WA 98504, by June 27, 1990.

Date of Intended Adoption: July 5, 1990.

May 17, 1990
Pam Campbell Mead
for Kristine M. Gebbie
Secretary

AMENDATORY SECTION (Amending Order 2, filed 10/13/89, effective 11/13/89)

WAC 440-44-030 CERTIFICATE OF NEED REVIEW FEES.
(1) An application for a certificate of need under chapter 248-19 WAC shall include payment of a fee consisting of the following:

(a) An application processing fee in the amount of seven hundred fifty dollars which shall not be refundable;

(b) A review fee based on the project description and the total capital expenditure.

Project Description	Capital Expenditure Range	Review Fee
Additional	\$ 0 - \$ 100,000	\$ ((3,600)) 4,300
kidney disease treatment center stations	100,001 - 250,000	((4,800)) 5,700
Administrative or emergency review	250,001 or more	((6,400)) 7,600
Amendment to a certificate of need	((0 - 250,000 250,001 - 12,000,000 2,000,001 or more	4,500 6,800 11,200)) 5,000
Bed addition of less than 10 beds	0 - 100,000	((3,600)) 4,300
	100,001 - 5,000,000	((4,800)) 5,700
	5,000,001 or more	((6,400)) 7,600
Bed addition of 10 beds or more	0 - 500,000	((6,800)) 8,100
	500,001 - 5,000,000	((10,000)) 11,900
	5,000,001 or more	((13,200)) 15,700

Project Description	Capital Expenditure Range	Review Fee
Bed redistribution	0 - 100,000	((5,900)) 7,000
or bed relocation	100,001 - 2,000,000	((8,900)) 10,600
	2,000,001 or more	((11,100)) 13,200
Capital expenditure over the minimum expenditure	Exp. min. - 5,000,000	((6,400)) 7,600
	5,000,001 - 10,000,000	((8,100)) 9,600
	10,000,001 or more	((11,400)) 13,600
Establishment of a new hospital,	0 - 2,000,000	((8,900)) 10,600
	2,000,001 or more	((13,200)) 15,700
nursing home, or continuing care retirement community		
Establishment of a new home health agency,	0	((3,100)) 3,700
	1 - 100,000	((4,800)) 5,700
hospice, ambulatory surgery facility, or kidney disease treatment center	100,001 or more	((6,400)) 7,600
Extension of the certificate of need validity period (projects involving plans review by construction review unit)		((100)) 150
Extension of the certificate of need validity period (other projects)		((750)) 900
Replacement of an existing health care facility	1 - 2,000,000	((4,500)) 5,400
	2,000,001 - 5,000,000	((6,800)) 8,100
	5,000,001 or more	((8,100)) 9,600
Sale, purchase, or lease of part or all of an existing hospital	1 - 5,000,000	((6,400)) 7,600
	5,000,001 or more	((9,700)) 11,500
Substantial change in services, or offering a new tertiary health service	0 - 100,000	((6,800)) 8,100
	100,001 - 2,000,000	((8,900)) 10,600
	2,000,001 or more	((13,200)) 15,700
Transfer of a certificate of need		((2,300)) 2,700

(c) A nonrefundable two thousand dollar actuarial review fee surcharge for an application sponsored by an existing or proposed continuing care retirement community (CCRC) as defined in WAC 248-19-328 (3)(b).

(2) For purposes of subsection (1)(b) of this section, "total capital expenditure" means the total project costs to be capitalized according to generally accepted accounting principles consistently applied, and includes, but is not limited to, the following:

- (a) Legal fees;
- (b) Feasibility studies;
- (c) Site development;
- (d) Soil survey and investigation;
- (e) Consulting fees;
- (f) Interest expenses during construction;

- (g) Temporary relocation;
 - (h) Architect and engineering fees;
 - (i) Construction, renovation, or alteration;
 - (j) Total costs of leases of capital assets;
 - (k) Labor;
 - (l) Materials;
 - (m) Equipment;
 - (n) Sales taxes;
 - (o) Equipment delivery; and
 - (p) Equipment installation.
- (3) Where more than one project description under subsection (1)(b) of this section applies to an application, the applicant shall use the project description and capital expenditure range with the highest review fee in calculating the payment to accompany the application submittal.
- (4) The applicant shall accompany the submittal of an amendment to a certificate of need application with a fee consisting of the following:
- (a) A nonrefundable processing fee of five hundred dollars;
 - (b) When the amendment increases the capital expenditure, or results in a project description with a larger review fee, an additional review fee based on the difference between the review fee previously paid when the application was submitted and the review fee applicable to the greater capital expenditure or new project description; and
 - (c) When the amendment decreases the capital expenditure, or results in a project description with a smaller review fee, the department shall refund to the applicant the difference between the review fee previously paid when the application was submitted and the review fee applicable to the smaller capital expenditure or new project description.
- (5) When an application for a certificate of need is returned by the department in accordance with the provisions of WAC 248-19-280 (2)(b) or (e), the department shall refund all review fees paid.
- (6) When an applicant submits a written request to withdraw an application before the beginning of review, the department shall refund any review fees paid by the applicant.
- (7) When an applicant submits a written request to withdraw an application after the beginning of review, but before the beginning of the ex parte period as determined by the department consistent with WAC 248-19-326, the department shall refund one-half of all review fees paid.
- (8) When an applicant submits a written request to withdraw an application after the beginning of the ex parte period as determined by the department consistent with WAC 248-19-326, the department shall not refund any of the review fees paid.
- (9) Other certificate of need program fees are:
- (a) A nonrefundable two hundred fifty dollar processing fee for each request for an exemption from certificate of need review submitted under the provisions of WAC 248-19-405; and
 - (b) A nonrefundable two hundred fifty dollar processing fee for each request for an exemption from certificate of need review submitted under the provisions of RCW 70.38.105 (4)(d).

WSR 90-11-093
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Order 051—Filed May 18, 1990, 3:29 p.m.]

Date of Adoption: May 17, 1990.
 Purpose: To amend the renewal date for yearly renewal of acupuncture license. Current rule requires prorating of fee. Amendment would make the first renewal date that of the licensee's birthdate and every year thereafter.
 Citation of Existing Rules Affected by this Order: Amending WAC 308-180-120.
 Statutory Authority for Adoption: RCW 18.06.160.
 Pursuant to notice filed as WSR 90-05-053 on February 20, 1990.

Changes Other than Editing from Proposed to Adopted Version: No changes have been made from the proposed to the adopted version.

Effective Date of Rule: Thirty-one days after filing.
 May 17, 1990
 Pam Campbell Mead
 for Kristine M. Gebbie
 Secretary

AMENDATORY SECTION (Amending Order PM 713, filed 3/9/88)

WAC 308-180-120 LICENSE RENEWAL REGISTRATION DATE AND FEE. (1) The annual license renewal date will coincide with the licensee's birth anniversary date.

(2) ~~((Upon successfully completing the examination, a license will be issued to expire one year from the date of issuance at which time the current renewal fee will be prorated to convert the expiration date to the licensee's next birth anniversary date. The prorated fee will be submitted on or before the licensee's))~~ Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(3) Licensees who fail to pay the license renewal fee within thirty days of the license expiration date will be subject to the late penalty fee as set forth in RCW 18-.06.120 and established in WAC ~~((308-180-100))~~ 308-180-260.

WSR 90-11-094
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
 [Memorandum—May 17, 1990]

This is to advise you that the Washington State Human Rights Commission will hold its next regular commission meeting in Pasco on June 27 and 28, 1990. The meeting on June 27, will be a public hearing with the topic of discussion to be familial status in housing. The public hearing will be held at the Public Utility District Auditorium, 14th and Clark, Pasco, beginning at 7:00 p.m. The regular business meeting will be held at the same location beginning at 9:30 a.m. on June 28, 1990.

WSR 90-11-095
NOTICE OF PUBLIC MEETINGS
BUILDING CODE COUNCIL
 [Memorandum—May 21, 1990]

1990 Meeting Schedule Revised*

February 9	9:00 a.m.	Sea-Tac
March 16	9:00 a.m.	Sea-Tac
April 20	9:00 a.m.	Sea-Tac
May 11	9:00 a.m.	Spokane
June 8	9:00 a.m.	Sea-Tac
July 13	9:00 a.m.	Sea-Tac
August 24	9:00 a.m.	Sea-Tac

September 21 9:00 a.m. Tri-Cities
 October 12 9:00 a.m. Sea-Tac
 November 9 9:00 a.m. Sea-Tac
 Council Barrier-Free Committee meets the Friday prior to the regular council meetings at Sea-Tac at 9:00 a.m. The Energy Committee and the Uniform Codes Committee meet the Thursday before the regular council meetings at 1:00 p.m. at the same location as the council meetings.

* Council meeting schedule and locations revised.

WSR 90-11-096
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed May 21, 1990, 3:17 p.m.]

Original Notice.

Title of Rule: To increase renewal fees for podiatrist physician and surgeons and establishes inactive fees for out-of-state licensees as implementation of SHB 2792. Both fees will be instrumental in eliminating the deficit from the previous biennium.

Purpose: To raise revenue to operate program as mandated by the legislature.

Statutory Authority for Adoption: RCW 43.70.250.

Statute Being Implemented: Chapter 18.22 RCW.

Summary: Additional revenue is required to support expenditures of the program. The inactive fee provides a mechanism for out-of-state licensees to maintain their Washington license.

Reasons Supporting Proposal: Sufficient revenue is required to support expenditures of the program. The inactive fee is anticipated to increase number of licensees in the revenue base.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Arlene Robertson, 1300 Quince Street, Olympia, WA, 586-8438.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To increase renewal fees for podiatric physician and surgeons and establish inactive fees for out-of-state licensees as implementation of SHB 2792.

Proposal Changes the Following Existing Rules: License renewal fee increased from \$500 to \$650; and inactive license renewal fee established at \$135.

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

Hearing Location: General Administration Auditorium, 11th and Columbia, Olympia, Washington, on July 10, 1990, at 9:30 a.m.

Submit Written Comments to: Leslie Baldwin, 1300 Quince Street, Olympia, WA 98507, by July 9, 1990.

Date of Intended Adoption: July 17, 1990.

May 17, 1990
 Pam Campbell Mead
 for Kristine M. Gebbie
 Secretary

AMENDATORY SECTION (Amending Order PM 667 [WSR 89-17-156], filed 8/27/87 [8/23/89])

WAC 308-31-055 **PODIATRY FEES.** The following fees shall be charged by the professional licensing division of the department of ~~((licensing))~~ health:

Title of Fee	Fee
Application (examination and reexamination)	\$500.00
Reciprocity application	400.00
License renewal	((500.00)) 650.00
Inactive license renewal	<u>135.00</u>
Late renewal penalty	10.00
Duplicate license	15.00
Certification	25.00

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

WSR 90-11-097
EMERGENCY RULES
DEPARTMENT OF HEALTH
 [Order 059—Filed May 21, 1990, 3:19 p.m.]

Date of Adoption: May 18, 1990.

Purpose: To increase renewal fees for podiatric physician and surgeons and establish inactive fees for out-of-state licensees as implementation of SHB 2792. Both fees will be instrumental in eliminating the deficit from the previous biennium.

Citation of Existing Rules Affected by this Order: Amending WAC 308-31-055.

Statutory Authority for Adoption: RCW 43.70.250.

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: Additional revenue is required to pay deficit from previous biennium. Without the increase in revenue, licensing and disciplinary activities would have to be reduced thereby causing possible harm to the public.

Effective Date of Rule: Immediately.

May 18, 1990
 Pam Campbell Mead
 for Kristine M. Gebbie
 Secretary

AMENDATORY SECTION (Amending Order PM 667 [WSR 89-17-156], filed 8/27/87 [8/23/89])

WAC 308-31-055 **PODIATRY FEES.** The following fees shall be charged by the professional licensing division of the department of ~~((licensing))~~ health:

Title of Fee	Fee
Application (examination and reexamination)	\$500.00
Reciprocity application	400.00

Title of Fee	Fee
<i>License renewal</i>	((500.00)) 650.00
<i>Inactive license renewal</i>	135.00
<i>Late renewal penalty</i>	10.00
<i>Duplicate license</i>	15.00
<i>Certification</i>	25.00

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

WSR 90-11-098
PROPOSED RULES
DEPARTMENT OF LICENSING
(Real Estate Commission)
 [Filed May 21, 1990, 4:05 p.m.]

Original Notice.

Title of Rule: New section WAC 308-124H-800 Part D, Real estate course, school and instructor approval fees; and amending WAC 308-124C-020 (2)(e) Required records.

Purpose: WAC 308-124H-800, to identify fee schedule for new real estate education approval rules; and WAC 308-124C-020, to specify the location of maintaining required records. The commission withdrew proposed rule contained in WSR 90-10-075 so that additional language could be added to proposed WAC 308-124H-800 Part D.

Statutory Authority for Adoption: RCW 18.85.040.

Statute Being Implemented: RCW 18.85.040 and 18.85.310.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert Mitchell, P.O. Box 9012, Olympia, WA 98504, (206) 753-0775.

Name of Proponent: Department of Licensing, Real Estate Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: Adds fee schedule for real estate education approval process and requires that all records be maintained in one location for auditing purposes.

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

Hearing Location: Highways-Licenses Building, 12th and Franklin Streets, 4th Floor Executive Conference Room, Olympia, Washington 98504, on June 26, 1990, at 9:00 a.m.

Submit Written Comments to: Robert Mitchell, P.O. Box 9012, Olympia, WA 98504, by 5:00 p.m., June 26, 1990.

Date of Intended Adoption: June 26, 1990.

May 22 [21], 1990
 Linda M. Moran
 Assistant Attorney General

PART D
REAL ESTATE COURSE, SCHOOL, AND INSTRUCTOR APPROVAL

NEW SECTION

WAC 308-124H-800 REAL ESTATE COURSE, SCHOOL, AND INSTRUCTOR APPROVAL FEES. The following fees shall be charged by the professional licensing division of the department of licensing. An effective date of August 1, 1990, shall be established for course, school, and instructor approval fees:

(1) Application/reapplication for course approval. A \$150.00 fee provides for two-year approval.

An application fee shall accompany each application. Approval shall be granted for two years from the approval date. Courses approved prior to August 1, 1990, need not apply for re-approval until the expiration of the current two-year approval period. Applications submitted and disapproved may be resubmitted at no additional fee.

(2) Application/reapplication for school approval. A \$250.00 fee provides for two-year approval.

Application for school approval will include approval of administrator. Approval shall be granted for two years from the approval date. An application fee shall accompany each application. All schools, including schools previously approved, shall be required to file an application for approval in order to offer courses for clock hour credit after August 1, 1990. All schools with an application on file with the department will be presumed to qualify until their application has been reviewed by staff and the school is notified in writing of approval or disapproval.

(3) Application/renewal for instructor approval. A \$120.00 fee provides for two-year approval.

Initial instructor approvals shall be staggered to provide for expiration on the last day of the instructor's birthdate month in the second year following approval. All instructors, including instructors previously approved, shall be required to file an application for approval in order to offer or teach courses for clock hour credit after August 1, 1990. Applications will be accepted by the department for approval after August 1, 1990. An application fee shall accompany each application. All instructors previously approved by the department, with an application on file with the department, will be presumed to qualify until their application has been reviewed by staff and the instructor has been notified in writing of approval or disapproval.

A consistent staggering system and proration schedule will be applied to all initial instructor applications submitted on, or after August 1, 1990, to provide for expiration on the last day of the instructor's birthdate month.

Initial approvals shall be for a minimum of thirteen months and a maximum of twenty-four months dependent upon the month of initial approval and the applicant's birthdate month. The fee for initial approval shall be five dollars per month multiplied by the number of months between the month of initial approval and the second anniversary of the applicant's birthdate month. (See example.)

Example:

Applicant's Birthdate Month	Month of Initial Approval	Expiration Date	Application Fee
August	August 1990	August 1992	\$120.00 (24 months @ \$50.00)
September	August 1990	September 1991	\$ 65.00 (13 months @ \$5.00)

Subsequent renewals of \$120.00 for two-year approval shall expire on last day of the instructor's birthdate month.

AMENDATORY SECTION (Amending Order 138R, filed 2/21/86)

WAC 308-124C-020 REQUIRED RECORDS. The minimum real estate records the real estate broker shall be required to keep are as follows:

- (1) Bank trust account records:
 - (a) Duplicate receipt book or cash receipts journal recording all receipts;
 - (b) Prenumbered checks with check register, cash disbursements journal or check stubs;
 - (c) Validated duplicate bank deposit slips;
 - (d) Client's accounting ledger summarizing all moneys received and all moneys disbursed for each real estate or business opportunity

transaction or each property management account, contract or mortgage collection account;

(e) In conjunction with (d) ((above)) of this subsection, separate ledger sheets for each tenant (including security deposit), lessee, vendee or mortgagor;

(f) Reconciled bank statements and canceled checks for all trust bank accounts.

(2) Other records:

(a) A transaction folder containing all agreements, contracts, documents, leases, closing statements and correspondence for each real estate or business opportunity transaction, and for each rental, lease, contract or mortgage collection account;

(b) Reconciled bank statements and cancelled checks for all bank accounts of the real estate firm;

(c) The original lease document may be maintained "on-site" for those brokers who utilize the services of a resident manager: PROVIDED, That a source document is maintained at the brokers office which contains the name and address of the tenant; address of the leased premises, if different from the tenant's address; duration of the lease; rental amount; the amount(s) of any and all deposits made by the tenant and the purpose of said deposits; the location where said deposits are being held; and any modification of the terms of the original lease document;

(d) The original lease document may be maintained at a branch office: PROVIDED, That a source document is maintained at the main office which contains the information filled in the blank spaces by the tenant and property manager;

(e) All records required to be kept by this section shall be maintained at one location, except as provided in (c) and (d) of this subsection. The one location of the required records may be the main real estate office or any branch of the real estate office as licensed.

WSR 90-11-099
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed May 21, 1990, 4:30 p.m.]

Continuance of WSR 90-08-092.

Title of Rule: Manual of rules, classifications, rates and rating system for Washington workers' compensation insurance, chapter 296-17 WAC.

Date of Intended Adoption: June 8, 1990.

May 21, 1990
Joseph A. Dear
Director

WSR 90-11-100
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed May 22, 1990, 8:24 a.m.]

Original Notice.

Title of Rule: Chapter 16-470 WAC, rules relating to Japanese beetle quarantine.

Purpose: To prevent Japanese beetle infestation in the state of Washington.

Statutory Authority for Adoption: Chapter 17.24 RCW.

Statute Being Implemented: Chapter 17.24 RCW.

Summary: The proposed new sections establish a quarantine against the pest known as Japanese beetle, list areas under quarantine, list regulated articles and conditions governing movement of those articles into Washington state.

Reasons Supporting Proposal: The Japanese beetle is a persistent, serious and highly destructive pest, attacking the roots, leaves, and fruits of over three hundred kinds of plants including fruit trees, ornamentals, and field and vegetable crops. The quarantine would help prevent infestation in Washington state.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Donald G. Alexander, 6120 Capitol Boulevard, Tumwater, WA, (206) 586-5306.

Name of Proponent: 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 proposed new sections establish a quarantine against the pest known as Japanese beetle, list areas under quarantine, list regulated articles and conditions governing movement of the articles into Washington state. The purpose and anticipated effect is to prevent the infestation of Japanese beetle in the state of Washington.

Proposal does not change existing rules.

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

Hearing Location: Agricultural Statistics Conference Room, 6128 Capitol Boulevard, Tumwater, WA 98502, on June 29, 1990, at 10:00 a.m.

Submit Written Comments to: Donald G. Alexander, 406 General Administration Building, AX-41, Olympia, WA 98504, by June 29, 1990.

Date of Intended Adoption: July 16, 1990.

May 21, 1990
William E. Brookreson
Assistant Director

NEW SECTION

WAC 16-470-700 QUARANTINE—JAPANESE BEETLE. A quarantine is established under this chapter against the pest known as Japanese beetle (*Popillia japonica* Newman), a member of the family Scarabaeidae. The Japanese beetle is a persistent, serious and highly destructive pest, attacking the roots, leaves, and fruits of over three hundred kinds of plants including fruit trees, ornamentals, and field and vegetable crops.

NEW SECTION

WAC 16-470-705 AREAS UNDER QUARANTINE. (1) Except as provided in subsection (2) of this section, the entire states of Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, the District of Columbia, and the Provinces of Ontario and Quebec are declared to be under quarantine for Japanese beetle.

(2) The director may exempt individual counties of the states under quarantine from meeting the conditions in WAC 16-470-715 if the director determines that:

(a) The state has adopted and is enforcing restrictions on the interstate and intrastate movement of regulated articles that are equivalent to or exceed the restrictions placed on the movement of regulated articles as provided in this rule; and

(b) Annual surveys are conducted in such counties and the results of such surveys are negative for Japanese beetle.

(3) Any state may request exemption of one or more counties under subsection (2) of this section. Such request shall be in writing and

signed by a duly authorized official stating the areas surveyed, the survey method, and the last date of Japanese beetle infestation in such county if previously infested. The director shall maintain a list of any county so exempted.

NEW SECTION

WAC 16-470-710 REGULATED ARTICLES. The following are hereby declared to be hosts or possible carriers of Japanese beetle and are prohibited entry into this state from an area under quarantine either directly, indirectly, diverted or reconsigned, except as provided for in WAC 16-470-715:

- (1) Soil, humus, compost, and manure (except when commercially packaged);
- (2) All plants with roots (except bareroot plants free from soil);
- (3) Grass sod;
- (4) Plant crowns or roots for propagation (except when free from soil);
- (5) Bulbs, corms, tubers, and rhizomes of ornamental plants (except when free of soil);
- (6) Any other plant, plant part, article, or means of conveyance when it is determined by the director to present a hazard of spreading live Japanese beetle due to either infestation, or exposure to infestation by Japanese beetle.

NEW SECTION

WAC 16-470-715 CONDITIONS GOVERNING THE MOVEMENT OF REGULATED ARTICLES INTO WASHINGTON STATE. (1) Persons shipping regulated articles into this state from areas under quarantine shall notify the department's plant protection branch of the nature and quantity of each shipment, its expected date of arrival at destination, the name of the intended receiver and the destination. The person to whom the commodities are shipped shall hold the same until they are inspected and released by the department.

(2) The commodities covered shall be accompanied by a certificate issued by an authorized state or federal regulatory official from the state of origin certifying that the commodity, soil, or means of conveyance is treated with methods and procedures approved and prescribed by the director.

(3) Privately owned houseplants grown indoors may be allowed entry into this state without meeting the requirements of subsection (2) of this section if a department official inspects such plants as prescribed in subsection (1) of this section and determines that they are free from Japanese beetle.

NEW SECTION

WAC 16-470-720 SPECIAL PERMITS. The director may issue special permits admitting regulated articles covered in WAC 16-470-710 not otherwise eligible for entry from the area under quarantine, subject to conditions and provisions which the director may prescribe to prevent the introduction, escape, or spread of the Japanese beetle.

WSR 90-11-101
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Memorandum—May 22, 1990]

BOARD OF TRUSTEES
 May 25, 1990, 9:00 a.m.
 Spokane Center, Fourth Floor Mall

Dinner will be served to board members on May 24, 6:30 p.m., at the University House; and breakfast will be served prior to the board meeting at 8:00 a.m., EWU Spokane Center.

WSR 90-11-102
NOTICE OF PUBLIC MEETINGS
BOARD FOR
VOCATIONAL EDUCATION
 [Memorandum—May 15, 1990]

JUNE 12-13, 1990
 GENERAL LOBBY AREA
 YAKIMA VALLEY OPPORTUNITIES INDUSTRIALIZATION
 CENTER
 815 FRUITVALE BOULEVARD
 YAKIMA, WASHINGTON

Work study session, June 12, 1990, 1:00 p.m., members of the Washington State Board for Vocational Education will meet in a work study session to discuss progress and outcomes reports on FY 90 JSP projects, PY 89 JTPA projects, and FY 90 Offender and community based organization projects funded with Carl Perkins dollars. In addition, the board members will discuss the FY 91 funding distribution matrix and the FY 91 SBVE operating budget.

Regular meeting, June 13, 1990, 9:00 a.m., the regular business meeting of the state board will convene at 9:00 a.m. Primary agenda items include consideration of job skills program applications, adoption of the FY 91 funding distribution matrix, adoption of the FY 91 SBVE operating budget, adoption of the 1990-91 SBVE board meeting schedule, adoption of a resolution delegating authority for agency office operations to the executive director, and adoption of an interagency agreement delegating administration of the WAVE program to the State Council on Vocational Education.

People needing special accommodations, please call Patsi Justice at (206) 753-5660 or 234-5660 scan.

WSR 90-11-103
PERMANENT RULES
BOARD OF TAX APPEALS
 [Filed May 22, 1990, 10:38 a.m.]

Date of Adoption: May 11, 1990.

Purpose: Amending WAC 456-10-320 to clarify filing and service procedures.

Citation of Existing Rules Affected by this Order: Amending WAC 456-10-320.

Statutory Authority for Adoption: RCW 82.03.170.

Other Authority: RCW 82.03.140 and 82.03.150.

Pursuant to notice filed as WSR 90-08-098 on April 4, 1990.

Effective Date of Rule: Thirty-one days after filing.

May 11, 1990
 R. A. Virant
 Chairman

AMENDATORY SECTION [(Amending Order 89-03, filed 5/2/89)]

WAC 456-10-320 NOTICE OF APPEAL—SERVICE AND FILING. (1) Except as provided in subsection (2) of this section, notice of appeal shall be filed with the board and a copy served upon all other parties

in accordance with the provisions of this chapter. ~~((and a))~~ A certificate of service shall be filed with the board pursuant to WAC 456-10-440.

(2)(a) Notice of an appeal authorized under RCW 82.03.130(2) (appeal from action of the board of equalization) shall be filed in duplicate with the appropriate county auditor within thirty days after the mailing of the board of equalization's decision; and the appellant shall serve a copy of the notice on all other named parties.

(b) In King County, notice of appeal shall be filed in duplicate with the clerk of the county council.

(c) The county auditor or clerk shall transmit one copy of the notice of appeal to the board and shall ~~((retain the other for its files))~~ transmit one copy to the clerk of the board of equalization.

(d) Appeals not ~~((properly or))~~ timely filed as provided by statute and ~~((in))~~ this ~~((section))~~ regulation shall be ~~((continued or))~~ dismissed. Appeals not properly filed may be dismissed if the appealing party fails to substantially comply with this regulation.

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

WSR 90-11-104
PERMANENT RULES
BOARD OF TAX APPEALS
[Filed May 22, 1990, 10:39 a.m.]

Date of Adoption: May 11, 1990.

Purpose: Amending WAC 456-09-320 to clarify filing and service procedures.

Citation of Existing Rules Affected by this Order: Amending WAC 456-09-320.

Statutory Authority for Adoption: RCW 82.03.170.

Other Authority: RCW 82.03.140 and 82.03.160.

Pursuant to notice filed as WSR 90-08-097 on April 4, 1990.

Effective Date of Rule: Thirty-one days after filing.

May 11, 1990
R. A. Virant
Chairman

AMENDATORY SECTION [(Amending Order 89-02, filed 5/2/89)]

WAC 456-09-320 NOTICE OF APPEAL—SERVICE AND FILING. (1) Except as provided in subsection (2) of this section, notice of appeal shall be filed with the board and a copy served upon all other parties in accordance with the provisions of this chapter. ~~((and a))~~ A certificate of service shall be filed with the board pursuant to WAC 456-09-440.

(2)(a) Notice of an appeal authorized under RCW 82.03.130(2) (appeal from action of the board of equalization) shall be filed in duplicate with the appropriate county auditor within thirty days after the mailing of the board of equalization's decision; and the appellant shall serve a copy of the notice on all other named parties.

(b) In King County, notice of appeal shall be filed in duplicate with the clerk of the county council.

(c) The county auditor or clerk shall transmit one copy of the notice of appeal to the board and shall ~~((retain the other for its files))~~ transmit one copy to the clerk of the board of equalization.

(d) Appeals not ~~((properly or))~~ timely filed as provided by statute and ~~((in))~~ this ~~((section))~~ regulation shall be ~~((continued or))~~ dismissed. Appeals not properly filed may be dismissed if the appealing party fails to substantially comply with this regulation.

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

WSR 90-11-105
PERMANENT RULES
BOARD OF TAX APPEALS
[Filed May 22, 1990, 10:40 a.m.]

Date of Adoption: May 11, 1990.

Purpose: Amend and add rules on practice and procedure to conform with chapter 34.05 RCW and to clarify existing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 456-09-110, 456-09-150, 456-09-210, 456-09-230, 456-09-310, 456-09-315, 456-09-325, 456-09-430, 456-09-440, 456-09-520, 456-09-530, 456-09-655, 456-09-730, 456-09-740, 456-09-760, 456-09-925, 456-09-930, 456-09-935, 456-09-940, 456-09-945 and 456-09-955.

Statutory Authority for Adoption: RCW 82.03.170 and 34.05.250.

Other Authority: RCW 82.03.140 and 82.03.160.

Pursuant to notice filed as WSR 90-08-007 on March 23, 1990.

Changes Other than Editing from Proposed to Adopted Version: WAC 456-09-730(1), the seven day notice period was not adopted; the twenty day notice period remains.

Effective Date of Rule: Thirty-one days after filing.

May 11, 1990
R. A. Virant
Chairman

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-110 DEFINITIONS. As used in this chapter, the following terms shall have the following meaning:

(1) "Board" means the board of tax appeals as described in chapter 82.03 RCW and chapters 456-09 and 456-10 WAC. Where appropriate, the term "board" also refers to the designated hearing officers or agents of the board of tax appeals.

(2) "Presiding officer" or "hearing officer" shall mean any member of the board, tax referee, administrative law judge, or any person who is assigned to conduct a conference or hearing by the board. The presiding officer shall have authority as provided by WAC 10-08-200 and chapter 34.05 RCW.

(3) "Appellant" means a person, natural or otherwise, who appeals any order or decision to the board of tax appeals.

(4) "Respondent" means a person, natural or otherwise, who is named as a responding party in any appeal before the board of tax appeals.

(5) "Formal hearing" means a ((hearing)) proceeding conducted pursuant to the Administrative Procedure Act.

(6) "Informal hearing" means a ((hearing)) proceeding governed by those rules specified in chapter 456-10 WAC.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-150 MEETINGS OF THE BOARD. Regular meetings of the board will be held at its principal office or such other place as the board designates at 10:00 a.m. on the second ((Friday)) Thursday of each ((month)) March, June, September, and December.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-210 APPEARANCE AND PRACTICE BEFORE THE BOARD—WHO MAY APPEAR. Practice before the board in formal proceedings shall be limited to the following:

- (1) Taxpayers who are natural persons representing themselves;
- (2) Attorneys at law duly qualified and entitled to practice in the courts of the state of Washington;
- (3) Attorneys at law entitled to practice before the highest court of record of any other state, if attorneys licensed in the state of Washington are permitted to appear before the courts of such other state in a representative capacity, and if not otherwise prohibited by state law;
- (4) ((A bona fide)) An authorized officer, partner, or full-time employee of an individual firm, association, partnership, or corporation who appears for such firm, association, partnership, or corporation; and
- (5) Other persons permitted by law.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-230 EX PARTE COMMUNICATION. (1) No one shall make or attempt to make any ex parte communications prohibited by the Administrative Procedure Act. The board, in conducting a formal proceeding governed by the Administrative Procedure Act may not make or attempt to make ex parte communications prohibited by such act. Attempts by anyone to make such prohibited ex parte communications shall subject such person to the sanctions of WAC 456-09-220 and 456-09-750.

(2) The requirements and procedures of RCW 34.05-.455 apply to ex parte communications.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-310 NOTICE OF APPEAL—FORMS—CONTENTS. (1) A notice of appeal shall substantially contain:

(a) A caption in the following form:

BEFORE THE BOARD OF TAX APPEALS	
STATE OF WASHINGTON	
Appellant,	Name of county in which property is located (if applicable) Docket No. _____
v.	NOTICE OF APPEAL Re: (Type of tax, e.g., excise, property)
Respondent.	

In all cases the appellant shall be the party appealing to the board. The respondent shall be the government agency or the property owner, as the case may be.

- (b) Numbered paragraphs stating:
 - (i) Appellant's name, mailing address, telephone number, and that of the representative, if any.
 - (ii) The date of the order or determination from which the appeal is taken together with a copy of the order, decision, or application appealed from.
 - (iii) The nature of the tax, and:
 - (A) In excise tax cases, the amount of the tax in controversy and the period covered thereby;
 - (B) In property tax cases, a legal description or parcel number of the property under appeal, the year for which the valuation has been determined, the full value as determined by the local board of equalization, and a declaration of true and fair value as alleged by the appellant; and
 - (C) In property tax exemption cases, a legal description and/or parcel number of the property under appeal, the basis under which exempt status should be granted or denied, and the use of the property((; and
 - ~~(D) In pollution control tax exemption and credit certificate cases (chapter 82.34 RCW), the amount to which the credit or exemption should apply, and the grounds for such contention).~~
 - (iv) A clear, separate, and concise assignment of each error alleged and a short statement of facts upon which the appellant relies to sustain each contention, and the issue to be adjudicated in the proceeding.
 - (v) A notice of intention that the hearing be held pursuant to the Administrative Procedure Act.
 - (vi) The relief sought.
- (c) A statement that the appellant has read the notice and believes the contents to be true, followed by the party's signature and/or signature of their attorney or qualified representative, if any. The signature of a party, attorney, or qualified representative constitutes a certificate that the pleading has been read and that to the best personal knowledge, information, and belief, there is good ground to support it, and that it is not interposed for delay. If determined by the board that a pleading is

not signed or is signed with the intent to defeat the purpose of this section, it may be stricken and the action may proceed as though the pleading had not been served.

(2) For informal appeals from property valuation decisions of a board of equalization or property exemption decisions of the department of revenue, the appellant may use forms provided by the board.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-315 NOTICE OF APPEAL—TIMELINESS OF FILING. Any appeal to the board ~~((pursuant to RCW 82.03.190, 82.03.130, 84.08.130, 84.48.075, 84.36.850, 84.33.091, 84.34.065, 82.34.110, 82.03.130, 79.94.210, 39.88.060, 82.49.060, 84.08.110, or any other applicable statute))~~ shall be filed within the time required by the statute governing the respective agency or proceeding involved including, but not limited to the following:

(1) Appeals taken pursuant to RCW 82.03.190, thirty days from the mailing of the determination.

(2) Appeals from a county board of equalization pursuant to RCW 84.08.130, thirty days from the mailing of the decision.

(3) Appeals by an assessor or landowner from an order of the director of revenue made pursuant to RCW 84.08.010 and 84.08.060, thirty days from the mailing of the determination.

(4) Appeals by an assessor or owner of an intercounty public utility or private car company from determinations by the director of revenue of equalized assessed valuation of property and the apportionment thereof to a county made pursuant to chapters 84.12 and 84.16 RCW, thirty days from the mailing of the order.

(5) Appeals by an assessor, landowner, or owner of an intercounty public utility or private car company from a determination of any county indicated ratio for such county compiled by the department of revenue pursuant to RCW 84.48.075, fifteen days after the mailing of the certification.

(6) Appeals from the decisions of sale price of second class shorelands on navigable lakes by the department of natural resources pursuant to RCW 79.94.210, thirty days from the mailing of the notification.

(7) Appeals from urban redevelopment property tax apportionment district proposals established by governmental ordinances pursuant to RCW 39.88.060, thirty days from the mailing of the ordinance.

(8) Appeals from interest rates as determined by the department of revenue for use in valuing farmland under current use assessment pursuant to RCW 84.34.065, thirty days after the publication of the rate.

(9) Appeals from revisions to stumpage value tables used to determine value by the department of revenue pursuant to RCW 84.33.091, on or before the sixtieth day after the date of final adoption.

(10) Appeals from denial of tax exemption application by the department of revenue pursuant to RCW 84.36.850, thirty days from the mailing of the determination.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-325 DATE OF FILING—FACSIMILE. (1) Except as provided in subsection (3) of this section, the date of filing of ~~((all papers))~~ a notice of appeal shall be the date of actual receipt by the board at its Olympia office. The date stamp placed thereon shall be prima facie evidence of the date of receipt.

(2) Except as provided in subsection (3) of this section, all documents may be filed with the board via facsimile machine. However, filing will not be deemed complete unless the following procedures are strictly observed:

(a) A facsimile document will only be stamped "received" by the board between the hours of 8:00 a.m. and 5:00 p.m. excluding Saturdays, Sundays, and legal holidays. Any transmission not completed before 5:00 p.m. will be stamped received on the following business day. The date and time indicated ~~((on))~~ by the board's facsimile shall be prima facie evidence of the date and time of receipt of transmission.

(b) The original document must be filed with the board within ten days from the date of transmission.

~~(c) ((A receipt from the sending station must be filed with the original document showing:~~

~~(i) The date of transmission;~~

~~(ii) The time of transmission; and~~

~~(iii) The facsimile telephone number of the board.~~

~~(d))~~ All transmissions are sent at the risk of the sender.

(3) In appeals pursuant to RCW 82.03.130(2) (appeal from board of equalization) the date of filing shall be the date of receipt by the county auditor or, in King County, the clerk of the county council. The date stamp placed on the notice of appeal by the auditor or clerk shall be prima facie evidence of the date of receipt.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-430 SERVICE OF PAPERS—WHEN COMPLETE. (1) Except as provided in subsection (2) of this section, service by mail shall be regarded as complete upon deposit in the United States mail properly stamped and addressed ~~((, or))~~. Service by telegraph shall be deemed completed when deposited with a telegraph company properly addressed with the charges prepaid. Service by facsimile shall be deemed complete only when the following procedure is observed:

(a) The original document must be filed with the board within ten days from the date of transmission.

~~(b) ((A receipt from the sending station must be filed with the original document showing:~~

~~(i) The date of transmission;~~

~~(ii) The time of transmission; and~~

~~(iii) The facsimile telephone number of the receiving station:))~~ Facsimile confirmation of transmission.

(c) All transmissions are sent at the risk of the sender.

(2) This section shall not extend any applicable time for appeal to the board nor extend the time for providing notice of appeal to any named party.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-440 PROOF OF SERVICE—CERTIFICATE. Where proof of service is required by this chapter, by statute, or upon the board's request, filing a copy of the papers with the board together with ~~((either an acknowledgment of service or a certificate substantially as follows))~~ one of the following, shall constitute proof of service:

~~((I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by delivering a copy thereof in person to (names) or by mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or their attorney or authorized agent:~~

DATED at _____ this ____ day of _____, 19__.

(signature))

- (1) An acknowledgement of service.
- (2) A certificate that the person signing the certificate did on the date of the certificate serve the papers upon all parties of record in the proceeding by delivering a copy thereof in person to (names).
- (3) A certificate that the person signing the certificate did on the date of the certificate serve the papers upon all parties of record in the proceeding by:
 - (a) Mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or their attorney or authorized agent; or
 - (b) Telegraphing a copy thereof, properly addressed with charges prepaid, to each party to the proceeding or their attorney or authorized agent; or
 - (c) Transmitting a copy thereof by electronic telefacsimile device, and on the same day mailing a copy, to each party to the proceeding or their attorney or authorized agent; or
 - (d) Depositing a copy thereof, properly addressed with charges prepaid, with a commercial parcel delivery company.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-520 SUBPOENA—ISSUANCE. Subpoenas shall be issued and enforced, and witness fees paid, as provided in ~~((the Administrative Procedure Act))~~ RCW 34.05.446. Every subpoena shall identify the party causing its issuance. Subpoenas may be issued by the board or by an attorney of record. The person issuing shall sign the subpoena. Parties desiring subpoenas to be signed by the board shall make a showing of relevance and reasonable scope of the testimony or evidence sought and shall prepare the subpoenas for issuance, send them to the board's Olympia office for signature and, upon return, shall make arrangements for service.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-530 SUBPOENA—FORM. Every subpoena shall name the board of tax appeals and the title of the proceedings and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under that person's control at a specified time and place. ~~((The time specified shall be a date not less than five days from the date of service.))~~

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-655 PREHEARING CONFERENCE—AGREEMENTS. At the conclusion of a prehearing conference, the board may require the parties to submit proposed prehearing orders. Thereafter the board will issue an order reciting the action taken at the conference. The order may include provisions pertaining to:

- (1) Amendments allowed to the pleadings;
- (2) Admissions;
- (3) Witnesses;
- (4) Exhibits;
- (5) Issues remaining;
- (6) Agreements by the parties;
- (7) Rulings; and
- (8) Any other matter that may expedite the hearing.

Any objection to such order shall be ~~((filed))~~ made in writing within ten days after the date the order is mailed. The order shall control subsequent proceedings unless modified for good cause.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-730 HEARING—NOTICE OF HEARING—TIME—CONTENTS. (1) Time. Notice of a hearing will be mailed to all parties and to all persons having filed written petitions to intervene not less than twenty days before the hearing date ~~((The twenty-day notice provision may be waived by agreement of all parties:~~

- (2) Contents. The notice shall contain:
 - (a) The names and mailing addresses of the parties and their representatives, if any;
 - (b) The docket number and name of the proceeding;
 - (c) The name, official title, mailing address, and telephone number of the presiding officer, if known;
 - (d) A statement of the time, place, date, and general nature of the proceeding (e.g., excise, property, etc.);
 - (e) A statement that the hearing is held pursuant to chapter 82.03 RCW and Title 456 WAC;
 - (f) A statement of the issues or matters asserted and the particular sections of the statutes or rules involved as stated in the notice of appeal and responsive pleading, if any;
 - (g) A statement that if a qualified interpreter is needed, one will be appointed at no cost to the party or witness upon five days written notice; and
 - (h) A statement that a party who fails to attend or participate at hearing may be held in default in accordance with WAC 456-09-745)) unless a different period

is required by law. The notice shall include the information specified in RCW 34.05.434 and if the hearing is to be conducted by teleconference call the notice shall so state.

(2) The notice shall state that if a limited-English speaking or hearing impaired party or witness needs an interpreter a qualified interpreter will be appointed and that there will be no cost to the party or witness. The notice shall include a form for a party to indicate if an interpreter is needed and identification of the primary language, or if a participant is hearing impaired.

(3) Defects in notice may be waived if the waiver is knowing and voluntary.

NEW SECTION

WAC 456-09-732 HEARING—NOTICE TO LIMITED-ENGLISH SPEAKING PARTIES. When an agency is notified or otherwise made aware that a limited-English speaking person is a party in an adjudicative proceeding, all notices concerning the hearing, including notices of hearing, continuance, and dismissal, shall either be in the primary language of the party or shall include a notice in the primary language of the party which describes the significance of the notice and how the party may receive assistance in understanding and responding to the notice, if necessary.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-740 TESTIMONY UNDER OATH—INTERPRETERS. (1) All testimony to be considered by the board shall be sworn, and each person shall swear or affirm that the testimony to be given shall be the truth, the whole truth, and nothing but the truth, or according to the provisions of RCW 5.28.020 through 5.28.060.

(2) Every interpreter shall, before beginning to interpret, take an oath that a true interpretation will be made to the person being examined of all the proceedings in a language or in a manner which the person understands, and that the interpreter will repeat the statements of the person being examined to the agency conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment.

NEW SECTION

WAC 456-09-742 HEARINGS—REPORTING—RECORDING—RECORDING DEVICES. (1) All hearings shall be officially recorded by manual, electronic, or other type of recording device.

(2) Photographic and recording equipment of others shall be permitted at hearings; however, the presiding officer may impose such conditions upon their use as deemed necessary to prevent disruption of the hearing, or when a statute or law limits such use.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-760 RULES OF EVIDENCE—ADMISSIBILITY CRITERIA. (1) All relevant evidence, including hearsay evidence, is admissible if, in the opinion of the board, the offered evidence is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. The board shall exclude evidence that is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this state. The board may exclude evidence that is irrelevant, immaterial, or unduly repetitious.

(2) The board's experience, technical knowledge, competency, and specialized knowledge may be used in evaluation of evidence.

(3) If not inconsistent with subsection (1) of this section, the board may refer to, but shall not be bound by, the Washington rules of evidence.

(4) Documentary evidence may be submitted in the form of copies or excerpts, or by incorporation by reference.

NEW SECTION

WAC 456-09-762 HEARINGS—INTERPRETERS. The provisions of WAC 10-08-150 are incorporated by reference herein.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-925 ((~~PROPOSED~~)) INITIAL DECISION. ((~~A proposed~~)) An initial decision shall be prepared when:

(1) An appeal has been heard by only one member of the board;

(2) An appeal has been heard by only two members of the board and the two members cannot agree on a conclusion;

(3) An appeal has been heard by a hearing officer; or

(4) The board shall otherwise elect to do so.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-930 ((~~EXCEPTIONS TO PROPOSED DECISION~~)) INITIAL OR FINAL ORDER. ((~~(1) Time for filing. Any party may file a written exception with the board within twenty days from the date of mailing of the proposed decision or, upon timely application, within such further time as the board may allow. An original and four copies shall be filed with the board, and a copy shall be served on all other parties.~~

(2) Contents. Exceptions shall contain the specific factual and legal grounds upon which the exception is based. The party or parties filing the exception shall be deemed to have waived all objections or irregularities not specifically set forth. The statement of exceptions should also contain the exceptor's proposed findings of fact and/or conclusions of law addressing the factual and legal issues to which exceptions are being taken.

(3) Failure of a party to comply with the requirements for exceptions may result in the board issuing an order adopting the proposed decision as the final decision of the board on the ground that no legally sufficient statement of exceptions had been filed.) Every decision and order, whether initial or final shall:

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

(2) Designate all parties and representatives participating in the proceeding;

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

(4) Contain appropriate numbered findings of fact meeting the requirements in RCW 34.05.461;

(5) Contain appropriate numbered conclusions of law, including citations of statutes and rules relied upon;

(6) Contain an initial or final order disposing of all contested issues;

(7) Contain a statement describing the available post-hearing remedies.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-935 ((REPLY TO EXCEPTIONS)) PETITION FOR REVIEW AND REPLIES. ((Any party may, within ten days or such further time as the board may allow, submit a reply to exceptions or a written brief or statement of position regarding the matters on which exceptions were taken.)) (1) Any party to an adjudicative proceeding may make a petition for review of an initial order.

(2) The petition for review shall be made, by mail or otherwise, with the board within twenty days of the date of mailing of the initial order unless the order specifies otherwise. Copies of the petition shall be served upon all other parties or their representatives at the time the petition is made.

(3) 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. The original and four copies of the petition shall be provided to the board.

(4) Any party may make a reply to a petition for review. The reply shall be made, by mail or otherwise, with the board within ten days of the date of service of the petition. Copies of the reply shall be served upon all other parties or their representatives at the time the reply is made. The original and four copies of the reply shall be provided to the board.

(5) The board may require the parties to submit written briefs or statements of position or to appear and present oral argument regarding the matters on which exceptions were taken, within such time and on such terms as may be prescribed. The board may schedule a hearing to take additional evidence if it deems it necessary or helpful to reach a proper result.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-940 FINALITY OF ((PROPOSED)) INITIAL DECISION. If ((exceptions are)) a

petition for review is not filed, the ((proposed)) initial decision may be adopted by the board and become the board's final decision. Such adoption of the ((proposed)) initial decision shall be the final decision of the board.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-945 FINAL DECISION FOLLOWING ((PROPOSED)) INITIAL DECISION—RECORD. (1) After the filing of ((exceptions)) a petition for review and any ((responses)) replies, the record before the board shall be considered by at least two members of the board.

(2) The record before the board shall consist of the decision or order from which appeal was taken, the notice of appeal, responsive pleadings, if any, and any other notices, written applications, motions, stipulations, requests, prehearing orders, and the initial decision or order of the presiding officer. The record shall also include all depositions admitted at the hearing, the transcript of testimony, if any, and other proceedings at the hearing, together with all exhibits.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-955 PETITION FOR RECONSIDERATION. After a final decision has been issued, any party may file a petition for reconsideration with the board as provided by RCW 34.05.470. Such petition must be ((fited)) made, by mail or otherwise, within ten days from the mailing of the final decision, and shall state the specific grounds upon which relief is requested. The original and four copies of the petition for reconsideration shall be filed with the board and served upon all parties and representatives of record. The board may require that ((an answer)) a response be ((fited)) made and served in the same manner. The filing of a petition for reconsideration shall suspend the final decision until action by the board. The board may deny the petition, modify its decision, or reopen the hearing. ((A petition for reconsideration is not available where a proposed decision was first issued.)) The petition shall be deemed denied if, within twenty days from the date the petition is received by the board, the board does not either: (1) Dispose of the petition; or (2) serve the parties with a written notice specifying the date by which it will act on the petition. The disposition shall be in the form of a written order denying the petition, granting the petition and dissolving or modifying the final order, or granting the petition and setting the matter for further hearing.

NEW SECTION

WAC 456-09-960 RECORD ON APPEAL. When an appeal is taken to superior court from a decision of the board rendered in a formal proceeding, the appealing party is responsible for ordering and paying for the transcript of the testimony from the court reporter.

WSR 90-11-106
PERMANENT RULES
BOARD OF TAX APPEALS
[Filed May 22, 1990, 10:41 a.m.]

Date of Adoption: May 11, 1990.

Purpose: Amend rules of practice and procedure to clarify existing rules for informal hearings.

Citation of Existing Rules Affected by this Order: Amending WAC 456-10-110, 456-10-160, 456-10-310, 456-10-315, 456-10-325, 456-10-430, 456-10-440, 456-10-545, 456-10-730, 456-10-735, 456-10-740 and 456-10-755.

Statutory Authority for Adoption: RCW 83.03.170 [82.03.170].

Other Authority: RCW 82.03.140 and 82.03.150.

Pursuant to notice filed as WSR 90-08-006 on March 23, 1990.

Effective Date of Rule: Thirty-one days after filing.

May 11, 1990

R. A. Virant
Chairman

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-110 DEFINITIONS. As used in this chapter, the following terms shall have the following meaning:

(1) "Board" means the board of tax appeals as described in chapter 82.03 RCW and chapters 456-09 and 456-10 WAC. Where appropriate, the term "board" also refers to the designated hearing officers or agents of the board of tax appeals.

(2) "Presiding officer" or "hearing officer" shall mean any member of the board, tax referee, administrative law judge, or any person who is assigned to conduct a conference or hearing by the board. The presiding officer shall have authority as provided by WAC 10-08-200 and chapter 34.05 RCW.

(3) "Appellant" means a person, natural or otherwise, who appeals any order or decision to the board of tax appeals.

(4) "Respondent" means a person, natural or otherwise, who is named as a responding party in any appeal before the board of tax appeals.

(5) "Formal hearing" means a ((hearing)) proceeding conducted pursuant to the Administrative Procedure Act.

(6) "Informal hearing" means a ((hearing)) proceeding governed by those rules specified in chapter 456-10 WAC.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-160 MEETINGS OF THE BOARD. Regular meetings of the board will be held at its principal office or such other place as the board designates at 10:00 a.m. on the second ((Friday)) Thursday of each ((month)) March, June, September, and December.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-310 NOTICE OF APPEAL—FORMS—CONTENTS. (1) For informal appeals from decisions of a board of equalization or property exemption decisions of the department of revenue, the appellant may use forms provided by the board.

(2) In all other cases, a notice of appeal shall substantially contain:

(a) A caption in the following form:

BEFORE THE BOARD OF TAX APPEALS
STATE OF WASHINGTON
Appellant,
v.
Respondent.
Name of county in which property is located (if applicable)
Docket No.
NOTICE OF APPEAL
Re: (Type of tax, e.g., excise, property)

In all cases the appellant shall be the party appealing to the board. The respondent shall be the government agency or the property owner, as the case may be.

(b) Numbered paragraphs stating:

(i) Appellant's name, mailing address, telephone number, and that of the representative, if any.

(ii) The date of the order or determination from which the appeal is taken, together with a copy of the order, decision, or application appealed from.

(iii) The nature of the tax, and:

(A) In excise tax cases, the amount of the tax in controversy and the period covered thereby;

(B) In property tax cases, a legal description or parcel number of the property under appeal, the year for which the valuation has been determined, the full value as determined by the local board of equalization, and a declaration of true and fair value as alleged by the appellant; and

(C) In property tax exemption cases, a legal description and/or parcel number of the property under appeal, the basis under which exempt status should be granted or denied, and the use of the property(, and

(D) In pollution control tax exemption and credit certificate cases (chapter 82.34 RCW), the amount to which the credit or exemption should apply, and the grounds for such contention).

(iv) A clear, separate, and concise assignment of each error alleged and a short statement of facts upon which the appellant relies to sustain each contention.

(v) The relief sought.

(c) A statement that the appellant has read the notice and believes the contents to be true, followed by the party's signature and/or signature of their attorney or qualified representative, if any. The signature of a party, attorney, or qualified representative constitutes a certificate that the pleading has been read and that to the best personal knowledge, information, and belief, there is good ground to support it, and that it is not interposed

for delay. If determined by the board that a pleading is not signed or is signed with the intent to defeat the purpose of this section, it may be stricken and the action may proceed as though the pleading had not been served.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-315 NOTICE OF APPEAL—TIMELINESS OF FILING. Any appeal to the board (~~pursuant to RCW 82.03.190, 82.03.130, 84.08.130, 84.48.075, 84.36.850, 84.33.091, 84.34.065, 82.34.110, 82.03.130, 79.94.210, 39.88.060, 82.49.060, 84.08.110, or any other applicable statute~~) shall be filed within the time required by the statute governing the respective agency or proceeding involved including, but not limited to the following:

(1) Appeals taken pursuant to RCW 82.03.190, thirty days from the mailing of the determination.

(2) Appeals from a county board of equalization pursuant to RCW 84.08.130, thirty days from the mailing of the decision.

(3) Appeals by an assessor or landowner from an order of the director of revenue made pursuant to RCW 84.08.010 and 84.08.060, thirty days from the mailing of the determination.

(4) Appeals by an assessor or owner of an intercounty public utility or private car company from determinations by the director of revenue of equalized assessed valuation of property and the apportionment thereof to a county made pursuant to chapters 84.12 and 84.16 RCW, thirty days from the mailing of the order.

(5) Appeals by an assessor, landowner, or owner of an intercounty public utility or private car company from a determination of any county indicated ratio for such county compiled by the department of revenue pursuant to RCW 84.48.075, fifteen days after the mailing of the certification.

(6) Appeals from the decisions of sale price of second class shorelands on navigable lakes by the department of natural resources pursuant to RCW 79.94.210, thirty days from the mailing of the notification.

(7) Appeals from urban redevelopment property tax apportionment district proposals established by governmental ordinances pursuant to RCW 39.88.060, thirty days from the mailing of the ordinance.

(8) Appeals from interest rates as determined by the department of revenue for use in valuing farmland under current use assessment pursuant to RCW 84.34.065, thirty days after the publication of the rate.

(9) Appeals from revisions to stumpage value tables used to determine value by the department of revenue pursuant to RCW 84.33.091, on or before the sixtieth day after the date of final adoption.

(10) Appeals from denial of tax exemption application by the department of revenue pursuant to RCW 84.36-.850, thirty days from the mailing of the determination.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-325 DATE OF FILING—FACSIMILE. (1) Except as provided in subsection (3) of this section, the date of filing of ~~((all papers))~~ a notice of appeal shall be the date of actual receipt by the board at its Olympia office. The date stamp placed thereon shall be prima facie evidence of the date of receipt.

(2) Except as provided in subsection (3) of this section, all documents may be filed with the board via facsimile machine. However, filing will not be deemed complete unless the following procedures are strictly observed:

(a) A facsimile document will only be stamped "received" by the board between the hours of 8:00 a.m. and 5:00 p.m. excluding Saturdays, Sundays, and legal holidays. Any transmission not completed before 5:00 p.m. will be stamped received on the following business day. The date and time indicated ~~((on))~~ by the board's facsimile shall be prima facie evidence of the date and time of receipt of transmission.

(b) The original document must be filed with the board within ten days from the date of transmission.

(c) ~~((A receipt from the sending station must be filed with the original document showing:~~

~~(i) The date of transmission;~~

~~(ii) The time of transmission; and~~

~~(iii) The facsimile telephone number of the board.~~

~~((d))~~ All transmissions are sent at the risk of the sender.

(3) In appeals pursuant to RCW 82.03.130(2) (appeal from board of equalization) the date of filing shall be the date of receipt by the county auditor or, in King County, the clerk of the county council. The date stamp placed on the notice of appeal by the auditor or clerk shall be prima facie evidence of the date of receipt.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-430 SERVICE OF PAPERS—WHEN COMPLETE. (1) Except as provided in subsection (2) of this section, service by mail shall be regarded as complete upon deposit in the United States mail properly stamped and addressed ~~((-or))~~. Service by telegraph shall be deemed completed when deposited with a telegraph company properly addressed with the charges prepaid. Service by facsimile shall be deemed complete only when the following procedure is observed:

(a) The original document must be filed with the board within ten days from the date of transmission.

(b) ~~((A receipt from the sending station must be filed with the original document showing:~~

~~(i) The date of transmission;~~

~~(ii) The time of transmission; and~~

~~(iii) The facsimile telephone number of the receiving station:))~~ Facsimile confirmation of transmission.

(c) All transmissions are sent at the risk of the sender.

(2) This section shall not extend any applicable time for appeal to the board nor extend the time for providing notice of appeal to any named party.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-440 PROOF OF SERVICE—CERTIFICATE. Where proof of service is required by this chapter, by statute, or upon the board's request, filing a copy of the papers with the board together with ~~((either an acknowledgment of service or a certificate substantially as follows;))~~ one of the following shall constitute proof of service:

~~((I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by delivering a copy thereof in person to (names) or by mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or their attorney or authorized agent.~~

DATED at _____ this _____ day of _____, 19____.

(signature))

(1) An acknowledgement of service.

(2) A certificate that the person signing the certificate did on the date of the certificate serve the papers upon all parties of record in the proceeding by delivering a copy thereof in person to (names.)

(3) a certificate that the person signing the certificate did on the date of the certificate serve the papers upon all parties of record in the proceeding by:

(a) Mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or their attorney or authorized agent; or

(b) Telegraphing a copy thereof, properly addressed with charges prepaid, to each party to the proceeding or their attorney or authorized agent; or

(c) Transmitting a copy thereof by electronic telefacsimile device, and on the same day mailing a copy, to each party to the proceeding or their attorney or authorized agent; or

(d) Depositing a copy thereof, properly addressed with charges prepaid, with a commercial parcel delivery company.

Certification of proof of service may also be made on forms provided by the board.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-545 TESTIMONY UNDER OATH—INTERPRETERS. (1) All testimony to be considered by the board shall be sworn, and each person shall swear or affirm that the testimony to be given shall be the truth, the whole truth, and nothing but the truth.

(2) Every interpreter shall, before beginning to interpret, take an oath that a true interpretation will be made to the person being examined of all the proceedings in a language or in a manner which the person understands, and that the interpreter will repeat the statements of the person being examined to the agency conducting the

proceedings, in the English language, to the best of the interpreter's skill and judgment.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-730 EXCEPTIONS TO PROPOSED DECISION. (1) Time for filing. Any party may ~~((file))~~ make, by mail or otherwise, a written exception with the board within twenty days from the date of mailing of the proposed decision or, upon timely application, within such further time as the board may allow. An original and four copies shall be filed with the board, and a copy shall be served on all other parties.

(2) Contents. Exceptions shall contain the specific factual and legal grounds upon which the exception is based. The party or parties ~~((filing))~~ making the exception shall be deemed to have waived all objections or irregularities not specifically set forth. The statement of exceptions may contain the exceptor's proposed findings of fact and/or conclusions of law addressing the factual and legal issues to which exceptions are being taken.

(3) Failure of a party to comply with the requirements for exceptions may result in the board issuing an order adopting the proposed decision as the final decision of the board on the ground that no legally sufficient statement of exceptions had been ~~((filed))~~ made.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-735 REPLY TO EXCEPTIONS. Any party may, within ten days or such further time as the board may allow, submit a reply to exceptions or a written brief or statement of position regarding the matters on which exceptions were taken. The board may require the parties to submit written briefs or statements of position or to appear and present oral argument regarding the matters on which exceptions were taken, within such time and on such terms as may be prescribed. The board may schedule a hearing to take additional evidence if it deems it necessary or helpful to reach a proper result.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-740 FINALITY OF PROPOSED DECISION. If exceptions are not ~~((filed))~~ timely made, the proposed decision shall become the board's final decision.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-755 PETITION FOR RECONSIDERATION. After a final decision has been issued, any party may file a petition for reconsideration with the board. Such petition must be ~~((filed))~~ made, by mail or otherwise, within ten days from the mailing of the final decision. The original and four copies of the petition for reconsideration shall be filed with the board and served upon all parties and representatives of record. The board may require that ~~((an answer))~~ a response be ((filed))

made and served in the same manner. The filing of a petition for reconsideration shall suspend the final decision until action by the board. The board may deny the petition, modify its decision, or reopen the hearing. A petition for reconsideration is not available where a proposed decision was first issued.

WSR 90-11-107
PERMANENT RULES
BOARD OF TAX APPEALS
[Filed May 22, 1990, 10:42 a.m.]

Date of Adoption: May 11, 1990.
Purpose: To amend rules concerning public disclosure.
Citation of Existing Rules Affected by this Order:
Amending WAC 456-12-030 and 456-12-140.
Statutory Authority for Adoption: RCW 82.03.170.
Other Authority: RCW 42.17.250 through 42.17.320.
Pursuant to notice filed as WSR 90-08-005 on March 23, 1990.
Changes Other than Editing from Proposed to Adopted Version: Proposed amendment to WAC 456-12-090 was not adopted.
Effective Date of Rule: Thirty-one days after filing.
May 11, 1990
R. A. Virant
Chairman

AMENDATORY SECTION (Amending Order 89-04, filed 5/2/89)

WAC 456-12-030 DESCRIPTION OF ORGANIZATION AND PUBLIC MEETING. (1) The board of tax appeals is an independent agency of the state of Washington, composed of three members appointed by the governor, with the advice and consent of the senate for a term of six years. The members are to be qualified by experience or training in the field of state and local taxation. The board elects a chairman from among its members at least biennially.

(2) The executive director is the board's chief executive officer and is responsible for implementing board directions and for directing the board's staff.

(3) The board holds regular meetings at its office or such other place as the board designates on the second ((Friday)) Thursday of each ((month)) March, June, September, and December commencing at 10:00 a.m.

AMENDATORY SECTION (Amending Order 89-04, filed 5/2/89)

WAC 456-12-140 ADOPTION OF FORM. The board hereby adopts the use by all persons requesting inspection and/or copies of records the form set out below, entitled "Request for Public Records":

~~((We have received your request for copies of our public records. Please complete the form and return it with the amount required. We will forward the requested copies to you as soon as we receive this form.~~

Thank you.

Return to:

Board of Tax Appeals
910 5th Avenue S.E.
MS: EW-12
Olympia, Washington 98504

BOARD OF TAX APPEALS

Request For Public Records

Date _____ Time _____
Name _____
Address _____

Description of Records (see index):

~~I certify that the information obtained through this request for public records will be used in compliance with chapter 42.17 RCW~~

Signature

Number of Copies _____

Number of Pages _____

Per Page Charge \$ _____

Total Charge \$ _____))

REQUEST FOR PUBLIC RECORDS

We have received your request for copies of our public records. Please complete this form and return it with the total amount indicated below to:

Board of Tax Appeals
910 5th Avenue S.E.
Mailstop: EW-12
Olympia, WA 98504

We will forward the requested copies to you as soon as this form and your payment are received. Thank you.

REQUEST FOR PUBLIC RECORDS: DESCRIPTION OF RECORDS:

Name _____
Address _____

I certify that the information obtained through request for public records will be used in compliance with chapter 42.17 RCW.

<u>Signature</u>	<u>Date</u>
<u>Number of Copies</u>	<u>Per Page Charge</u>
	<u>\$</u>
<u>Number of Pages</u>	<u>Postage \$</u>
	<u>Total Charge \$</u>

WSR 90-11-108
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD
 [Filed May 22, 1990, 10:53 a.m.]

Original Notice.

Title of Rule: WAC 250-71-010 through 250-71-075, Gender equality in higher education.

Purpose: Adoption of rules implementing chapter 28B.110 RCW, Gender equality in higher education.

Statutory Authority for Adoption: Chapter 28B.110 RCW.

Statute Being Implemented: Chapter 28B.110 RCW.

Summary: Definitions, areas covered and standards of gender equity institutional self-study and plan, compliance.

Reasons Supporting Proposal: Implementation of chapter 28B.110 RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jane C. Sherman, Higher Education Coordinating Board, 917 Lakeridge Way, Olympia, WA 98504, (206) 753-1144.

Name of Proponent: Higher Education Coordinating Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule defines gender equity for students for various areas of higher education. Institutions are required to complete a self-study and a plan addressing gender equity for students in all of their programs and activities.

Proposal does not change existing rules.

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

Hearing Location: Conference Room, Higher Education Coordinating Board, 917 Lakeridge Way, Olympia, WA 98504, on July 10, 1990, at 9:30 a.m.

Submit Written Comments to: Jane C. Sherman, Higher Education Coordinating Board, 917 Lakeridge Way, Olympia, 98504, by July 10, 1990.

Date of Intended Adoption: July 18, 1990.

May 22, 1990
 Ann Daley
 Executive Director

STATE OF WASHINGTON
 GENDER EQUALITY IN HIGHER EDUCATION
 Chapter 250-71 WAC

- WAC 250-71-010 Purpose—elimination of discrimination in higher education based on gender
- WAC 250-71-015 Definitions
- WAC 250-71-020 Academic Programs
- WAC 250-71-025 Counseling and Guidance Services
- WAC 250-71-030 Student Employment
- WAC 250-71-035 Financial Aid
- WAC 250-71-040 Recreational Activities
- WAC 250-71-045 Other Student Services
- WAC 250-71-050 Intercollegiate Athletics
- WAC 250-71-055 Male and Female Coaches and Administrators
- WAC 250-71-060 Sexual Harassment
- WAC 250-71-065 Institutional Self-Study and Plan
- WAC 250-71-070 Distribution
- WAC 250-71-075 Compliance—Complaints

[NEW SECTION]

WAC 250-71-010 PURPOSE—ELIMINATION OF DISCRIMINATION BASED ON GENDER IN HIGHER EDUCATION. The purpose of this chapter is to establish administrative rules implementing chapter 28B.110 RCW, prohibiting discrimination on the basis of gender in all public institutions of higher education in the state of Washington.

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

[NEW SECTION]

WAC 250-71-015 DEFINITIONS. (1) "Institution" shall mean a public university, college, or community college within the state of Washington.

(2) "Without regard to gender" shall mean that gender may not be taken into account when making a decision regarding a student.

(3) "Available without regard to gender" shall mean that there are no institutional factors operating to prevent or discourage students of either gender from selecting, participating in, or completing a program of study or activity.

(4) "Equitable" shall mean that the benefits of a program or activity shall be enjoyed by males and females substantially proportional to their enrollment as undergraduates at that institution.

(5) "Opportunities for participation" shall specifically apply to athletics and mean the number of positions on the initial eligibility roster of student athletes, minus students who are cut from the team, and students who drop out voluntarily within the first ten days of practice.

(6) "Academic programs" shall mean all instructional, research, and instruction and research related public service activities of the institution, including internships, teaching and research assistantships, and cooperative education, at all levels of study.

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

[NEW SECTION]

WAC 250-71-020 ACADEMIC PROGRAMS. (1) Institutions shall ensure that admission to academic programs is made without regard to gender.

(2) Institutions shall ensure that all academic programs are available without regard to gender for student selection, participation, and completion.

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

[NEW SECTION]

WAC 250-71-025 COUNSELING AND GUIDANCE SERVICES. Institutions shall ensure that all counseling and guidance services are made available to all students without regard to gender, including:

(1) That counseling and academic advising personnel stress access to all career and vocational opportunities to all students;

(2) That materials, assessment instruments, and techniques used encourage students to participate in academic programs and other activities on individual rather than gender-based factors;

(3) That assessment instruments intended to measure aptitude, interest, personality, emotional stability, or other characteristics, the interpretation of those instruments, and the counseling staff do not discriminate on the basis of gender.

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

[NEW SECTION]

WAC 250-71-030 STUDENT EMPLOYMENT. Institutions shall insure that all student employment is conducted without regard to gender, including:

- (1) No differentiation in pay scales;
- (2) Assignment of positions, jobs, and duties, except in cases of bona fide occupational qualifications under WAC 162-16-020;
- (3) Opportunities for advancement;
- (4) Conditions of employment, including, but not limited to, hiring practices, leaves of absence, and hours of employment;
- (5) All organizations and companies not under the jurisdiction of the institution to which students are referred for employment by the institution, or for which students are recruited on campus or under the auspices of the institution.

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

[NEW SECTION]

WAC 250-71-035 FINANCIAL AID. Institutions shall ensure that in the assignment of financial aid there is no discrimination in types, amounts, or patterns of aid awarded to students of each gender. Types of aid include, but are not limited to the following:

- (1) Federal and state funded, including institutionally controlled, need-based assistance
- (2) Merit-based awards
- (3) Graduate assistantships and fellowships
- (4) Athletic assistance
- (5) Department-based awards
- (6) Foreign study scholarships and opportunities
- (7) Non-need based waivers
- (8) Discretionary programs

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

[NEW SECTION]

WAC 250-71-040 RECREATIONAL ACTIVITIES. Recreational activities include all activities provided by the institution, or sanctioned by the institution, to meet the recreational needs or interests of students, including but not limited to, intramural activities and club sports.

(1) Institutions are not required to offer any specific type or level of recreational opportunities. Institutions which elect to offer recreational opportunities shall do so based upon the interest levels of the students.

(2) Institutions which provide the following benefits and services for recreational activities must make them available without regard to gender:

- (a) Equipment, supplies, laundry services
- (b) Medical care, services and insurance
- (c) Transportation and per diem allowances
- (d) Opportunities to receive coaching and instruction
- (e) Assignment of game officials
- (f) Opportunities for competitions
- (g) Publicity and awards
- (h) Scheduling of games and practice times, including use of courts, gyms and pools showers, toilets, lockers, or training room facilities

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

[NEW SECTION]

WAC 250-71-045 OTHER STUDENT SERVICES. Institutions which provide other student services including, but not limited to

health services, minority student services, placement, child care, and housing, shall make them available without regard to gender.

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

[NEW SECTION]

WAC 250-71-050 INTERCOLLEGIATE ATHLETICS. Institutions which provide intercollegiate athletics shall do so with no disparities based on gender, according to the following standards:

(1) No sports may be excluded or treated separately for purposes of meeting any of the requirements of this section.

(2) Institutions shall provide equitable opportunities for participation for males and females in intercollegiate athletics.

(a) Intercollegiate athletics shall include all sports recognized by the NCAA, NAIA, and NWAACC, plus the sport of crew.

(b) Consistent with RCW 28B.15.460, satisfactory progress toward the goal of equitable opportunity, as of July 1, 1994, will be assumed if, by that date, the number of opportunities for participation in athletics for female students meets or exceeds the approximate rate (39%) at which high school girls participated in interscholastic athletics in the state of Washington in 1990.

(c) After 1994, institutions shall show continuing progress toward the goal of providing numbers of opportunities for participation in athletics for male and female students proportional to their respective undergraduate enrollments at the institution.

(3) If any benefits, services, or facilities are provided, they shall be made available proportionally across the athletic program considered as a whole. Institutions which provide higher levels of support to some sports than to others shall ensure that male and female athletes experience the benefits of such enhanced support in an equal proportion to their participation rates. Examples of such benefits include:

- (a) Equipment, supplies, laundry services
- (b) Medical care, services, and insurance
- (c) Scholarships and all other forms of financial aid or benefits from any source related to the students' status as an athlete
- (d) Opportunities to receive coaching and instruction, including academic tutoring
- (e) Conditioning programs
- (f) Opportunities for competition, including pre- and post-season opportunities and levels of competition
- (g) Transportation and per diem allowances
- (h) Assignment of game officials
- (i) Scheduling of games and practice times, including use of courts, gyms, and pools.
- (j) Publicity and awards
- (k) Showers, lockers, toilets, training room facilities.

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

[NEW SECTION]

WAC 250-71-055 MALE AND FEMALE COACHES AND ADMINISTRATORS. Institutions shall provide coaches and athletic administrators of both genders to act as role models for male and female athletes, and shall endeavor to attract staff of the underrepresented gender.

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

[NEW SECTION]

WAC 250-71-060 SEXUAL HARASSMENT. Each institution shall develop and annually distribute to students, faculty, and staff, policies and procedures for handling complaints of sexual harassment, including:

(1) A definition of sexual harassment which includes, but is not necessarily limited to, unwanted verbal or physical sexual behavior of faculty or staff toward students, supervisors toward student supervisees, or students toward students.

(2) The name, address, and phone number of one or more persons to whom complaints may be addressed, and the procedures available.

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

[NEW SECTION]

WAC 250-71-065 INSTITUTIONAL SELF-STUDY AND PLAN. (1) By September 30, 1990, each institution shall submit to the Higher Education Coordinating Board an initial self-study assessing its compliance with the gender equality requirements of this chapter. The self-study shall utilize data from the 1988-89 academic year, and shall include:

(a) An assessment of the students in each major, at the graduate and undergraduate levels, and in all programs and services related to academics, to determine whether the participation of males and females is substantially proportional to the enrollment of each gender in the undergraduate population of the institution;

(b) An analysis of student employment to determine the proportion of each gender employed by the institution, and their rates of pay;

(c) An evaluation of all advising and counseling services and appraisal instruments to determine freedom from gender bias;

(d) An assessment of the participation of male and female students in the recreational activities of the institution, and of the benefits associated with these activities;

(e) An examination of the amounts, types, and patterns of financial aid awarded to males and to females at all levels of study to determine whether any disparities exist;

(f) An evaluation of other areas of student services, including, but not limited to, housing, placement, child care, minority affairs, and special services, to determine if students of both genders receive comparable benefits;

(g) An analysis of the intercollegiate athletics program to identify any existing disparities between genders in participation opportunities, benefits, services, or facilities;

(h) An enumeration of athletic administrators and coaches by position title, sport and gender;

(i) A description of efforts implemented to educate students, faculty and staff about sexual harassment.

(2) By November 30, 1990, each institution shall submit to the Higher Education Coordinating Board a plan to comply with the requirements of this chapter, including:

(a) Identification of barriers or factors which need to be addressed in order to reach compliance with the provisions of this chapter;

(b) Measures to be implemented to ensure institutional compliance with the provisions of this chapter by September 30, 1994, except as otherwise allowed in RCW 28B.15.460.

(3) By October 30 of each even numbered year, beginning in 1992, each institution shall submit an update to its plan, including:

(a) An assessment of the results of activities undertaken under the previous plan to remove barriers to compliance with the provisions of this chapter;

(b) The results of continued monitoring of gender equity at the institution;

(c) Activities, or modifications of current activities, to be undertaken to address remaining issues of gender equity at the institution.

(4) The Higher Education Coordinating Board shall report biennially, beginning December 31, 1990, to the governor and the higher education committees of the House of Representatives and the Senate on:

(a) The efforts of each institution and the extent to which it has complied with this chapter.

(b) Recommendations on measures to assist institutions with compliance.

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

[NEW SECTION]

WAC 250-71-070 DISTRIBUTION. Institutions of higher education shall distribute summaries of the provisions of RCW Ch. 28B.110 to all students, including the procedures for filing a complaint with the institution and the Human Rights Commission.

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

[NEW SECTION]

WAC 250-71-075 COMPLIANCE—COMPLAINTS. (1) The president of each institution shall designate a specific staff person who shall be responsible for monitoring and coordinating the institution's compliance with this chapter.

(2) Each institution shall identify existing complaint procedures, or establish new ones, as an institutional remedy for complaints under this chapter.

(4) All rights and remedies under chapter 49.60 RCW, including the right to file a complaint with the human rights commission and to bring a civil action, shall also apply.

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

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

WSR 90-11-109 RULES COORDINATOR ATTORNEY GENERAL'S OFFICE

[Filed May 22, 1990, 11:29 a.m.]

Although the Attorney General's Office has limited rule-making authority, it does occasionally adopt rules to address basic governmental functions or for limited programs such as the lemon law program. I am therefore designating Jane Halligan as the rules coordinator for the Attorney General's Office. Ms. Halligan is our office's librarian and is an Attorney General's Office employee.

I am requesting that Ms. Halligan's name and mailing address be published in the Washington State Register as provided in RCW 34.05.310. Her name and address should appear as follows: Jane Halligan, Rules Coordinator, Attorney General's Office, 6th Floor, Highways-Licenses Building, PB-71, Olympia, Washington 98504.

Ken Eikenberry
Attorney General

WSR 90-11-110 RULES COORDINATOR BOARD OF INDUSTRIAL INSURANCE APPEALS

[Filed May 22, 1990, 1:49 p.m.]

In accordance with RCW 34.05.310, the rules coordinator for the Board of Industrial Insurance Appeals is Isobel Paul, Capital Center Building, 410 West Fifth Street, Olympia, WA 98504-3421, phone (206) 753-6824 comm, 234-6824 scan, (206) 586-5611 FAX.

John D. Fairley
Executive Secretary

WSR 90-11-111 NOTICE OF PUBLIC MEETINGS THE EVERGREEN STATE COLLEGE

[Memorandum—May 16, 1990]

This letter is to notify you of a change in date to the previously submitted schedule of board meetings for 1990 for The Evergreen State College.

The meeting scheduled for July 25 has been changed to July 11. The location (TESC campus) and time (1:30 p.m.) remain the same.

WSR 90-11-112
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Filed May 22, 1990, 3:46 p.m.]

Original Notice.

Title of Rule: New WAC 356-05-063 Call-back; and amending WAC 356-15-100 Call-back for work preceding or following a scheduled workshift.

Purpose: These rules define and specify the conditions under which call-back is payable.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: WAC 356-05-063 defines call-back and WAC 356-15-100 clarifies that call-back is not payable to employees who continue to work beyond scheduled quitting time. It is instead payable to employees who have left the workplace and are required to return.

Reasons Supporting Proposal: These rules are clarifying in nature. Recent Personnel Appeals Board decisions indicate existing rule is ambiguous.

Name of Agency Personnel Responsible for Drafting: Gail Salisbury, 521 Capitol Way South, Olympia, 753-5383; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Bonni Parker, Department of Social and Health Services, OB-13, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 356-05-063 is a new rule proposal which will define call-back and WAC 356-15-100 will clarify the existing rule to specify that call-back is not payable to employees who continue to work beyond scheduled quitting time. It is instead payable to employees who have left the workplace and are required to return to work. Due to recent Personnel Appeals Board decisions the rule seems ambiguous and this amendment should clarify the current rule.

Proposal Changes the Following Existing Rules: It adds an additional definition rule and will clarify the existing WAC 356-15-100.

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 July 12, 1990, at 10:00 a.m.

Submit Written Comments to: Gail Salisbury, Department of Personnel, P.O. Box 1789, FE-11, Olympia, WA, by July 10, 1990.

Date of Intended Adoption: July 12, 1990.

May 16, 1990
 Dee W. Henderson
 Secretary

AMENDATORY SECTION (Amending Order 248, filed 5/28/86, effective 7/1/86)

WAC 356-15-100 CALL-BACK FOR WORK PRECEDING OR FOLLOWING A SCHEDULED WORKSHIFT. (1) Scheduled work period employees shall be notified prior to their scheduled quitting time either to return to work (~~(after their workshift ends)~~) at a

later time after departing the workplace or to change the starting time of their next scheduled workshift.

(a) Lack of such notice for such work shall be considered call-back and shall result in a penalty of three hours of pay at the basic salary in addition to all other compensation due. This penalty shall apply to each call.

(b) The appointing authority may cancel a call-back notification to work extra hours at any time but cancellation shall not waive the penalty cited in this subsection.

(c) These provisions shall not apply to the mid-shift interval in a split shift and an employee called back while in standby status.

(2) Nonscheduled, exceptions, and law enforcement work period employees are not normally paid for call-back. However, if the appointing authority deems it appropriate, those employees may receive compensation, not to exceed the penalty cited above, for call-back.

NEW SECTION

WAC 356-05-063 CALL-BACK. A penalty amount payable to scheduled work period employees who have left the workplace and are required to return under the circumstances described in WAC's 356-15-100 and 356-14-110.

WSR 90-11-113
EMERGENCY RULES
COUNTY ROAD
ADMINISTRATION BOARD
 [Filed May 22, 1990, 4:02 p.m.]

Date of Adoption: April 18, 1990.

Purpose: Adopts emergency rules for the implementation of section 103(4), chapter 42, Laws of 1990, regarding the county arterial preservation program and the county arterial preservation account.

Statutory Authority for Adoption: Section 103(4), chapter 42, Laws of 1990.

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: Section 504(1) of the authorizing act provides for an effective date of April 1, 1990. Also, as the program primarily deals with season-dependent road activities, a delay in implementation would result in most of the 1990 season being lost and much of the 1990 funds not being productively spent.

Effective Date of Rule: Immediately.

May 22, 1990
 Ernest Geissler
 Director

Chapter 136-300 WAC
GENERAL ADMINISTRATION PROCEDURES

NEW SECTION

WAC 136-300-010 PURPOSE AND AUTHORITY. Section 103(4), chapter 42, Laws of 1990 (hereinafter referred to as the act), provides that the county road administration board (CRABoard) shall administer the county arterial preservation program (CAPP) and the county arterial preservation account (CAPA) established by this act. This chapter describes the manner in

which the CRABoard will implement the several provisions of the act.

NEW SECTION

WAC 136-300-020 **ADOPTION OF RULES.** The CRABoard shall adopt rules in accordance with the provisions of the act for purposes of administering the CAPP regarding the following:

- (1) Distribution of county arterial preservation account (CAPA) funds.
- (2) Pavement management systems.
- (3) Allowable activities for CAPA funding.
- (4) Accounting and audit provisions.
- (5) Annual CAPP report.

NEW SECTION

WAC 136-300-030 **DELEGATION OF AUTHORITY.** In order to assure effective and timely administration of the CAPP the CRABoard may, by resolution, delegate specific administrative authorities to its director.

NEW SECTION

WAC 136-300-040 **STAFF SERVICES AND FACILITIES.** The CRABoard shall arrange for all necessary staff services and facilities necessary for the efficient administration of the county arterial preservation program. The costs of such services and facilities as well as all other lawful expenses of the CRABoard that are attributable to CAPP shall be paid from the county arterial preservation account in the motor vehicle fund.

Chapter 136-310 WAC DISTRIBUTION OF COUNTY ARTERIAL PRES- ERVATION ACCOUNT FUNDS

NEW SECTION

WAC 136-310-010 **CERTIFICATION OF COUNTY ARTERIAL MILEAGE.** (1) *Classification.* The act specifies that expenditure of CAPA funds is restricted to paved arterials in the unincorporated area of each county. Arterials are defined as being those county roads:

- (a) In urban areas, classified as arterials (Federal Functional Classes 12, 13, 14, 15, and 16) or as collectors (Federal Functional Class 17);
- (b) In rural areas, classified as major collectors (Federal Functional Class 07) or minor collectors (Federal Functional Class 08).

Paved roads are defined as those roads which, at the time of CAPA allocation determination, are hard-surfaced through the application of a bituminous surface treatment (BST), asphalt cement concrete (ACP), or Portland cement concrete (PCC). Brick or block surfaces shall also be considered as paved.

- (2) *Source of information.* The master county road log as maintained by the CRABoard in accordance with chapter 136-60 WAC shall be the source of official paved road mileages to be used for CAPP distribution.

NEW SECTION

WAC 136-310-020 **ESTABLISHMENT OF ALLOCATION PERCENTAGES.** At the next regular or special meeting after July 1, 1990, the CRABoard shall establish the allocation percentages for the individual counties based on information contained in the most recently certified master county road log. Each county's allocation percentage shall be computed by the CRABoard as its percentage of paved arterial lane miles of the total paved county arterial lane miles in the state. These allocation percentages shall be effective January 1, 1991, and shall apply to all CAPA distributions for calendar year 1991; provided however, the calculations for the allocation percentages for all distributions in calendar year 1990 shall be based on the master county road log as certified by the CRABoard on August 4, 1989.

NEW SECTION

WAC 136-310-030 **NOTICE TO COUNTIES.** Upon establishment, the CRABoard shall notify the county legislative authority and the county road engineer of each county of the respective county's CAPA allocation percentage and the latest estimate of the amount of CAPA funds to be allocated during the remainder of the year.

NEW SECTION

WAC 136-310-040 **DISTRIBUTION TO COUNTIES.** Distribution of allocated CAPA funds shall be done monthly beginning with the month of June 1990 by the state treasurer. The state treasurer shall use the allocation percentages as provided by the CRABoard as computed under the provisions of WAC 136-310-020.

NEW SECTION

WAC 136-310-050 **DATE OF 1990 ELIGIBILITY.** Beginning May 1, 1990, all arterial preservation work and related activities done in calendar year 1990 shall be eligible for CAPA funding provided that:

- (1) The county road engineer submits the description of the pavement management system as provided in chapter 136-320 WAC; and
- (2) The work is in conformance with the allowable activities as specified in chapter 136-330 WAC.

Chapter 136-320 WAC PAVEMENT MANAGEMENT SYSTEMS

NEW SECTION

WAC 136-320-010 **DEFINITION.** A pavement management system (PMS) is a systematic method used to maintain paved roads by analyzing pavement life cycles, determining when and what kind of pavement preservation work is necessary, and budgeting funds accordingly to prevent major road deterioration. A key element of a PMS is the capacity to plan pavement preservation work based upon a predictive pavement deterioration model or process.

NEW SECTION

WAC 136-320-020 **REQUIREMENTS FOR 1990 CAPA ELIGIBILITY.** Development and implementation of a PMS in each county as defined in WAC 136-320-010 will require a substantial lead time. As a first step in achieving PMS on a state-wide level, existing processes will need to be evaluated. In order for a county to be eligible for CAPA funds in 1990 the county road engineer must submit a description of the county's current pavement management system no later than August 1, 1990.

NEW SECTION

WAC 136-320-030 **EVALUATION.** Upon receipt of a county's current pavement management system description, the CRABoard shall evaluate it as to its compliance with this chapter, and shall notify the county road engineer of its evaluation.

**Chapter 136-330 WAC
ALLOWABLE ACTIVITIES**

NEW SECTION

WAC 136-330-010 **ALLOWABLE ACTIVITIES.** Unless otherwise approved by the CRABoard, CAPA funding shall be limited to development and operation of a pavement management system, and to paved arterial surface preservation and maintenance activities on existing roadways only. Activities which are allowable for CAPA funding include the following:

(1) **Nonstructural surfacing (maintenance).** These include thin asphalt concrete overlays (one-inch or less); bituminous seal coats (single and double); slurry seals, sand seals, and fog seals; associated tack coats, paving fabrics, and preleveling; and associated surface grinding and planing.

(2) **Structural surfacing (construction).** These include thick asphalt concrete overlays (greater than one-inch); Portland cement concrete overlays; associated tack coats, paving fabrics, and preleveling; associated surface grinding and planing; and hot/cold bituminous road mixes.

(3) **Associated activities (maintenance).** These include crack sealing (bituminous and Portland cement pavements); full-depth, structural patching; Portland cement pavement joint reconstruction, undersealing, panel jacking and panel replacement; and other related surface maintenance activities.

NEW SECTION

WAC 136-330-020 **MINIMUM ROAD WIDTHS.** For all CAPA-funded activities which involve structural resurfacing, the existing road must meet the following standards:

SHOULDERED ROADWAY SECTIONS

Current ADT	Minimum widths (feet)	
	Lane Width	Shoulder Width
0 to 100	9	2
101 to 400	10	2
401 to 4000	10	2
over 4000	11	4

(shoulders need not be paved to satisfy minimum width standard)

CURBED ROADWAY SECTIONS

Current ADT	Minimum Lane Width (feet)	
	Two way Undivided	One way & Two way Divided
all	10	9

**Chapter 136-340 WAC
ACCOUNTING AND AUDIT PROCEDURES**

NEW SECTION

WAC 136-340-010 **ACCOUNTING REQUIREMENTS.** (1) **Deposits.** Upon receipt of CAPA funds from the state treasurer, each county shall deposit them in a separate BARS revenue account within the county road fund or in a fund separate from the county road fund. The county engineer shall evaluate the capabilities of the county road fund accounting system and select the method of deposit and related accounting.

(2) **Expenditures.** Expenditures of these funds shall be solely for CAPA-eligible work and must be separately identified within the road fund expenditure reporting system. The CRABoard, with the consent of the state auditor's office, shall prescribe suitable BARS expenditure codes to distinguish CAPA-eligible expenditures from all others within the county road fund.

NEW SECTION

WAC 136-340-020 **AUDIT REQUIREMENTS.** CAPP audits may be conducted by the state auditor's office and will normally be conducted in conjunction with the audits of the different counties of the state as required by RCW 43.09.260 and 36.80.080. Special audits of specific CAPP activities may be accomplished at the request of the CRABoard. If a special audit is conducted outside the confines of those audits required by the above statutes, the costs of the special audit shall be the responsibility of the CRABoard.

NEW SECTION

WAC 136-340-030 **SCOPE OF AUDITS.** The audit of any CAPP expenditure or activity shall include but not be limited to the review of the county's compliance with:

(1) The provisions of the act; and

(2) The rules in Title 136 WAC regarding implementation and administration of the act, with detailed review of the application of CAPA funds and the various reporting requirements.

The audit shall also include a review of the financial accounting and reporting of those funds associated with and received for the CAPP activity.

NEW SECTION

WAC 136-340-040 **NONCOMPLIANCE AND QUESTIONED COSTS.** If the audit of a CAPP activity or expenditure reveals any area of noncompliance and/or questioned costs, then such exceptions shall be subject to comment by the examiner within the audit report.

NEW SECTION

WAC 136-340-050 **POST-AUDIT PENALTY.** In the event an exception has been noted within the audit report it shall be the duty of the CRABoard to discuss and evaluate the noted discrepancy. Discrepancies may be cause for the CRABoard to order the payback of improperly expended CAPA funds and/or withdrawal or denial of the certificate of good practice of the county in question as provided in chapter 136-04 WAC.

Chapter 136-350 WAC ANNUAL REPORTING OF PAVEMENT PRESERVATION ACTIVITIES

NEW SECTION

WAC 136-350-010 **ANNUAL REPORT FORM.** The CRABoard shall prepare and distribute to all counties standard reporting forms for use by the county engineer to annually summarize the pavement preservation activities, both CAPA and non-CAPA funded, in their county. For all CAPA-funded work, the report will require a specific listing of roads improved including a definition of work scope and the amount of CAPA funds expended.

NEW SECTION

WAC 136-350-020 **SUBMITTAL OF ANNUAL REPORT.** At any time prior to April 1 of the year following, the county engineer shall, in conjunction with the annual construction report as required by WAC 136-16-050, submit an annual summary of pavement preservation activities on the entire paved road system. This report shall be on the approved forms or in an equivalent format.

**WSR 90-11-114
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Vocational Education)**

[Order 2982—Filed May 22, 1990, 4:29 p.m.]

Date of Adoption: May 22, 1990.

Purpose: To clarify language.

Citation of Existing Rules Affected by this Order:
Amending chapter 490-500 WAC.

Statutory Authority for Adoption: RCW 74.29.025.
Pursuant to notice filed as WSR 90-07-035 on March 15, 1990.

Effective Date of Rule: Thirty-one days after filing.

May 22, 1990

Leslie F. James, Director
Administrative Services
by Rosemary Carr

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-005 **DEFINITIONS.** (1) "Accepted for services" ~~((shall mean that))~~ means the division ~~((has determined that))~~ determines the following conditions ~~((have been))~~ are met and ~~((has accordingly reached the decision to))~~ may supply vocational rehabilitation services to an applicant:

(a) The division has certified the applicant ~~((has been certified))~~ as eligible to receive vocational rehabilitation services; and

(b) The division has sufficient funds, personnel, facilities, and other resources to undertake and complete the rehabilitation of the individual.

(2) "Act" means the Rehabilitation Act of 1973 ~~((t))~~, including subsequent amendments under 29 U.S.C. chapter 16~~((t))~~.

(3) "Applicant" ~~((shall mean))~~ means an individual ~~((who has submitted to the division))~~ submitting a letter or application to the division requesting vocational rehabilitation services ~~((which))~~. For a letter to be an application, the applicant's letter shall contain:

(a) ~~((Has been signed by))~~ The signature of the individual ~~((, his parents or guardian))~~ or ~~((other))~~ the individual's representative~~((;))~~; and

(b) ~~((Sets forth))~~ The name, address, age, sex, ~~((and))~~ nature of disability of the requesting individual, and source of referral.

(4) "Civil employee of the federal government" means a person employed by, or serving in a civilian capacity with, the United States government who was disabled in the line of duty under CFR 361.37.

(5) "Client" ~~((shall mean))~~ means any handicapped individual:

(a) Who has applied for vocational rehabilitation services or independent living services from the division~~((;))~~; and

(b) For whom the division has not denied or terminated services ~~((have not been denied or terminated by the division))~~.

~~((5))~~ (6) "Comparable services" mean services or resources, other than from the division, the VRC determines are available to the applicant or client to meet the cost of any vocational rehabilitation services under CFR 361.47b.

(7) "Department" ~~((shall mean))~~ means the department of social and health services.

~~((6))~~ (8) "Director" means the director of the division of vocational rehabilitation.

(9) "Division" ~~((shall mean))~~ means the division of vocational rehabilitation of the department of social and health services.

~~((7))~~ (10) "Eligible" or "eligibility," when used in relation to an individual's qualification for vocational rehabilitation services, ~~((refers to))~~ means a certification that:

(a) The individual has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(b) Vocational rehabilitation services may reasonably ~~((be expected to))~~ benefit the individual in terms of employability.

~~((8))~~ (11) "Employability" ~~((refers to))~~ means a determination was made that the provision of vocational rehabilitation services is likely to enable an individual to enter or retain employment consistent with ~~((his))~~ the individual's capacities and abilities in:

(a) The competitive labor market;

(b) The practice of a profession;

(c) Self-employment;

(d) Home(=)making;

(e) Farm or family work ((f)), including work for which payment is in-kind rather than in-cash((g));

(f) Sheltered employment;

(g) Homebound employment; or

(h) Other gainful work.

~~((9))~~ (12) "Evaluation of rehabilitation potential" means, as appropriate, in each case~~((:));~~

(a) A preliminary diagnostic study to determine:

(i) ~~((That))~~ An individual has a physical or mental disability which ((for such individual)) constitutes or results ((to)) in a substantial handicap to employment((; and));

(ii) ~~((That))~~ Vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability((:)); and ((that))

(iii) The individual is eligible ((therefore)) for vocational rehabilitation services((:)).

(b) A thorough diagnostic study ((consisting)) to determine which vocational rehabilitation services may be of benefit to the individual in terms of employability consisting of:

(i) A comprehensive evaluation of pertinent factors, which bear on the individual's handicap to employment and rehabilitation potential((:)); and

(ii) An appraisal of the individual's:

(A) Work behavior; and

(B) Ability to develop work patterns suitable for successful job performance ((in order to determine which vocational rehabilitation services may be of benefit to the individual in terms of employability));.

(c) Any other goods or services ((provided for the purposes of ascertaining)) used to determine the nature of the handicap and whether ((it may reasonably be expected that)) the individual ((can)) may benefit from vocational rehabilitation services in terms of employability; and

(d) ((The provision of)) Providing vocational rehabilitation services to an individual for ((a total period of)) an extended evaluation period not ((in excess of 18)) to exceed eighteen months ((for)). The services include initiation and continuing development of an individualized, written rehabilitation plan with periodic assessment of

results of providing services. The purpose ((of determining)) is to determine whether ((such individual)) a vocational goal is ((a handicapped)) feasible for the individual ((for whom a vocational goal is feasible, including the initiation and continuing development of an individual written rehabilitation program, and a periodic assessment of the results of the provision of such services to ascertain whether an individual is an eligible individual for whom a vocational goal is feasible)).

~~((10))~~ (13) "Family member" or "member of the family" means:

(a) Any relative, by blood, adoption, or marriage, of a handicapped individual~~((:));~~ and

(b) Other individuals ~~((living))~~ residing in the same household with whom the handicapped individual has a close interpersonal relationship.

~~((11))~~ (14) "Functional capacities" in terms of employability means:

(a) Mobility;

(b) Communication;

(c) Interpersonal skills;

(d) Self-care;

(e) Self-direction;

(f) Work tolerance; or

(g) Work skills.

(15) "Handicapped individual" means an individual:

(a) ~~((Who has))~~ With a physical or mental disability ~~((which for such individual constitutes))~~ constituting or ~~((results))~~ resulting in a substantial handicap to employment; and

(b) ~~((Who is expected))~~ Expecting to benefit in terms of employability from the provision of vocational rehabilitation services, or for whom an extended evaluation of rehabilitation potential is necessary ~~((for the purpose of determining))~~ to determine whether ~~((he might))~~ the individual may benefit in terms of employability from the provision of vocational rehabilitation services.

~~((12))~~ (16) "Independent living services" means any goods or services provided to a severely handicapped client enabling the individual to achieve maximum family or community participation in support of a vocational rehabilitation plan.

(17) "Individual's representative" means a client-selected representative who is the individual's parent, guardian, or other representative.

(18) "Initial stock and supplies" means items used, consumed, or sold in the normal process of an occupation or in the normal course of a business enterprise.

(19) "Local medical consultant" ~~((shall mean))~~ means a doctor of medicine employed under contract by the division to provide consultation to local office rehabilitation counselors concerning the medical aspects of rehabilitation, usually reviewing and discussing medical problems of individual clients.

~~((13))~~ (20) "Occupational license" means a license, permit, or other written authority required by a governmental unit as a prerequisite to entering a particular occupation.

(21) "Occupational tools and placement equipment" means tangible implements or appliances required for the efficient performance of a particular trade, business, or occupation.

(22) "On-the-job training services" means a program of organized training giving the client the opportunity to learn as an employee in an occupation under actual conditions of commercial, industrial, or other on-the-job employment.

(23) "Physical and mental restoration services" means ~~((those))~~ services ~~((which are))~~ necessary to correct or substantially modify, within a reasonable period of time, a physical or mental condition which is stable or slowly progressive.

~~((14))~~ (24) "Physical or mental disability" means a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will ~~((probably))~~ result in limiting an individual's activities or ~~((functioning))~~ functions.

~~((15))~~ (25) "Public safety officer" means a person serving the United States or a state or unit of general local government, with or without compensation, in ~~((any))~~ an activity pertaining to:

(a) The enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the national guard or the armed forces;

(b) A correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees;

(c) A court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees; or

(d) Firefighting, fire prevention, or emergency rescue missions.

~~((16))~~ (26) "Referral" ~~((is defined as))~~ means any individual ~~((who applied or has been))~~ referred to a vocational rehabilitation office by letter, telephone, direct contact, or by ~~((any))~~ other means ~~((for whom))~~. The following minimum information ~~((has been))~~ shall be furnished~~(;)~~ for referral:

(a) Name and address;

(b) Disability;

(c) Age and sex;

(d) Date of referral; and

(e) Source of referral.

~~((17))~~ (27) "Rehabilitation facility" means a facility ~~((which is))~~ operated ~~((for the primary purpose of providing))~~ primarily to provide vocational rehabilitation services to handicapped individuals, and ~~((which provides))~~ also provide one or more of the following services ~~((for handicapped individuals))~~:

(a) Vocational rehabilitation services ~~((which shall include))~~ under one management~~(;)~~ including:

(i) Medical~~(;)~~;

(ii) Psychological~~(;)~~;

(iii) Social~~(;)~~; and

(iv) Vocational services~~(;)~~;

(b) Testing, fitting, or training in the use of prosthetic and ~~((orthoptic))~~ orthotic devices;

(c) Prevocational conditioning or recreational therapy;

(d) Physical and occupational therapy;

(e) Speech and hearing therapy;

(f) Psychological and social services;

(g) Evaluation of rehabilitation potential;

(h) Personal and work adjustment;

(i) Vocational rehabilitation with a view toward career advancement ~~((f))~~ in combination with other rehabilitation services~~(;)~~;

(j) Evaluation or control of specific disabilities; and

(k) Transitional or extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market ~~((provided that))~~. All medical and related health services ~~((must))~~ shall be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the state.

~~((18))~~ (28) "Secretary," except when the context indicates otherwise, means the secretary of the department of social and health services.

~~((19))~~ (29) "Severely handicapped individual" means a handicapped individual~~(;)~~:

(a) ~~((Who has))~~ With a severe physical or mental disability which seriously limits ~~((his))~~ one or more of the individual's functional capacities ~~((mobility, communication, self-care, self-direction, work tolerance, or work skills))~~ in terms of employability; ~~((and))~~

(b) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time~~(;)~~; and

(c) ~~((Who has))~~ With one or more physical or mental disabilities resulting from:

(i) Amputation~~(;)~~;

(ii) Arthritis~~(;)~~;

(iii) Autism;

(iv) Blindness~~(;)~~;

(v) Burn injury;

(vi) Cancer~~(;)~~;

(vii) Cerebral palsy~~(;)~~;

(viii) Cystic fibrosis~~(;)~~;

(ix) Deafness~~(;)~~;

(x) Head injury;

(xi) Heart disease~~(, hemoplegia;)~~;

(xii) Hemiplegia;

(xiii) Hemophilia~~(;)~~;

(xiv) Respiratory or pulmonary dysfunction~~(;)~~;

(xv) Mental retardation~~(;)~~;

(xvi) Mental illness~~(;)~~;

(xvii) Multiple sclerosis~~(;)~~;

(xviii) Muscular dystrophy~~(;)~~;

(xix) Musculo-skeletal disorders~~(;)~~;

(xx) Neurological disorders ~~((f))~~ including stroke and epilepsy~~(;)~~;

(xxi) Paraplegia~~(;)~~;

(xxii) Quadriplegia~~(, and)~~;

(xxiii) Other spinal cord conditions~~(;)~~;

(xxiv) Sickle cell anemia~~(, and)~~;

(xxv) Specific learning disability;

(xxvi) End-stage renal disease~~(;)~~; or

(xxvii) Another disability or combination of disabilities determined ~~((on the basis of))~~ to cause comparable substantial functional limitation based on an evaluation of rehabilitation potential ~~((to cause comparable substantial functional limitation))~~.

~~((20))~~ (30) "Substantial handicap to employment" means ~~((that))~~ a physical or mental disability ~~((in light~~

~~of attendant medical, psychological, vocational, educational, and other related factors))~~ which impedes an individual's occupational performance, by preventing ~~((his))~~ the individual from:

- ~~(a) Obtaining((-);~~
- ~~(b) Retaining((-);~~ or
- ~~(c) Preparing for employment consistent with ((his))~~ the individual's capacities and abilities.

~~((21))~~ (31) "Vocational rehabilitation counselor~~((s))~~ (VRC) ~~((shall refer to))~~" means an employee of the division ~~((who has))~~ having direct responsibility for authorizing, providing, or supervising the provision of~~((;))~~ all vocational rehabilitation services to a division client ~~((of the division))~~.

~~((22))~~ (32) "Vocational rehabilitation services~~((;))~~" ~~((shall))~~ mean ~~((any))~~ services under the vocational rehabilitation plan including one or more of the following:

(a) Any goods or services provided to a client ~~((that is))~~ likely to enable ~~((him))~~ the client to enter or retain employment in the competitive labor market consistent with ~~((his))~~ the client's capacities and abilities ~~((in the competitive labor market;))~~;

(b) Any goods or services provided to a client for the purpose of extended evaluation to determine ~~((his))~~ the client's rehabilitation potential~~((;))~~;

(c) The establishment, construction, development, operation, and maintenance of ~~((workshops and))~~ rehabilitation facilities~~((;))~~; and

(d) The provision of ~~((any))~~ facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but ~~((which are))~~ not related directly to the rehabilitation ~~((program))~~ plan.

~~((23))~~ "Workshop" means a rehabilitation facility, or that part of a rehabilitation facility, engaged in a production or service operation and which is operated for the primary purpose of providing gainful employment or professional services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist) Vocational rehabilitation is a capped categorical program; thus, services appropriate and necessary for successful vocational rehabilitation are determined on an individual case-needs basis under CFR 361.42, dated January 19, 1981.

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 1383, filed 3/28/79)

WAC 490-500-145 CRITERIA FOR SELECTION OF SERVICE—INDIVIDUALIZED, WRITTEN EXTENDED EVALUATION PLAN. The division shall use the following order to determine eligibility in selecting handicapped individuals to be provided vocational rehabilitation services when ~~((such))~~ the services cannot be provided to all persons who apply and ~~((who have been))~~ are determined to be ~~((eligible or who have been determined to be))~~ in need of services under

an extended evaluation ~~((of rehabilitation potential to determine eligibility, use the following order))~~ plan:

~~((Those))~~ (1) Clients who are most severely ~~((disabled with))~~ handicapped shall be accepted for services first ~~((to be));~~

(2) Followed by other clients of the department of social and health services ~~((second)),~~ disabled public safety officers, Native Americans, and disabled civil employees of the United States Government; and

(3) Then all other clients in order of precedence by date of application with earliest date of application having first priority.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-257 ~~((VOCATIONAL))~~ INDIVIDUALIZED, WRITTEN REHABILITATION ((PROGRAM)) PLAN. Before providing services, the division shall initiate and continuously develop an individualized written rehabilitation ~~((program will be initiated and continuously developed))~~ plan for each ~~((handicapped individual eligible for vocational rehabilitation))~~ client.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-260 ~~((VOCATIONAL))~~ INDIVIDUALIZED, WRITTEN REHABILITATION ((PROGRAM)) PLAN—CONTENT ((OF REGULAR CASE PROGRAM)). ~~((The))~~ When developing an individualized written rehabilitation ~~((program))~~ plan, the division shall place primary emphasis on the determination and achievement of a vocational goal~~((; and as appropriate;))~~. The plan shall include, but ~~((shall))~~ not ~~((necessarily))~~ be limited to, appropriate statements concerning the following:

(1) The basis on which the determination of eligibility has been made;

(2) The long-range employment goals established for the individual and the intermediate rehabilitation objectives related to the attainment of ~~((such))~~ the goals, for which the division utilizes a prioritization of services, are as follows:

(a) Medical restoration enabling the client to return to previous employment;

(b) Job restructuring enabling the client to return to employment similar to the type previously held;

(c) Utilizing transferable skills placing the client in suitable employment; or

(d) Retraining necessary to obtain current marketable job skills within the client's limitations for employment available in the current labor market.

(3) The determination of the specific vocational rehabilitation services ~~((to be))~~ provided ~~((in order))~~ to achieve established employment goals and the terms and conditions for the provision of ~~((such))~~ the services;

(4) The projected rate for the initiation of each vocational rehabilitation service, the anticipated duration of each ~~((such))~~ service, and the time within which the objectives and goals for each individual might be achieved, including periodic progress reviews;

(5) The views of the handicapped individual, or (~~as appropriate, his parent, guardian, or other~~) the individual's representative, concerning ((his)) the individual's goals and objectives and the vocational rehabilitation services ((being)) provided;

(6) The terms and conditions for the provision of vocational rehabilitation services including responsibilities of the handicapped individual in implementing the individualized written rehabilitation ~~((program))~~ plan:

(a) Extent of client participation in the cost of services based on the financial need of the client, and

(b) Extent to which the individual is eligible for ~~((similar benefits))~~ comparable services under ((any)) other programs;

(7) An assurance ~~((that))~~ the handicapped individual ((has been)) is informed of ((his)) the:

(a) Individual's rights ((and the));

(b) Means by which ((he)) the individual may express dissatisfactions; and

(c) Means by which the individual may seek remedy for ((his)) dissatisfactions, including the opportunity for:

(i) Client assistance program services;

(ii) An administrative review of action; or

(iii) A fair hearing((s)).

(8) ~~((Where appropriate,))~~ Assurance ((that)) the handicapped individual ((has been)) is provided a detailed explanation of the availability of the resources within a client assistance ((project:)) program;

(9) The basis on which the individual ((has been)) shall be determined to be rehabilitated; and

(10) ~~((Any))~~ Plans for the provision of post-employment services after a suitable employment objective ((has been)) is achieved and the basis on which ((such)) the plans are developed when required.

~~((11) A copy of the written program, and any amendments thereto shall be provided to the handicapped individual, or, as appropriate, his parents, guardian or other representative.))~~

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 1050, filed 8/29/75)

WAC 490-500-270 ~~((VOCATIONAL))~~ INDIVIDUALIZED, WRITTEN REHABILITATION ((PROGRAM)) PLAN—PARTICIPATION OF CLIENT. The ~~((individualized written rehabilitation program shall be developed jointly by the))~~ VRC and the handicapped individual or ((, as appropriate, his parent, guardian or other)) the individual's representative ((, and a copy of the)) shall jointly develop the individualized, written ((program, and any amendments thereto,)) rehabilitation plan. The division shall ((be provided to)) provide the ((handicapped)) individual or ((, as appropriate, his parent, guardian or other)) the individual's representative a copy of the written rehabilitation plan and subsequent amendments.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-275 ~~((VOCATIONAL))~~ INDIVIDUALIZED, WRITTEN REHABILITATION ((PROGRAM)) PLAN—ANNUAL REVIEW. (1) The division shall review for appropriateness with the individual or the individual's representative the individualized, written ((program shall be reviewed)) rehabilitation plan:

(a) On an annual basis; or

(b) As often as necessary ((but at least on an annual basis)).

(2) At ((which)) the time ((each)) of review, the handicapped individual ((;) or ((, as appropriate, his parent, guardian or other)) the individual's representative ((will)) shall be ((afforded an opportunity to)) involved in the review ((such program)) and, if necessary, jointly redevelop ((its)) the terms.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-280 ~~((VOCATIONAL))~~ INDIVIDUALIZED, WRITTEN REHABILITATION ((PROGRAM)) PLAN—TERMINATION. ~~((When the services are terminated under))~~ (1) When a ((written program on the basis of a determination that the)) handicapped individual is not capable of achieving a vocational goal and is ((then)) no longer eligible, the ((following conditions and procedures will be made and carried out: (1) Such)) division shall terminate services under the written rehabilitation plan.

(a) The division shall make the decision ((shall be made only)) to terminate services with ((full participation)) the involvement of ((such individuals)) the individual or ((as appropriate, his parent, guardian, or other)) the individual's representative.

~~((2))~~ (b) The VRC shall:

(i) Record the views of the individual or ((his)) the individual's representative concerning the decision ((shall be recorded in the individualized written program. (3) The rationale for such decision must be thoroughly documented and included as a part or amendment to the written rehabilitation program)); and

(ii) Document the rationale for such decision.

~~((4))~~ (2) When the ((client will be informed that his)) division terminates services, the division shall inform the individual the division will review the individual's case ((will be reviewed)) within twelve months ((; offering)). The annual review shall offer the individual a clear opportunity for ((full consultation));

(a) Involvement; and

(b) Reconsideration of ((such)) the decision ((of)) regarding ineligibility. The division shall make subsequent reviews ((may be made)) only upon ((his)) the individual's request.

~~((5) Consultation or)~~ (3) The division shall not schedule an annual review ((would not be scheduled)) if ((;));

(a) There is a recorded statement by the individual indicating ((that he)) the individual does not want to have further consideration;

- (b) The individual is uncooperative and shows lack of interest;
 (c) The individual is no longer in the state;
 (d) The individual's whereabouts are unknown;
 (e) The individual's medical condition is rapidly progressive or terminal; or
 (f) There are other strong reasons that would make an annual review impractical.

NEW SECTION

WAC 490-500-340 CRITERIA FOR SELECTION OF SERVICE—INDIVIDUALIZED, WRITTEN REHABILITATION PLAN. The division shall use the following order to determine eligibility in selecting handicapped individuals to be provided vocational rehabilitation services when the services cannot be provided to all persons who apply and are determined eligible:

- (1) Clients who are most severely handicapped shall be accepted for service first;
 (2) Followed by other clients of the department of social and health services, disabled public safety officers, Native Americans, and disabled civil employees of the United States Government; and
 (3) Then all other clients in order of precedence by date of application, with earliest date of application having first priority.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-350 VOCATIONAL REHABILITATION SERVICES. ~~((Each client accepted for services shall be provided any rehabilitation services found by the diagnostic study to be necessary for the realization of his))~~ The division shall only provide rehabilitation services when preauthorized by the VRC. The division shall provide a thorough diagnostic study to determine rehabilitation services necessary to attain the client's rehabilitation objective ((including)). Rehabilitation services may include, but are not limited to:

- (1) Evaluation of rehabilitation potential;
 (2) Counseling and guidance;
 (3) Physical and mental restoration services;
 (4) Vocational and other training services, including personal and vocational adjustment, books, tools and other training materials;
 (5) Maintenance;
 (6) Transportation;
 (7) Services to ~~((members of a handicapped individual))~~ the client's family members when ((such)) the services are necessary ((to the adjustment of)) for the client's rehabilitation ((of the handicapped individual));
 (8) Interpreter services for the deaf;
 (9) Reader services, rehabilitation teaching services, and orientation and mobility services for the blind;
 (10) Telecommunications, sensory and other technological aids and devices;
 (11) Recruitment and training services ~~((to provide))~~ providing new employment opportunities and other appropriate public service employment;

- (12) Placement in suitable employment;
 (13) Post-employment services, necessary to assist ~~((handicapped individuals to maintain))~~ the client in maintaining suitable employment;
 (14) Occupational licenses, tools, equipment, initial stocks ~~((including livestock))~~ and supplies; and
 (15) Other goods and services which ~~((can reasonably be expected to benefit a handicapped individual))~~ in ((terms)) the opinion of the VRC benefit the client's employability.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-390 VOCATIONAL REHABILITATION SERVICES—TRAINING. (1) The division may provide rehabilitation training services to a client who:

- (a) Has the mental, physical, and emotional qualifications and capacity to benefit from ((rehabilitation)) the training((:)); and ((who))
 (b) Requires ((such)) the training ((in order)) to achieve ((his)) the client's rehabilitation goal((: may receive)).
 (2) Vocational rehabilitation training services ((from the division. Such services shall)) may include, as necessary((:));

- (a) All vocational((:));
 (b) Pre-vocational((:));
 (c) Educational((:));
 (d) Personal adjustment((:));
 (e) Work adjustment; or
 (f) Other types of training ((which might contribute)) contributing to the client's rehabilitation.
 (3) Vocational rehabilitation training may be:
 (a) Provided directly by the division; or
 (b) Procured from ((other)):
 (i) Public or private training facilities ((and workshops));
 (ii) Public or private schools((, and)); or
 (iii) Commercial or industrial establishments.
 ((2)) (4) Vocational rehabilitation training shall be limited to the amount of training necessary to ((fit)) prepare the client for an appropriate and adequate occupational objective.

((3)) (5) Before expending division funds to provide training services, the ((division)) VRC shall ((provide training services to clients without regard to)) determine:

- (a) The economic need of the client; and
 (b) Comparable services available to the client are utilized.

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 775, filed 3/1/73)

WAC 490-500-405 VOCATIONAL REHABILITATION SERVICES PROVIDED—ON—THE—JOB

TRAINING(=~~EMPLOYMENT~~) (OJT). (1) (~~(Employment)~~) The division may provide on-the-job training (OJT) services (may be provided) to a client (when necessary) to (attainment of) attain the client's vocational goal. (ⁿEmployment training servicesⁿ shall mean a program of organized training by which a client is given the opportunity to learn an occupation under actual conditions of commercial, industrial, or other on-the-job employment.)

(2) (~~(Employment training)~~) The division shall provide OJT services (shall be provided) to an individual client only when the VRC (has established that) establishes the following conditions (have been or will be met):

(a) The VRC prepares and outlines in detail the client's (training) OJT program (has been prepared and outlined in detail and) in advance;

(b) The client's (training will follow) OJT follows a definite schedule of specified operations, instructions, and practices (which will insure) ensuring well-rounded preparation for the client's selected occupation;

(c) (~~(A mutual understanding has been reached between)~~) The (trainee=)client/trainee/employee, the trainer(=~~employment training facility~~)/employer, and the VRC (as to) reach a mutual understanding regarding the (provisions of the) client's (employment training) OJT plan, including:

(i) Length of the training period(;);

(ii) Financial arrangements(, and);

(iii) Operations and skills to be learned(;); and

(iv) Necessary reports.

(d) The trainer/employer (with);

(i) Provides careful supervision of the client/trainee/employee's work; and (with)

(ii) Submits regular reports on the client/trainee/employee's attendance and progress to the VRC(;);

(e) The (training) OJT programs (with) meet (any) trade or occupational licensing requirements (for licensing in the trade or occupation which exists) existing in the field (or) of work (in which) where the client is (to be) employed; and

(f) (~~(It has been ascertained that the employment)~~) An employer/employee relationship shall exist for the length of the training (program is acceptable to other employees of) plan with the intent it continues as permanent employment when the training (facility) is successfully completed.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-415 VOCATIONAL REHABILITATION SERVICES—TRAINING MATERIALS.

(1) The division may provide training tools, equipment, materials, and supplies (which) the training facility requires the student to use in the course of training (shall be supplied by). Before expending funds, the (division subject to) VRC shall determine:

(a) The economic need of the client; and

(b) Comparable services available to the client are utilized. ((This includes such items as))

(2) Training tools, equipment, materials, and supplies shall not include fees or tuition required for the enrollment of the student, but may include:

(a) Textbooks,

(b) Workbooks,

(c) Papers(;) and pens,

(d) Uniforms,

(e) Shoes,

(f) Tools, and

(g) Kits(, but does not include fees or tuition required for the enrollment of the student).

(3) Ownership of or title to training tools, equipment, materials, and supplies shall remain with the division until the client is rehabilitated and requires the tools or equipment for employment.

NEW SECTION

WAC 490-500-417 VOCATIONAL REHABILITATION SERVICES—INDEPENDENT LIVING.

(1) The division may provide independent living services to a client when the services contribute directly to achievement of competitive employment. A client may only receive independent living services in conjunction with one or more other primary vocational rehabilitation services.

(2) Independent living services shall assist the client in dealing with and overcoming barriers to family or community participation which impede successful completion of the vocational goal. These services may include assistance or training in the following areas:

(a) Obtaining a satisfactory living arrangement;

(b) Attendant care recruitment and management;

(c) Activities of daily living, including but not limited to:

(i) Grooming,

(ii) Dressing,

(iii) Hygiene,

(iv) Health,

(v) Nutrition,

(vi) Cooking,

(vii) Shopping,

(viii) Money management, and

(ix) Other general homemaking tasks.

(d) Participation in family or community events, including recreational activities;

(e) Use of transportation services or systems;

(f) Access and use of community resources necessary for the client's independence; and

(g) Peer or professional counseling to adjust to one's own disability, learn personal decision-making skills, and gain greater control over the circumstances of one's own life.

(3) All independent living services provided shall be in response to problems identified through evaluation, with the knowledge and agreement of the VRC and client.

(4) To the maximum extent possible, independent living services shall be provided by qualified persons with disabilities.

NEW SECTION

WAC 490-500-418 VOCATIONAL REHABILITATION SERVICES—ASSISTIVE TECHNOLOGY SERVICES. (1) Assistive technology services shall include the systematic application of:

- (a) Technology;
- (b) Rehabilitative engineering methodologies; or
- (c) Scientific principals.

(2) The services meeting the needs of, and addressing the barriers confronted by, individuals with handicaps relate to:

- (a) Education;
- (b) Rehabilitation;
- (c) Employment;
- (d) Transportation; or
- (e) Independent living and recreation.

AMENDATORY SECTION (Amending Order 2149, filed 9/12/84)

WAC 490-500-420 VOCATIONAL REHABILITATION SERVICES—MAINTENANCE. (1) Maintenance services may include:

(a) The client's basic living expenses, such as food, housing, clothing, and health care needs(;;); and

(b) Other subsistence expenses (~~which are essential to enable him~~) enabling the client to receive full benefit from other vocational rehabilitation services.

(2) The division may provide maintenance services (~~shall be provided~~) to the extent necessary (~~to enable~~) enabling a client to derive the full benefit of other vocational rehabilitation services.

(3) The division may provide maintenance (~~may be provided~~) at any time during the rehabilitation plan(;; or). Following placement, until (~~such time as~~) the client (~~has actually received~~) receives remuneration for (~~his~~) employment, maintenance may be provided to the client for a period not to exceed sixty days.

(4) The division shall base the provision of maintenance services (~~shall be conditioned~~) on the economic need of the client using DSHS standards and dollar amounts.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-430 VOCATIONAL REHABILITATION SERVICES—PLACEMENT MATERIALS.

(1) The division may provide a client who is (~~being~~) placed with tools, equipment, (~~occupational licenses, and~~) initial stocks and supplies, occupational licenses, and vehicles for use in connection with placement(~~Such material will be provided~~), in such quantity and (~~will be~~) of such quality as to give reasonable assurance of successful:

- (a) Operation of the enterprise(;;);
- (b) Performance in the occupation(;;); or
- (c) Practice of the profession.

(2) (~~As used in this section~~

(a) "~~Occupational tools and placement equipment~~" are any tangible implements or appliances required for the efficient performance of a particular trade, business, or occupation;

(b) "~~Occupational license~~" is any license, permit, or other written authority required by a governmental unit as a prerequisite to entering a particular occupation;

(c) "~~Initial stock and supplies~~" are any items used, consumed or sold in the normal process of an occupation or in the normal course of a business enterprise.

(3) The division shall base the provision of tools, equipment, initial stocks and supplies, (~~and~~) occupational licenses, and vehicles to clients (~~by the division shall be conditioned~~) upon the:

- (a) Economic need of the client; and
- (b) Utilization of comparable services available to the client.

(3) Ownership of or title to tools, equipment, supplies, and vehicles shall remain with the division until the client is rehabilitated and requires the tools, equipment, or vehicle for employment.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-435 VOCATIONAL REHABILITATION SERVICES—TRANSPORTATION. (1)

The division may provide transportation services (~~shall be provided~~) to a client(~~s where necessary~~) in connection with the provision of:

- (a) Physical restoration(;;);
- (b) Training(;;);
- (c) Placement(;;);
- (d) Extended evaluation(;;); and
- (e) Diagnostic services.

(2) Transportation services (~~shall~~) may include the costs of travel and subsistence during travel for a client(s) and (~~their~~) the client's necessary attendants or escorts.

(3) Transportation services may also include:

- (a) Costs of relocation; and
- (b) Moving expenses (~~where~~) when:

(i) Incurred in connection with other vocational rehabilitation services; and (~~where~~)

(ii) Necessary to the achievement of a vocational rehabilitation objective.

(~~3~~) The provision of) (4) Before expending division funds to provide transportation (~~expenses shall be conditioned upon the client's economic need except that transportation expenses in connection with diagnostic~~) services (~~shall be provided by~~), the (~~division~~) VRC shall determine:

- (a) The economic need of the client; and
- (b) Comparable services available to the client are utilized.

(5) The division may provide transportation services in connection with diagnostic services without regard to economic need.

AMENDATORY SECTION (Amending Order 2146, filed 8/29/84)

WAC 490-500-525 TERMINATION OF SERVICES (~~FOR REASON OF INELIGIBILITY~~). (1)

The division shall terminate services under (~~a~~) an individualized, written (~~program are to be terminated~~) rehabilitation plan on the basis (~~that~~) the handicapped

individual is not capable of achieving a vocational goal ~~((and))~~ or is ~~((then))~~ no longer eligible.

(2) ~~((Whenever it has been determined that))~~ The division shall make the decision with the involvement of the individual or the individual's representative.

(3) When the division determines an individual is ineligible for vocational rehabilitation services, ~~((there))~~ the division shall ~~((be a certification))~~ document and certify ineligibility. The documentation and certification shall be:

(a) Placed in the individual's file,

(b) Dated, and

(c) Signed by an appropriate staff member ~~((and placed in the individual's file)).~~

(4) The division shall terminate services under an individualized, written rehabilitation plan when the individual insists upon a vocational goal contraindicated by medical or labor market conditions.

AMENDATORY SECTION (Amending Order 2385, filed 6/3/86)

WAC 490-500-560 ADMINISTRATIVE REVIEW. (1) ~~((Any))~~ A client ~~((or applicant who feels aggrieved by, or is otherwise))~~ dissatisfied with ~~((, any))~~ a decision ~~((or action))~~ by the division ~~((or its agents with regard to his or her))~~ regarding the client's vocational rehabilitation case may file a request with and receive from the division ~~((for, and shall thereupon receive,))~~ an administrative review and redetermination of ~~((that))~~ the decision or action. The division's administrative review effects a timely, informal resolution of disagreements. The process may not be used as a means to delay the more formal fair hearing unless each party agrees to a delay.

(2) ~~((A))~~ The client shall request ~~((for))~~ an administrative review ~~((may be made either verbally or)),~~ in writing, and ~~((may be filed))~~ file the request in any office of the division. ~~((A verbal request shall promptly be documented in writing:))~~

(3) ~~((All requests))~~ A request for administrative review ~~((s))~~ shall:

(a) Specify the date of the decision or action ~~((being))~~ appealed ~~((:));~~

(b) Precisely specify ~~((as precisely as possible))~~ the issue to be resolved by the administrative review ~~((:));~~

(c) ~~((Set forth))~~ State the address of the ~~((client or of his or her))~~ client or the client's representative ~~((:));~~ and

(d) Be signed by the ~~((client or by his or her))~~ client or the client's representative.

(4) ~~((A))~~ The client shall submit the request for an administrative review ~~((must be made))~~ within sixty days after receiving notice from the division of the decision or action ~~((by the division))~~ which is the basis for the review request ~~((for review)).~~

(5) The regional administrator of the region where the client receives services shall provide an administrative review ~~((and redetermination shall be provided by the regional administrator of the vocational rehabilitation region in which the client has been receiving services, and shall be provided))~~ within thirty days after the submission of the review request ~~((for review)).~~

~~((As soon as possible after the conclusion of the administrative review,))~~ The regional administrator shall certify ~~((his or her))~~ the findings to the client, in writing, as soon as possible after the conclusion of the administrative review specifying ~~((in reasonable detail the reasons))~~ the reasons for ~~((his or her))~~ the findings and informing the client of ~~((his or her))~~ the client's right to request and receive a fair hearing if dissatisfied with ~~((those))~~ the findings.

AMENDATORY SECTION (Amending Order 2385, filed 6/3/86)

WAC 490-500-570 FAIR HEARING—ADJUDICATIVE PROCEEDING. (1) ~~((Any))~~ An applicant ~~((or recipient dissatisfied with the finding of an administrative review may request from the division, and shall thereupon be granted,))~~ shall have the right to a fair hearing ~~((:~~

(a) An applicant or recipient desiring a fair hearing shall request such hearing within thirty days after receiving notice from the division of the finding of the administrative review.

(b) A request for a fair hearing may be made either verbally or in writing and may be filed in any office of the division. If made verbally, such a request shall promptly be documented in writing.

(c) All requests for fair hearings shall:

(i) Specify the date of the administrative review being appealed;

(ii) Specify as precisely as possible the issue to be adjudicated at the fair hearing;

(iii) Set forth the address of the client, his or her representative, or his or her attorney;

(iv) Be signed by the client, his or her representative, or his or her attorney) to contest the department's denial of the application. A client shall have the right to a fair hearing to contest a VRC's decision concerning the furnishing of services.

(2) ~~((Fair hearings in the vocational rehabilitation program are governed by chapters 10-08 and 388-08 WAC and this section. If any provision of this section conflicts with chapter 388-08 WAC, the provision in this section governs.))~~ A client contesting a decision shall, within twenty-eight days of receipt of the decision:

(a) ~~((The decision-making procedure is the initial decision-petition for review-review decision procedure. See WAC 388-08-409 and 388-08-413.))~~ File a written request for a hearing by a method showing proof of receipt with the office of appeals; and

(b) ~~((The director, division of vocational rehabilitation, is the hearing authority to review and rule on petitions for review of initial decisions and orders))~~ Include in or with the request for a hearing:

(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.

(c) The proceeding shall be governed by the Administrative Procedure Act, chapter 34.05 RCW, this chapter, and chapter 388-08 WAC. If any provision of this

chapter conflicts with chapter 388-08 WAC, the provision in this chapter governs.

(3) ((Any client not satisfied with a decision of the director, division of vocational rehabilitation regarding services under the IWRP, may request the secretary of education to review the decision pursuant to 29 U.S.C. Section 722)) The administrative law judge may extend the time limits in subsections (4), (5), and (6) of this section for good cause shown at the request of a party or of both parties.

(4) The hearing shall be held within forty-five days of the office of appeals' receipt of the request for a hearing.

(5) The administrative law judge shall serve the initial decision within thirty days of the hearing or completion of the hearing record.

(6) When a petition for review is filed, the director shall serve the review decision within thirty days of giving notice of receipt of a petition for review.

NEW SECTION

WAC 490-500-600 INDEPENDENT LIVING PROGRAM—INDEPENDENT LIVING REHABILITATION SERVICES. (1) The division may provide independent living rehabilitation services to eligible severely handicapped individuals who, through evaluation, are identified as:

(a) Having no reasonable vocational potential; or

(b) Needing no vocational services, but may benefit from services that enhance family or community participation.

(2) The division shall accept a severely handicapped individual's application for independent living rehabilitation services when the individual believes the individual has the potential to increase the quality and extent of family or community participation.

(3) Severely handicapped individuals shall:

(a) Play a substantial role in shaping the nature and delivery of the independent living rehabilitation services the individuals will receive; and

(b) Be responsible for fully participating in decisions affecting the course of the individualized, written independent living plan.

NEW SECTION

WAC 490-500-605 INDEPENDENT LIVING PROGRAM—ELIGIBILITY. (1) The division shall make an eligibility determination for applicants for independent living rehabilitation services. After receiving the application, the division shall base the determination of eligibility on the results of a preliminary study and evaluation as soon as possible.

(2) The division shall base eligibility only upon:

(a) The presence of an individual's severe physical or mental handicap which constitutes or results in a substantial barrier to family or community participation; and

(b) A reasonable expectation that independent living rehabilitation services may benefit the individual through enhanced family or community participation.

(3) Other eligibility requirements and procedures shall be followed under WAC 490-500-030 (2), (3), (4), and (5) through 490-500-120.

NEW SECTION

WAC 490-500-610 INDEPENDENT LIVING PROGRAM—ORDER OF SELECTION. The division shall use the following order to determine eligibility in selecting handicapped individuals to provide independent living rehabilitation services:

(1) Individuals, including the homebound, not receiving vocational services from the division;

(2) Individuals at risk of becoming institutionalized;

(3) Individuals who were institutionalized or are institutionalized; or

(4) Groups of severely handicapped individuals in need of a common service.

NEW SECTION

WAC 490-500-615 INDEPENDENT LIVING PROGRAM—ECONOMIC NEED AND COMPARABLE SERVICES. (1) The division shall require an applicant accepted for independent living rehabilitation services to furnish the division with all financial information and follow other provisions of economic need under WAC 490-500-185 through 490-500-200.

(2) Before expending division funds to purchase services, the VRC shall determine:

(a) The economic need of the client; and

(b) Comparable services available to the client are utilized.

In all cases, full consideration shall be given to any comparable services available to a handicapped individual participating in any other program.

NEW SECTION

WAC 490-500-620 INDEPENDENT LIVING PROGRAM—WRITTEN INDEPENDENT LIVING PLAN. (1) When accepted for independent living rehabilitation services, the individual and the VRC shall establish a written independent living plan to include:

(a) Goals addressing specific barriers to family or community participation; and

(b) Services leading to the accomplishment of each goal within specified time frames.

(2) The division may provide handicapped individuals with independent living rehabilitation services, under WAC 490-500-605 and 490-500-610, and the services may be provided for the purposes of:

(a) Obtaining a satisfactory living arrangement;

(b) Activities of daily living including, but not limited to:

(i) Grooming;

(ii) Dressing;

(iii) Hygiene;

(iv) Self-care;

(v) Health;

(vi) Nutrition;

(vii) Cooking;

(viii) Shopping;

(ix) Time management;

- (x) Money management; and
- (xi) Other general homemaking tasks.
- (c) Participation in family or community events, including recreational activities;
- (d) Use of transportation services or systems and/or development of mobility skills;
- (e) Access to and use of community resources necessary for the individual's independence and integration within:
 - (i) Family;
 - (ii) Community; and
 - (iii) Work settings.
- (f) Peer or professional counseling to:
 - (i) Adjust to one's disability;
 - (ii) Learn personal decision-making skills; and
 - (iii) Gain greater control over the circumstances of one's life.
- (g) Other services needed for enhanced family or community participation.

NEW SECTION

WAC 490-500-625 INDEPENDENT LIVING PLAN—TERMINATION. The division shall terminate independent living rehabilitation services for an individual when the individual:

- (1) Successfully completes the independent living rehabilitation;
- (2) No longer is able or wishes to participate in services; or
- (3) Is determined ineligible.

Procedures for termination shall be followed under WAC 490-500-525 through 490-500-545.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 490-500-387 VOCATIONAL REHABILITATION SERVICES—PUBLIC SAFETY OFFICER.

**WSR 90-11-115
PUGET SOUND
WATER QUALITY AUTHORITY**

[Filed May 23, 1990, 8:22 a.m.]

Reviser's note: The following material has not been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

NOTICE OF PROPOSED AMENDMENT AND PUBLIC
HEARINGS
PUGET SOUND WATER QUALITY AUTHORITY

Title of Plan: Draft 1991 Puget Sound Water Quality Management Plan

Purpose: To revise and expand the 1987 and 1989 Puget Sound Water Quality Management Plans and adopt the Comprehensive Conservation and Management Plan for Puget Sound.

Statutory Authority for Adoption: Chapter 90.70 RCW, as amended by ESHB 2482, 1990 Regular Session, and Section 320 of the federal Clean Water Act, as amended by P.L. 100-4, the Water Quality Act of 1987, 33 U.S.C. 1330.

Statute Being Implemented: Chapter 90.70 RCW, as amended by ESHB 2482, 1990 Regular Session, and Section 320 of the federal Clean Water Act, as amended by P.L. 100-4, the Water Quality Act of 1987, 33 U.S.C. 1330.

Summary: The Puget Sound Water Quality Management Plan is a comprehensive plan that includes 14 programs relating to protection of Puget Sound resources and the reduction of threats to those resources. Changes are proposed to the 1989 plan to incorporate experience gained in implementation and to protect Puget Sound and its resources more efficiently and more effectively.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: William Luria, 217 Pine St., Suite 1100, Seattle, 98101, (206) 464-7320 or 1-800-54-SOUND.

Name of Proponent: Puget Sound Water Quality Authority, governmental.

Explanation of Plan, its Purpose, and Anticipated Effects: The purpose of this plan is to restore and protect biological health and diversity of Puget Sound. The strategy for achieving this purpose is to protect and enhance the Sound's water and sediment quality; its fish and shellfish; and its wetlands and other habitats.

The Puget Sound water quality planning area includes Puget Sound south of Admiralty Inlet (including Hood Canal and Saratoga Passage); the waters north to the Canadian border, including portions of the Strait of Georgia; the Strait of Juan de Fuca south of the Canadian border, extending westward to Cape Flattery; and all the land draining into these waters.

The plan potentially affects every resident of the Puget Sound area, since everyone's activities are a potential pollution source. Those most likely to be affected by the plan include federal, state, local, and tribal governments; operators of federal facilities; researchers; educators; owners of septic systems and recreational or liveaboard boats; farmers; rural and urban landowners and homeowners; shellfish growers; the development community; municipal and industrial dischargers with permits under the National Pollutant Discharge Elimination System; ports and other entities that dredge; the marine transport industry and others potentially involved in spills of hazardous substances; commercial fishermen; operators of laboratories performing water quality tests.

Hearing Locations:

June 26

Skagit County
Skagit County Courthouse
Hearing Room C
2nd & Kincaid
Mount Vernon

Thurston County
John L. O'Brien Bldg
Hearing Room B, 1st Floor
Capitol Campus
Olympia

June 27

Pierce County
Tacoma City County Bldg
Council Chambers
930 Tacoma Ave S
Tacoma

Snohomish County
Snohomish County PUD
Auditorium
2320 California
Everett

June 28

King County #1
King County Courthouse
Council Chambers (Rm. 402)
3rd and James
Seattle

San Juan County
San Juan County Courthouse Annex
Commissioners Board Room
135 Rhone Street
Friday Harbor
(6-8 p.m.)

July 9

King County #2
Kirkland City Hall
Council Chambers
123 5th Avenue
Kirkland

Clallam County
Clallam County Courthouse
Human Services Conf Rm 42
223 East Fourth
Port Angeles

July 10

Kitsap County
Kitsap County Fire District #1
Meeting Room
10955 Silverdale Way NE
Silverdale

Jefferson County
Jefferson County Courthouse
"Husky Room" - Third Floor
Jefferson & Cass
Port Townsend

July 11

Mason County
Mason County PUD #3
Auditorium
311 Cota
Shelton

Island County
Island County Courthouse
Commissioners Hearing Room #1
NE 6th & Main
Coupeville

July 12

Whatcom County
Bellingham City Hall
Council Chambers
210 Lottie Street
Bellingham

All hearings will be held from 7-9 p.m., except the San Juan County hearing, which will take place from 6-8 p.m.

Submit Written Comments to: William Luria, by July 20, 1990.

Date of Intended Adoption: A proposed final plan will be released for public comment in October 1990. The Authority proposes to adopt the final plan in November 1990.

THE ACTION PLAN

The plan's programs, and significant changes to the 1989 version of each program, are summarized below:

ESTUARY MANAGEMENT

This is a new program which results from the federal authorization for the Puget Sound Water Quality Management Plan. Under the Puget Sound Estuary Program, established under Section 320 of the Water Quality Act of 1987 (which amended the Clean Water Act), the 1991 Puget Sound management plan will be the Comprehensive Conservation and Management Plan for Puget Sound. As such, the 1991 plan for the first time assigns tasks and responsibilities to federal agencies.

The program: (1) formalizes the existing Puget Sound Estuary Program management structure; (2) proposes several new financing options to provide adequate funding for the Puget Sound Estuary Program and the management plan; (3) requires accountability by implementing agencies; (4) provides for strong enforcement at all levels of government; and (5) seeks to ensure that federal activities, including the operation of large federal facilities, are consistent with the plan.

FISH AND WILDLIFE HABITAT PROTECTION

RCW 90.70.060(11) calls for the Puget Sound plan to include recommendations on "protecting, preserving and, where possible, restoring wetlands and wildlife habitat and shellfish beds throughout Puget Sound." The 1989 plan includes programs for wetlands and shellfish. However, there is no comparable program for the protection and restoration of non-wetland terrestrial or deep/open water habitats.

This program is new; it addresses the protection of fish and wildlife habitat by promoting coordination among existing efforts and by providing a focus for Puget Sound. The program: (1) encourages and supports efforts by federal, state, local, and tribal governments to

act proactively to protect rapidly disappearing habitats in the near term; and (2) coordinates among existing agencies and governments and their laws and programs to protect and manage Puget Sound habitat in the long term and to provide integrated solutions for habitat protection.

SPILL PREVENTION AND RESPONSE

Modern industrial societies depend on large volumes of gasoline, motor and heating oils, solvents and other hazardous substances to function. These substances, which can cause tremendous damage if released into the environment, are routinely transported and stored in huge quantities. They represent accidents waiting to happen. Recent spills—from the huge Exxon Valdez spill to the Nestucca spill on the Washington coast—have increased concern about the need for spill prevention.

The program includes: (1) identifying the tools and resources needed to protect Puget Sound from spills; and (2) implementing a comprehensive spill prevention and response program using current regulations and enacting new legislation if necessary.

This program is significantly expanded from the program in the 1989 plan. Several new elements focusing on spill prevention are proposed. These include: implementing, where appropriate, the States/B.C. Task Force Spill Prevention Subcommittee's recommendations; amending the Environmental Protection Agency's Oil Pollution Prevention regulations to require spill prevention and containment parameters at oil storage facilities; assuring that Department of Ecology staff review spill control requirements during their review of waste discharge permits; providing training on the spill prevention measures that are required in Article 80 of the Uniform Fire Code; increasing vessel safety in Puget Sound by reducing conflicts between user groups like fishermen, ferries, commercial traffic, and pleasure craft; conducting a study on whether speed limits or other safety measures should be imposed in Puget Sound; providing spill prevention education targeting the commercial fishing industry; and increasing the level of financial responsibility required of transporters of petroleum and other hazardous materials.

MONITORING

This program in the 1989 plan established the Puget Sound Ambient Monitoring Program. Under the program, several state agencies are monitoring the Sound over time in order to assess the environmental conditions of Puget Sound, its resources, and the effects of human activities on them. The program: (1) establishes an institutional structure to manage the monitoring program; (2) implements the monitoring program design, data management system, and quality assurance plan recommended by the Monitoring Management Committee in April 1988; (3) collects, analyzes, interprets, and reports data in a manner that is useful to water quality managers and to the public; and (4) annually reviews the monitoring program to ensure that the most appropriate and cost-effective monitoring elements are included.

Two changes from the 1989 plan are proposed. A new element on monitoring pesticides in Puget Sound has been added. Another element, which directs state agencies to collect and transfer data in formats compatible with PSAMP, has been expanded to include federal and local agencies and tribes.

RESEARCH

The Research Program in the 1989 plan began the development of the Puget Sound Research Program. The current program: (1) maintains the Puget Sound Research Program in order to promote the coordination and funding of Puget Sound research; (2) establishes a renewable list of priorities for sponsorship by the program; and (3) assists in making the results of research available for decision-making.

The major changes proposed in the program hinge on the establishment of the Puget Sound Foundation as the long-term means of funding and implementing program functions. While the Authority will maintain (and share with the Foundation) oversight, coordination, and priority-setting functions until the Authority's scheduled termination in 1995, the Foundation will gradually assume the remaining functions in phases over the next two biennia.

EDUCATION AND PUBLIC INVOLVEMENT

This program in the 1989 plan incorporated a long-range strategy to make Puget Sound education and public involvement more effective. The program includes: (1) a public involvement policy to be followed by agencies and local governments; (2) increased resources to state agencies and tribes for coordinated education programs on marine and freshwater habitats, on water quality policy issues, and on volunteer action; (3) field agents to coordinate among local and regional education and public involvement programs; (4) a Public Involvement and Education Fund (PIE-Fund) to support short-term public involvement and education efforts of both the private and public sectors; and (5) new in this plan, a Puget Sound Foundation to support long-term education and public involvement efforts of both the private and public sectors.

The program is fundamentally the same as that proposed in the 1989 plan. Besides the foundation, tribal field agents are added, the interagency training teams are expanded slightly, and interpretive activities reinforce habitat education to support the new habitat protection program.

PUGET SOUND FOUNDATION

This is a new program. It responds to a recognized need for an ongoing structure to coordinate strategies and funding for research and education. In 1990, in an amendment to chapter 90.70 RCW, the Washington State Legislature authorized the Authority to create a public nonprofit corporation under Chapter 24.03 RCW. It is anticipated that during the 1989-91 biennium, the Authority will establish the Puget Sound Foundation as a nonprofit corporation. The Foundation's primary tasks

will be: (1) funding and coordinating research and education programs on Puget Sound; and (2) assuming responsibility for certain elements of the research and education programs as staff and funding allow.

HOUSEHOLD HAZARDOUS WASTE

Household hazardous wastes come from a variety of toxic products used in the home, such as paints and paint thinners, lawn and garden pesticides and fertilizers, and automotive products such as antifreeze, batteries, and oil. The use and disposal of many of these products are a chronic source of pollution to Puget Sound.

The program seeks to ensure full implementation of recent amendments to the Hazardous Waste Management Act, including waste reduction through oil recycling and conservative use of pesticides.

Additions to the program are proposed to incorporate education of urban and suburban residents about pest management alternatives and the proper application of pesticides.

NONPOINT SOURCE POLLUTION

"Nonpoint" pollution sources are numerous and dispersed, including all the forms of contamination that enter the water in surface runoff and from boats. Nonpoint sources may include on-site septic systems, farm practices, and stormwater, as well as other sources. This program is a three-pronged effort: (1) it targets state, federal, and local resources on priority watersheds through a cooperative process of local watershed planning and implementation; (2) it supplements the watershed plans with education and preventive programs; and (3) it develops or enhances state programs or regulations for those nonpoint sources that are most effectively controlled at the state level (this specifically includes recreational boaters and on-site septic systems).

Several changes are made to the watershed planning program: revision of the nonpoint rule (Chapter 400-12 WAC) is scheduled starting in January 1991; language on approval of watershed plans is clarified; and a new subelement is added on federal funding. Two new elements addressing water quality impacts from pesticides are added. Another element is modified to propose revision of the model ordinance to address the need for sewage disposal options for all boats using a marina, not just liveaboards.

SHELLFISH PROTECTION

This program focuses on better protection of both recreational and commercial shellfishing. The program includes: (1) adopting shellfish policies that will ensure that pollution source control programs protect shellfish; (2) responding to existing and potential shellfish contamination with aggressive restoration and protection programs; (3) testing for toxicants in targeted commercial and recreational shellfish beds; (4) monitoring in recreational shellfish areas, implementing recreational shellfish restoration and protection projects, and adopting rules governing the recreational harvest of shellfish; (5) maintaining an inventory and data base on the location and status of shellfish resources; (6) identifying

funding sources for shellfish protection programs; (7) increasing public involvement and education in shellfish protection; and (8) new in this plan, establishing a mechanism to respond quickly to shellfish bed closures.

The proposed changes to the program place increased emphasis on the protection of shellfish beds (both commercial and recreational) to prevent future downgrading in classification; establish a mechanism for responding very quickly to shellfish growing area downgrades; and set up an action demonstration restoration project.

WETLANDS PROTECTION

Wetlands are an economically, biologically, and physically valuable resource. More than half of the wetlands along the coasts and riverbanks of Puget Sound have been destroyed by human activity. The greatest threat to wetlands is the rapid rate of population growth in the Puget Sound basin, an estimated 40 percent increase by 2010, and the development that will be necessary to accommodate this growth.

The program in the 1989 plan called for protection of significant wetlands through (1) preservation (purchase or other mechanisms); (2) local government regulatory programs that meet minimum state standards; and (3) a program for protecting wetlands on state-owned uplands and aquatic lands.

There are several proposed changes and additions to the program. The Authority proposes to adopt the wetlands standards as a rule as part of the 1991 plan process. After public review of and comment on this draft of the 1991 Puget sound plan, the Authority plans to formally propose the wetlands regulation coincident with the release of the proposed final plan in September 1990. The regulation would then used as the minimum wetlands policies and standards for Puget Sound local governments that are required to promulgate development regulations under the growth management bill by September 1, 1991. A mechanism is included for state standards and oversight of local government wetlands programs, as well as additional actions for state and federal agencies. A larger role in wetlands protection is proposed for the U.S. Army Corps of Engineers, the Environmental Protection Agency, and the U.S. Fish and Wildlife Service.

MUNICIPAL AND INDUSTRIAL DISCHARGES

Point sources of pollution include industries and municipal sewage treatment plants. This program calls for extensive improvement in the effectiveness of the state's point source control program (including the pretreatment program) and emphasizes control of toxicants from both industrial and municipal discharges. The program: (1) requires that all waste discharge permits include appropriate monitoring requirements and limitations on toxicants and other pollutants of concern; and (2) devotes substantially increased resources to the inspection and enforcement of waste discharge permits for industrial and municipal discharges throughout the Puget Sound basin as well as the discovery and control of unpermitted discharges.

There are a number of changes proposed in the program from the 1989 version, including a two-year delay in new program improvements to allow the Department of Ecology a period of stability to solidify improvements to the program. Changes include: a "marketable" permit incentive study, several additional requirements for waste discharge permits and permit fact sheets, additional support for urban bay action teams, data management requirements, a long-range plan to improve enforcement, additional resources for the pretreatment program, and enhanced technical assistance for dischargers.

CONTAMINATED SEDIMENTS AND DREDGING

Toxic contaminants accumulate in sediments in the Puget Sound basin, causing harm to bottom-dwelling organisms and threatening the rest of the food web. Dredging to maintain navigation channels spreads and relocates these sediments.

This program includes: (1) classifying sediments that cause adverse biological effects; (2) implementing Soundwide controls on sources of contaminants causing sediments to fail the sediment standards; (3) providing rules and sites for disposal of dredged materials; and (4) expanding the Urban Bay Action Program to provide for additional source control and consideration of cleanup actions for existing areas of high sediment contamination levels.

There are several proposed changes to the program. The recommendations of phase II of the Puget Sound Dredged Disposal Analysis are adopted by reference, providing a system for unconfined open water disposal of dredged material in north and south Puget Sound. Several changes are proposed in the effort to clean up contaminated sediments to: clarify the Department of Ecology's lead role, strengthen the involvement of tribes and local governments, and have the Puget Sound Estuary Program Management Committee review priority lists and approve urban bay action plans.

STORMWATER AND COMBINED SEWER OVERFLOWS

Stormwater runoff is a pervasive pollution problem. As urbanization of the Puget Sound basin continues, the problem is likely to increase. The program in the 1989 plan included: (1) development of stormwater programs in urbanized areas of Puget Sound in a phased program starting with the largest cities; (2) requirements for all cities and counties to develop operation and maintenance programs, adopt ordinances for new development, and develop stormwater education programs; and (4) requirements for all cities with combined sewer overflows in the Puget Sound basin to develop and implement plans providing for the greatest reasonable reduction of CSO events.

Proposed additions to the stormwater program include a task force to coordinate policy issues among fisheries, stormwater, and wetlands programs and a technical assistance service on stormwater for local governments which would be operated jointly between local governments and the Department of Ecology. The program

proposes that the local stormwater programs are incorporated into the comprehensive plans to be developed under the new growth management bill. Ecology will adopt a rule which sets standards for stormwater programs, and the Authority will adopt a rule which requires that local governments adopt the standards set in Ecology's rule.

LABORATORY SUPPORT

Many of the plan's programs depend on the accuracy and timeliness of laboratory analyses. This program is essentially the same as the program in the 1989 plan. The program includes: (1) establishing a laboratory certification program administered by the Department of Ecology; (2) assuring that adequate laboratory support exists for agency and other sampling programs; (3) developing, updating, and encouraging the use of protocols to standardize data collection, analysis, and transfer within Puget Sound; and (4) developing and encouraging the use of uniform quality assurance guidelines for data collected under all Puget Sound programs.

May 22, 1990
William Luria
Director of Planning
and Compliance

Reviser's note: The typographical error in the above material appeared in the original copy of the filing and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 90-11-116
PREPROPOSAL COMMENTS
PUGET SOUND
WATER QUALITY AUTHORITY
[Filed May 23, 1990, 8:27 a.m.]

Subject of Possible Rule Making: Adoption of a rule or rules requiring local governments in the Puget Sound basin to carry out stormwater control requirements which will be developed and adopted by the Department of Ecology. The stormwater programs are described in elements SW-1, SW-2, and SW-4 of the draft 1991 Puget Sound water quality management plan.

Persons may comment on this subject by providing written comments or by testifying at one of 13 public hearings on the draft 1991 Puget Sound water quality management plan. Times and locations of the public hearings are listed in the notice of proposed amendment to the Puget Sound water quality management plan published in this issue of the state register. Written comments should be addressed to Bill Luria, Puget Sound Water Quality Authority, 217 Pine Street, Suite 1100, Seattle, WA 98101. Written comments must be received by July 20, 1990.

Other Information or Comments by Agency at this Time, if any: Comments are being solicited on this issue as part of public review of the draft 1991 Puget Sound water quality management plan.

May 22, 1990
Bill Luria
Planning Director

WSR 90-11-117
PREPROPOSAL COMMENTS
PUGET SOUND
WATER QUALITY AUTHORITY
 [Filed May 23, 1990, 8:28 a.m.]

Subject of Possible Rule Making: Adoption of policies and minimum standards for wetlands protection in the Puget Sound basin, as provided for by element W-4 of the draft 1991 Puget Sound water quality management plan. The rule would be applicable to local governments in the Puget Sound basin promulgating development regulations pursuant to ESHB 2929.

Persons may comment on this subject by providing written comments or by testifying at one of 13 public hearings on the draft 1991 Puget Sound water quality management plan. Times and locations of the public hearings are listed in the notice of proposed amendment to the Puget Sound water quality management plan published in this issue of the state register. Written comments should be addressed to Bill Luria, Puget Sound Water Quality Authority, 217 Pine Street, Suite 1100, Seattle, WA 98101. Written comments must be received by July 20, 1990.

Other Information or Comments by Agency at this Time, if any: The Department of Ecology has developed policies and minimum standards for wetlands protection programs under provisions of the 1987 and 1989 Puget Sound water quality management plans. Under this proposal, the authority would adopt the standards by rule. Comments are being solicited on this issue as part of public review of the draft 1991 Puget Sound water quality management plan.

May 22, 1990
 Bill Luria
 Planning Director

WSR 90-11-118
PREPROPOSAL COMMENTS
PUGET SOUND
WATER QUALITY AUTHORITY
 [Filed May 23, 1990, 8:29 a.m.]

Subject of Possible Rule Making: The Puget Sound Water Quality Authority is investigating the possibility of adopting portions of or the entire Puget Sound water quality management plan as a rule. The purpose of this action would be to clarify the legal status of the management plan and to provide full Administrative Procedure Act procedures for its adoption, amendment, and appeal. Adoption of the plan by rule may simplify its applicability to federal actions.

Persons may comment on this subject by providing written comments or by testifying at one of 13 public hearings on the draft 1991 Puget Sound water quality management plan. Times and locations of the public hearings are listed in the notice of proposed amendment to the Puget Sound water quality management plan published in this issue of the state register. Written comments should be addressed to Bill Luria, Puget Sound Water Quality Authority, 217 Pine Street, Suite

1100, Seattle, WA 98101. Written comments must be received by July 20, 1990.

Other Information or Comments by Agency at this Time, if any: Comments are being solicited on this issue as part of public review of the draft 1991 Puget Sound water quality management plan.

May 22, 1990
 Bill Luria
 Planning Director

WSR 90-11-119
PROPOSED RULES
EMPLOYMENT SECURITY DEPARTMENT
 [Filed May 23, 1990, 1:15 p.m.]

Original Notice.

Title of Rule: Overpayment recovery amendments for interstate overpayments modifications to overpayment rule to collect unemployment insurance overpayments made to other states.

Purpose: To exclude the collection of interstate overpayments from the monthly minimum payment due method. Interstate overpayments will be collected by direct offset of unemployment benefit payments.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Summary: The department may not consider or grant waiver or offer in compromise for any overpayment owed to another state. UI benefits may be offset to collect interstate overpayments.

Reasons Supporting Proposal: These amendments will allow the agency to participate in an interstate agreement to collect overpayments and could increase collections from workers in other states.

Name of Agency Personnel Responsible for Drafting: Karen White, 212 Maple Park, Olympia, WA, (206) 753-4956; Implementation and Enforcement: Marie Brillante, 212 Maple Park, Olympia, WA, (206) 753-5120.

Name of Proponent: Employment Security Department, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The department has no authority to waive overpayments due to other states; the department has no authority to accept offers in compromise for overpayments owed to other states; and the department will collect overpayments due other states by direct offset of unemployment benefits. These rules are necessary to allow the department to enter into interstate agreements for the collection of unemployment insurance overpayments.

Proposal Changes the Following Existing Rules: WAC 192-28-115 and 192-28-130 are amended to make reference to collection of unemployment insurance overpayments due to other states.

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

The proposed rules have a minor or negligible economic impact on businesses.

The rules only regulate the way the department collects overpayments owed to other state unemployment insurance programs.

Hearing Location: Commissioner's Conference Room, 2nd Floor, Employment Security Department, 212 Maple Park, Olympia, WA 98504, on June 28, 1990, at 9:00 a.m.

Submit Written Comments to: Wm. Eric Jordan, Rules Coordinator, Employment Security Department, 212 Maple Park, Mailstop KG-11, Olympia, WA 98504, by July 10, 1990.

Date of Intended Adoption: July 30, 1990.

May 22, 1990

Isiah Turner
Commissioner

AMENDATORY SECTION (Amending Order 3-86, filed 8/12/86)

WAC 192-28-115 RECOVERY OF BENEFIT OVERPAYMENT—EQUITY AND GOOD CONSCIENCE PROVISIONS. (1) The department will not consider or grant waiver of an overpayment and will not consider or accept an offer in compromise of an overpayment, when the overpayment is based on an overpayment decision written by a state other than Washington.

(2) The department will grant waiver of an overpayment when it is found that the individual was without fault in the overpayment and when it is determined that to require repayment would be against equity and good conscience. It will be against equity and good conscience to deny waiver when repayment of the overpayment would deprive the individual of income required for necessary living expenses unless there are unusual circumstances which would militate against waiver.

((2)) (3) The individual will be required to provide financial information for the determination of waiver of the overpayment. Failure on the part of the individual to provide such information within 10 days from the request date will result in the department making a decision, based on available information, regarding the individual's eligibility for waiver. All such information is subject to verification by the department. Any overpayment amount waived on the basis of information which is later determined to be fraudulent or misrepresented shall be restored to the overpayment balance.

((3)) (4) The financial information requested shall include:

(a) An account of the individual's income and to the extent available to the individual, other financially contributing members of the household for the month preceding, the current month and the month following the date the financial information is requested.

(b) An account of the individual's current and readily available liquid assets. Liquid assets may include, but are not limited to, checking and savings account balances, stocks, bonds and cash on hand.

(c) An account of the individual's expenses for the month preceding, the current month and the month following the date the financial information is requested.

((4)) (5) If average monthly expenses equal or exceed average monthly income and there are no substantial liquid assets available, waiver of the overpayment will be considered. The presence of unusual circumstances may justify waiver on other than a financial basis when not to waive would be unconscionable.

((5)) (6) When an individual has been denied waiver or waiver was not considered, the individual may enter into a payment agreement with the department.

((6)) (7) When an individual has been denied waiver or has been unable to reach a payment agreement with the department, he or she may make an offer in compromise pursuant to the provisions of RCW 50.24.020. The allowance or denial of an offer in compromise will be in accordance with the same criteria used by the department for allowance or denial of waiver of an overpayment. Any overpayment amount compromised on the basis of information which is later determined to be fraudulent or misrepresented shall be restored to the overpayment balance.

AMENDATORY SECTION (Amending Order 4-88, filed 4/29/88)

WAC 192-28-130 MINIMUM PAYMENT CALCULATION. Unless otherwise authorized by the commissioner or his/her designee, the minimum monthly payment shall be as follows:

(1) A minimum monthly payment will not be calculated for overpayments assessed by states other than Washington. Recovery of benefit overpayments by offset against future benefits will be done in accordance to WAC 192-28-120 (5)(a) and (b).

(2) For overpayments assessed under RCW 50.20.070, the minimum monthly payment amount will be the individual's weekly benefit amount or three percent of the remaining overpayment balance at the time of the billing statement rounded to the next lower multiple of one dollar, whichever is greater.

((2)) (3) For all other overpayments, the minimum monthly payment amount will be one-third of the weekly benefit amount, three percent of the remaining overpayment balance at the time of the billing statement rounded to the next lower multiple of one dollar, or twenty-five dollars, whichever is greater.

WSR 90-11-120

PROPOSED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed May 23, 1990, 1:16 p.m.]

Original Notice.

Title of Rule: Requalification interpretive rule.

Purpose: To implement legislation modifying the requalification provisions of RCW 50.04.030.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Statute Being Implemented: Section 1, chapter 245, Laws of 1990.

Summary: Defines "initial separation from employment in the previous benefit year."

Name of Agency Personnel Responsible for Drafting: Jerry Iyall, 212 Maple Park, Olympia, WA, (206) 753-5131; Implementation and Enforcement: Marie Brillante, 212 Maple Park, Olympia, WA, (206) 753-5120.

Name of Proponent: Employment Security Department, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 192-16-004 Interpretive regulation—Benefit year—Further defining initial separation from employment, this section clarifies and defines amendatory language.

Proposal does not change existing rules.

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

The proposed rules have a minor or negligible economic impact on businesses.

The rules only regulate the way the department determines eligibility for unemployment insurance benefits.

Hearing Location: Commissioner's Conference Room, 2nd Floor, Employment Security Department, 212 Maple Park, Olympia, WA 98504, on Thursday, June 28, 1990, at 1:00 p.m.

Submit Written Comments to: Wm. Eric Jordan, Rules Coordinator, Employment Security Department, 212 Maple Park, Mailstop KG-11, Olympia, WA 98504, by July 10, 1990.

Date of Intended Adoption: July 30, 1990.

May 22, 1990

Isiah Turner
Commissioner

NEW SECTION

WAC 192-16-004 INTERPRETIVE REGULATION—BENEFIT YEAR—FURTHER DEFINING INITIAL SEPARATION FROM EMPLOYMENT—RCW 50.04.030. RCW 50.04.030 requires in part, "That a benefit year cannot be established if the base year wages include wages earned prior to the establishment of a prior benefit year unless the individual worked and earned wages since the initial separation from employment in the previous benefit year of not less than six times the weekly benefit amount." For the purposes of RCW 50.04.030,

(1) "initial separation from employment in the previous benefit year" means the last separation from employment before the application for initial determination.

(2) "employment" means employment covered by Title 50 RCW.

WSR 90-11-121**PROPOSED RULES****EMPLOYMENT SECURITY DEPARTMENT**

[Filed May 23, 1990, 1:17 p.m.]

Original Notice.

Title of Rule: Overpayment interest rules.

Purpose: To implement legislation allowing the charging of interest on unemployment insurance benefit overpayments.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Statute Being Implemented: Section 5, chapter 245, Laws of 1990.

Summary: The department will charge interest only on delinquent overpayment accounts. The priority of application of payments is defined.

Name of Agency Personnel Responsible for Drafting: Karen White, 212 Maple Park, Olympia, WA, (206) 753-4956; Implementation and Enforcement: Marie Brillante, 212 Maple Park, Olympia, WA, (206) 753-5120.

Name of Proponent: Employment Security Department, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 192-28-122 Application of offsets or cash payments, defines priority of application of payments to overpayment balances, warrant and court fees, and interest charges; WAC 192-28-145 Overpayments subject to interest charges, interest charges will only be assessed on delinquent overpayments owed to the state of Washington. Different delinquency standards apply to overpayments caused by misrepresentation (fraud) than on regular overpayments; and WAC 192-28-150 Benefit overpayment interest charges, definitions.

Proposal does not change existing rules.

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

The proposed rules have a minor or negligible economic impact on businesses. The rules only regulate the way the department collects overpayments owed to the state unemployment insurance.

Hearing Location: Commissioner's Conference Room, 2nd Floor, Employment Security Department, 212 Maple Park, Olympia, WA 98504, on Thursday, June 28, 1990, at 1:00 p.m.

Submit Written Comments to: Wm. Eric Jordan, Rules Coordinator, Employment Security Department, 212 Maple Park, Mailstop KG-11, Olympia, WA 98504, by July 10, 1990.

Date of Intended Adoption: July 30, 1990.

May 22, 1990

Isiah Turner
Commissioner

NEW SECTION

WAC 192-28-122 APPLICATION OF OFFSETS OR CASH REPAYMENTS. (1) Offsets will only be applied against the overpayment assessment.

(2) Cash repayments will be applied against the outstanding balance as follows:

(a) Court assessments and warrant fees.

(b) Interest charges.

(c) The overpayment assessment.

NEW SECTION

WAC 192-28-145 OVERPAYMENTS SUBJECT TO INTEREST CHARGES. (1) Overpayments assessed by another state, but collected by this department, will not be charged interest.

(2) No interest will be charged in months when the minimum monthly payment is received on or before the due date.

(3) Overpayments based on misrepresentation (RCW 50.20.070) will be charged interest at the rate of one percent per month if one or more minimum monthly payments are delinquent.

(4) Overpayments not based on misrepresentation will be charged interest at the rate of one percent per month if two or more minimum monthly payments are delinquent.

(5) Overpayments containing both misrepresentation and nonmisrepresentation will be charged interest in accordance with (3) and (4) above.

(6) If unusual circumstances exist, the commissioner or authorized delegate may suspend the assessment or collection of interest charges.

NEW SECTION

WAC 192-28-150 BENEFIT OVERPAYMENT INTEREST CHARGES - DEFINITIONS. (1) The "outstanding balance" is defined as the total of all unpaid overpayment assessments, warrant fees, court assessments and interest charges.

(2) The "due date" is defined as the date shown on the department's monthly statement, mailed to the claimant's last known address.

(3) "Delinquent" is defined as the minimum payment due, not being received on or before the due date.

WSR 90-11-122**PROPOSED RULES****DEPARTMENT OF ECOLOGY**

[Order 90-17—Filed May 23, 1990, 2:03 p.m.]

Original Notice.

Title of Rule: Chapter 173-32 WAC, Allocation of financial aid to counties and cities to assist in comprehensive planning for solid waste management; chapter 173-309 WAC, Hazardous Waste Cleanup Act—Local toxics control account—Interim financial assistance program; and chapter 173-312 WAC, Local solid waste enforcement grant program.

Purpose: Chapters 173-32, 173-309 and 173-312 WAC are being amended to delete all text and reserve the chapter numbers.

Statutory Authority for Adoption: Chapter 173-32 WAC is chapter 70.95 RCW; and chapters 173-309 and 173-312 WAC is chapter 70.105D RCW.

Statute Being Implemented: Chapter 173-32 WAC is chapter 70.95 RCW; and chapters 173-309 and 173-312 WAC is chapter 70.105D RCW.

Summary: Chapters 173-32 and 173-309 WAC have been replaced by chapter 173-315 WAC; and chapter 173-312 WAC has been replaced by chapter 173-313 WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dan Swenson, Lacey, Washington, (206) 438-7564.

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: These three rules governing programs of grants to local governments have been superseded by rules adopted August 17, 1989.

Proposal Changes the Following Existing Rules: Deletes all language of chapters 173-32, 173-309 and 173-312 WAC.

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

The purpose of amending chapters 173-32, 173-309 and 173-312 WAC is to delete obsolete language regarding programs for the Department of Ecology to distribute grants to local governments. These programs are now governed by chapters 173-313 and 173-315 WAC, adopted August 17, 1989.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an impact on more than 20 percent of all industry or 10 percent of the businesses in any one industry be reviewed and altered to minimize their impact on small businesses. Small businesses are defined as businesses which have less than 50 employees.

The amendments proposed have been reviewed. The amendments will delete obsolete language regarding grant programs to local governments. It is not expected that such deletions could have a negative impact on any business entity. The overall impact of the rule change is negligible.

Hearing Location: Conference Room, Krueger Building, 4502 Woodview Place S.E., Lacey, WA, on June 28, 1990, at 7:00 p.m.

Submit Written Comments to: Dan Swenson, Waste Management Grants Section, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711, by July 6, 1990.

Date of Intended Adoption: September 4, 1990.

May 17, 1990

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order DE 71-2, filed 4/30/71)

WAC 173-32-010 ((INTRODUCTION)) RESERVED. ((RCW 70.95.130 provides that counties and cities may apply to the department of ecology for financial aid for the preparation of a comprehensive county plan for solid waste management. Such a plan is described in RCW 70.95.080. RCW 70.95.130 further provides that the department shall determine priorities and allocate available funds among those counties and cities applying for aid, and shall adopt regulations establishing the criteria by which such allocations shall be made. Such

criteria shall be based upon population, urban development, environmental effects of waste disposal, existing waste handling practices, and the local justification of proposed expenditures.)

AMENDATORY SECTION (Amending Order DE 71-2, filed 4/30/71)

WAC 173-32-020 ((PURPOSE)) RESERVED. ((The purpose of this regulation is to establish criteria by which the department of ecology shall allocate financial aid to counties and cities for the development of comprehensive solid waste management plans.)

AMENDATORY SECTION (Amending Order DE 71-2, filed 4/30/71)

WAC 173-32-030 ((CRITERIA FOR ALLOCATION OF FUNDS)) RESERVED. ((The criteria to be used by the department for allocation of funds are as follows: (1) Intensity of local solid waste management problems, including but not limited to their interrelationships with:

(a) Population;

(b) Existing and proposed development of urban areas located within the applicant county or multicounty area and relationship with industrial, commercial and residential areas;

(c) Water pollution;

(d) Air pollution;

(e) Land management and zoning;

(f) Existing waste handling practices.

(2) Evidence of the city-county cooperation necessary for development of a comprehensive county or multicounty solid waste management plan.

(3) Availability of qualified personnel for planning purposes.

(4) Other planning efforts undertaken or proposed within the planning jurisdiction and their relationship to solid waste management.

(5) Ability to make rapid progress toward development of a comprehensive local plan.

(6) Proportion of local solid waste planning costs to be borne by the applicant.

(7) Existing and proposed participation of community groups, private industry, professional organizations, the general public, and others toward development and implementation of the proposed solid waste management plan.)

AMENDATORY SECTION (Amending Order DE 71-2, filed 4/30/71)

WAC 173-32-040 ((IMPLEMENTATION)) RESERVED. ((The implementation of this regulation shall be performed by the assistant director provided for in section 2(3) of department of ecology docket No. DE 70-15.)

AMENDATORY SECTION (Amending Order 88-26, filed 8/4/88)

WAC 173-312-010 ((INTRODUCTION)) RESERVED. ((RCW 70.95.220 provides that any jurisdictional health department may apply to the department of ecology for financial aid for the enforcement of rules and regulations promulgated under chapter 70.95 RCW. RCW 70.95.220 further provides that after receipt of such applications, the department may allocate available funds according to criteria established by regulation. Such criteria shall consider or be based upon population, urban development, the number of disposal sites, and geographical area.)

AMENDATORY SECTION (Amending Order 88-26, filed 8/4/88)

WAC 173-312-020 ((PURPOSE AND AUTHORITY)) RESERVED. ((The purpose of this regulation is to establish criteria by which the department of ecology shall allocate financial aid, pursuant to chapter 70.105B RCW, to jurisdictional health departments for enforcement of rules and regulations promulgated under chapter 70.95 RCW.)

AMENDATORY SECTION (Amending Order 88-26, filed 8/4/88)

WAC 173-312-030 ((APPLICANT ELIGIBILITY)) RESERVED. ((In order to be eligible for grant funding, the local health department must:

(1) Be a "jurisdictional health department" as defined by RCW 70.95.030;

- (2) Have a program to achieve the goals of chapter 70.95 RCW;
 (3) Have a solid waste ordinance per chapter 70.95 RCW, or be in the process of adoption:))

AMENDATORY SECTION (Amending Order 88-26, filed 8/4/88)

WAC 173-312-040 ((APPLICATION)) **RESERVED**. ((Application for funds shall be made on forms provided by the department and shall include detailed information specified in a guidance document also provided by the department. This detailed information shall include a confirmation of the applicant's eligibility, and a description of the program and budget:))

AMENDATORY SECTION (Amending Order 88-26, filed 8/4/88)

WAC 173-312-050 ((CRITERIA FOR ALLOCATION OF FUNDS)) **RESERVED**. ((As specified in RCW 70.95.220, first priority will be to provide funds exclusively for solid waste inspection activities, including staff for administration of the local inspection program. The following criteria will be used to assist in the allocation of those funds:

- (1) Protection of public health and environment;
- (2) Cost to residential ratepayers without state assistance;
- (3) Actions required under federal, state and local regulations, and consent decrees;
- (4) Commitment/readiness to proceed;
- (5) Degree of local solid waste problems, as measured by these factors:
 - (a) Number of existing disposal sites, open and closed;
 - (b) Environmental sensitivity of the geographical area;
 - (c) Disposal sites and other waste management facilities, open and closed;
 - (d) Current enforcement actions;
 - (e) Extent of urban development and its relationship to industrial, commercial, and residential development; and
 - (f) Population:))

AMENDATORY SECTION (Amending Order 88-61, filed 8/5/88)

WAC 173-309-010 ((PURPOSE AND AUTHORITY)) **RESERVED**. ((The purpose of this chapter is to set forth eligibility criteria and requirements for the conduct of an interim financial assistance program to provide grants to local government pursuant to RCW 70.105B.220(4). The department shall provide grants to local government for:

- (1) Remedial actions for public or private facilities used primarily for the disposal of municipal solid waste;
- (2) Hazardous waste plans and programs under chapter 70.105 RCW;
- (3) Solid waste plans and programs under RCW 70.95.130 and 70.95.220; and
- (4) Solid waste disposal and management facilities (includes recycling facilities grants and ground water monitoring grants):

This chapter recognizes the burden placed upon ratepayers due to the high costs of cleanups, and solid and hazardous waste management, and consistent with chapter 70.105B RCW, provides financial assistance to mitigate such hardships.

This chapter recognizes the importance of a strong preventive program to alleviate future contamination through proper solid and hazardous waste planning and management. It is designed to provide assistance to local governments in carrying out these vital functions pursuant to the requirements of chapters 70.95, 70.105, and 70.105B RCW.

The interim financial assistance program will provide financial assistance to local governments in the form of grants. This interim program will be in effect October 16, 1987, through June 30, 1989 (from the date of enactment of chapter 70.105B RCW). The department will adopt a final financial assistance program and related rules by July 1, 1989. The final program may include the use of a loan program.

The authority to provide financial assistance to local government is granted under chapter 70.105B RCW:))

AMENDATORY SECTION (Amending Order 88-61, filed 8/5/88)

WAC 173-309-020 ((DEFINITIONS)) **RESERVED**. ((**+**) "Collection days" means events such as, but not limited to, one-day projects in which moderate risk wastes are collected at centralized location(s) for subsequent packaging and transport to a permitted treatment storage or disposal facility.

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

(3) "Existing facility" means an owned or leased landfill in operation, or for which construction has begun, on or before the effective date of chapter 173-304 WAC for which the owner or operator has obtained permits or approvals necessary under federal, state and local statutes, regulations and ordinances. A facility has commenced construction if either:

- (a) A continuous on-site physical construction program has begun; or
- (b) The owner or operator has entered into contractual obligations which cannot be cancelled or modified without substantial financial loss. Physical construction of the facility is to be completed within a reasonable time.

Lateral extensions of a landfill's active area on land purchased and permitted by the jurisdictional health department for the purpose of landfilling before the effective date of chapter 173-304 WAC shall be considered existing facilities.

(4) "Hazard ranking system" means the system for ranking and prioritizing hazardous waste sites to be adopted by the department pursuant to chapter 70.105B RCW.

(5) "Hazardous waste planning and program grants" means grants to assist local governments in activities required by RCW 70.105.220, 70.105.225, 70.105.235 (1)(a), (b), and (c), and 70.105.260, including, but not limited to, collection and disposal of household hazardous waste.

(6) "Household wastes" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day use recreation areas):

(7) "Local governments" means any political subdivision, regional governmental unit, district, municipal or public corporation, including cities, towns, and counties. The term encompasses but does not refer specifically to the departments within a city, town, or county.

(8) "Minimum functional standards" means the requirements of chapter 173-304 WAC, Minimum functional standards for solid waste handling.

(9) "Moderate-risk waste" means:

- (a) Any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under this chapter solely because the waste is generated in quantities below the threshold for regulation; and
- (b) Any household wastes which are generated from the disposal of substances identified by the department as hazardous household substances.

(10) "Pilot project" means a moderate-risk hazardous waste management feasibility study developed to provide detailed information for alternative moderate-risk waste management techniques or options.

(11) "Remedial action" means any action or expenditure, consistent with the purposes of chapter 70.105B RCW, 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 as well as any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

(12) "Remedial action grants" means grants issued pursuant to this chapter for the purpose of carrying out remedial actions at public or private facilities used primarily for the disposal of municipal solid waste.

(13) "Settlement agreement" means any consent decree entered into pursuant to RCW 70.105B.080 or any consent order or decree with the department in effect October 16, 1987.

(14) "Solid waste disposal or management facility" means (for the purpose of this chapter only) any facility or system owned or operated by local governments for the purpose of controlling, collecting, storing, disposing, recycling, or recovery of solid wastes, including any equipment, structures, or property incidental to such purposes. This term shall not include the acquisition of equipment to collect residential or commercial garbage.

(15) "Solid waste planning and program grants" means grants to assist local governments in activities required under RCW 70.95.130 and 70.95.220:))

AMENDATORY SECTION (Amending Order 88-61, filed 8/5/88)

WAC 173-309-030 ((RELATION TO OTHER LEGISLATION AND ADMINISTRATIVE RULES)) **RESERVED**. ((**+**)

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

(2) The remedial grants shall be used to supplement local government funding to carry out required remedial actions:

(3) Hazardous waste planning and program grants shall be awarded to local government to implement RCW 70.105.220, 70.105.235 (1)(a) and (b), 70.105.235(3), and 70.105B.220 (4)(b). Each local government must complete and submit a hazardous waste plan to the department for approval or disapproval by June 30, 1990, pursuant to RCW 70.105.220(7). Revisions of existing plans must meet local hazardous waste planning guidelines:

(4) Solid waste planning and program grants shall be awarded to implement RCW 70.95.010, 70.95.080, 70.95.090, 70.95.130, 70.95.140, 70.95.150, 70.105B.220 (4)(c), WAC 173-304-130 and 173-304-490. Each solid waste plan must be revised by June 7, 1989, pursuant to RCW 70.95.110 as outlined in the department's Solid Waste Planning Guidelines, May 1986 and subsequent addenda:

(5) Recycling facility grants shall be awarded to only those projects fulfilling chapter 173-304 WAC and the state "Grant Guidelines for Solid Waste Disposal and Management" or any revisions thereto:

(6) Ground water monitoring grants shall be awarded to implement WAC 173-304-490. Ground water monitoring grants are to meet state "Grant Guidelines for Solid Waste Disposal and Management," or any revisions thereto:

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

AMENDATORY SECTION (Amending Order 88-61, filed 8/5/88)

WAC 173-309-040 ((GENERAL)) RESERVED. ((1) Apportionment of funds:

For purposes of implementing the interim financial assistance program, the local toxics account shall be apportioned between the following funding categories as follows:

- (a) Remedial actions for public or private facilities used primarily for the disposal of municipal solid waste \$9,000,000
- (b) Hazardous waste plans and programs 2,300,000
- (c) Solid waste plans and programs 1,500,000
- (d) Solid waste disposal and management facilities 3,200,000

To be dispersed as follows:

- (i) Recycling facility grants 2,200,000
- (ii) Ground water monitoring grants 1,000,000

(2) Adjustment of funds. Based on a periodic internal review of grant applications received, grant obligations, grant fund balances, and revenue projections, the department may reallocate funds by grant category or readjust the amount of funds that may be allocated under any and all grant fund categories:

(3) Grant application process. Grant application deadlines and schedules will be announced for each of the funding priority grant programs:

Grant application packages which include grant application deadlines, guidelines, application forms, and detailed information will be provided to all interested parties:

When applications are received by the department, they will be reviewed and scored by a committee consisting of department personnel. Applications need to include all required elements, as outlined in the guidelines, in order to be competitive:

After an application is scored and an award letter is sent out, the department will contact the applicant to negotiate the final details of the scope of work, budget, and any other items of concern:

A grant offer is made by the department to the applicant in the form of a grant contract when all applicant and project eligibility requirements have been met, funds are available, and the formal application has been completed to the mutual satisfaction of the applicant and the department:

A grant award is made when a grant contract offer has been signed by both the applicant and the department. The grant contract becomes effective on the date the program manager of the solid and hazardous waste program of the department signs the contract. This also establishes the beginning date of the project. No costs incurred prior to that date are grant eligible unless specific provision is made in the grant contract for such costs:

(4) Appropriation and allotment of funds. The obligation of the department to make grant payments is contingent upon the availability of

funds through legislative appropriation and allotment, and such other conditions not reasonably foreseeable by the department rendering performance impossible. When the grant crosses over bienniums, the obligation of the department is contingent upon the allotment of funds during the next biennium:

(5) Administrative practices. All grants under this chapter shall be consistent with the provisions of Financial Guidelines for Grants Management, WDOE 80-6, May 1980, reprinted March 1982, or subsequent guidelines adopted thereafter:

(6) The department encourages cooperation and coordination among units of local government and any funds granted under this chapter may be used by any unit of local government through interagency agreements.))

AMENDATORY SECTION (Amending Order 88-61, filed 8/5/88)

WAC 173-309-050 ((REMEDIAL ACTION GRANTS)) RESERVED. ((1) Applicant eligibility. An applicant for a remedial action grant must be a local government which will use the grant for the purpose of planning and/or carrying out required remedial action at a public or private landfill site used primarily for the disposal of municipal solid waste:

An applicant must also meet one of the following requirements:

(a) Be a party to a consent decree under chapter 70.105B RCW or a consent order under chapter 90.48 RCW requiring remedial action at a landfill site; or

(b) Have been issued an enforcement order under RCW 90.48.120, or 70.105B.120 (1)(c)(ii) or (2), requiring remedial action at a landfill site; or

(c) Have solid waste jurisdiction over a private landfill site for which a potentially liable party has obtained a consent order or has been issued an enforcement order under chapter 90.48 RCW requiring a remedial investigation and feasibility study of the site, provided that the consent order or enforcement order predates the effective date of this regulation:

Sites meeting eligibility requirements shall be deemed, for the purposes of this chapter, to be on the hazard ranking list pending issuance of such a list:

(2) Eligible project costs:

(a) Remedial action grants are for the purpose of assisting local governments to plan and carry out required remedial action at public or private facilities used primarily for the disposal of municipal solid waste:

(b) Costs are grant eligible if their purpose is to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment. This includes any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance as well as any health assessments or health effect studies conducted in order to determine the risk or potential risk to human health. Costs eligible for grant funding include:

(i) Remedial investigations to define the extent and source of contamination;

(ii) Feasibility studies to develop and evaluate cleanup options;

(iii) Remedial design, including final engineering and preparation of plans and specifications needed to implement remedial action;

(iv) Monitoring;

(v) Methane control;

(vi) Excavating the site to remove or relocate contaminated materials, or removing and cleaning up drums, debris, and other contaminated materials;

(vii) Run-on/run-off water control systems;

(viii) Final cover;

(ix) Ground water treatment and control;

(x) In situ treatment technology;

(xi) Acquisitions of off-site property or property easements only for the purpose of gaining access to a facility requiring remedial action, or for the purpose of installing monitoring wells or other pollution abatement equipment or for other purposes relating to remedial action;

(xii) Fencing where waste disposal has terminated or to limit access to structures built to implement a remedial action;

(xiii) Other remedial action activities as determined by the department on a case-by-case basis:

(3) Retroactive funding. Retroactive funding will be allowed for all eligible work conducted under a signed settlement agreement. Retroactive funding may be allowed for costs incurred since October 16, 1987:

(4) Matching requirements. Up to fifty percent state funding will be available for eligible project costs as defined in subsection (2)(a)(i), (ii), (iii), and (iv) of this section; remedial investigations, feasibility studies, remedial design, and monitoring. Up to twenty-five percent state funding will be available for all other eligible project costs.

(5) Priority for allocation of grant funds. In evaluating applicants for remedial grants the department may consider the listing of the applicant on the hazard ranking list to be prepared by the department, pursuant to RCW 70.105B.030(3) or the ranking of the applicant on the hazard ranking system to be adopted by the department pursuant to RCW 70.105B.070(2);)

AMENDATORY SECTION (Amending Order 88-61, filed 8/5/88)

~~WAC 173-309-060 ((HAZARDOUS WASTE PLANNING AND PROGRAM GRANTS)) RESERVED. ((1) Applicant eligibility:~~

~~(a) Hazardous waste planning grants. Eligible local governments under this section are cities, towns, or counties pursuant to RCW 70.105.010(16):~~

~~(b) Pilot projects. The applicant must be a local government as defined in WAC 173-309-020(7):~~

~~(c) Collection days. The applicant must be a local government.~~

~~(2) Eligible project costs:~~

~~(a)(i) Hazardous waste planning grants:~~

~~Eligible costs include direct costs for activities and tasks necessary for developing or updating local hazardous waste management plans, if they are consistent with the department's Planning Guidelines for Local Hazardous Waste Plans, July 1987, WDOE 87-18:~~

~~In-depth planning studies to provide detailed analysis of specific plan elements may be undertaken as a part of an overall planning grant, or separately if it can be demonstrated that the planning requirements are otherwise being met:~~

~~(ii) Retroactive funding. Funding retroactive to October 16, 1987, will be allowed for costs incurred which are directly related to the preparation of local hazardous waste plans and are in conformance with Planning Guidelines for Local Hazardous Waste Plans, July 1987, WDOE 87-18 and subsequent addenda:~~

~~(b) Collection days. Eligible costs include direct costs for all activities and tasks required to plan and carry out hazardous waste collection days for household and/or small quantity generator hazardous waste:~~

~~(c) Pilot projects. Eligible costs include direct costs for all activities and tasks for projects that examine the technical, economic, and/or social feasibility of alternative moderate-risk waste reduction, recycling, or handling methods:~~

~~(3) Matching requirements:~~

~~(a) Planning grants. Grants will be made for up to seventy-five percent of the total eligible project cost. Based on prior department approval, direct local costs of hazardous household substance pilot projects conducted between June 30, 1985, and June 30, 1988, may be subtracted from the twenty-five percent local share of total project costs:~~

~~(b) Collection days. Grants will be made for up to fifty percent of the total eligible project cost, or fifteen thousand dollars per grant, whichever is the lesser amount:~~

~~(c) Pilot projects. Grants will be made for up to fifty percent of the total eligible project cost, or fifty thousand dollars per project, whichever is the lesser amount:~~

~~(4) Priority for allocation of grant funds:~~

~~(a) Planning grants. It is the department's intent that grants be awarded for all local hazardous waste plan development state-wide. The grants will be awarded on a first-come first-served basis, subject to availability of funds, technical adequacy, and application completeness:~~

~~(b) Collection days. The grants will be awarded on a first-come first-served basis, subject to availability of funds, technical adequacy, and application completeness:~~

~~The maximum amount for which any one local government can apply, prior to January 1, 1989, is fifteen thousand dollars. No local governments can apply for a second collection day project until January 1, 1989. If the department has not obligated all funds allocated for collection days at that time, the unobligated funds may be used to fund repeat activities:~~

~~(c) Pilot projects. Grant applications will be ranked according to the following criteria:~~

~~(i) Adequacy of and integration with local hazardous waste plans. The local government must be in the process of developing or have~~

~~completed a local hazardous waste plan. The pilot project must be identified as a part of the local hazardous waste plan:~~

~~(ii) Promotion of hazardous waste priorities. A pilot project must address one or more of the following: Hazardous waste reduction, recycling, or the methods of handling:~~

~~(iii) Environmental and public health protection. Special consideration will be given to local governments which have a special need to protect a sensitive resource or existing public health problem:~~

~~(iv) Generation of information. The project must result in information useful to the solution of moderate-risk use waste problems:))~~

AMENDATORY SECTION (Amending Order 88-61, filed 8/5/88)

~~WAC 173-309-070 ((SOLID WASTE PLANNING AND PROGRAM GRANTS)) RESERVED. ((1) Applicant eligibility. Eligible local governments under this section are counties and cities pursuant to RCW 70.95-130:~~

~~(2) Eligible project costs:~~

~~(a) General. Costs for developing or updating local solid waste management plans are grant eligible if:~~

~~(i) They are necessary to conduct the project;~~

~~(ii) They are consistent with department's solid waste planning guidelines and subsequent addenda:~~

~~(b) Retroactive. Funding retroactive to October 16, 1987, will be allowed for costs incurred which are directly related to the preparation of local solid waste plans and are in conformance with the state Solid Waste Planning Guidelines, May 1986, WDOE 86-4 and subsequent addenda:~~

~~(3) Matching requirements. Grants will be made for up to fifty percent of the total eligible project cost:~~

~~(4) Allocation of grant funds. It is the department's intent that grants be awarded for developing or updating local solid waste management plans state-wide. Subject to the limits of available funds, those applications that meet eligibility requirements will be approved for funding on a first-come first-served basis:))~~

AMENDATORY SECTION (Amending Order 88-61, filed 8/5/88)

~~WAC 173-309-080 ((SOLID WASTE DISPOSAL AND MANAGEMENT FACILITIES—RECYCLING FACILITY GRANTS)) RESERVED. ((1) Applicant eligibility. Recycling facilities are eligible provided that:~~

~~(a) It is demonstrated that the proposed recycling activity or service is not reasonably available to persons within the locale from private enterprise, and~~

~~(b) It is demonstrated that the recycling project is economically feasible and suitable for successful implementation:~~

~~(2) Eligible project costs:~~

~~(a) General. Costs are grant eligible if:~~

~~(i) They are necessary to conduct the project;~~

~~(ii) They are consistent with the department's Grant Guidelines for Solid Waste Disposal and Management, May 1988:~~

~~(b) Recycling facility. Eligible costs include direct costs for yard and garden waste composting facilities, and other recycling facilities. These costs include:~~

~~(i) Planning and feasibility studies, environmental impact statements, and permitting costs;~~

~~(ii) Preparation of design documents;~~

~~(iii) Facility construction;~~

~~(iv) Purchase of specialized equipment:~~

~~(3) Matching requirements. Grants will be made for up to seventy-five percent of the total eligible project cost:~~

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

~~(a) Extent to which the waste stream will be reduced. Priority will be given to those projects emphasizing reduction and recycling of larger components of the waste stream, such as yard and garden waste and mixed scrap paper:~~

~~(b) How the project integrates into the current and planned solid waste management system:~~

~~(c) How the project will contribute to the solution of an existing solid waste problem:~~

~~(d) The probable technical success of the project:~~

- (e) Demonstration that the project scope is compatible with the cost and needs of the project;
 (f) Other special situations that exist in the project;
 (g) How the project will be operated and maintained.))

AMENDATORY SECTION (Amending Order 88-61, filed 8/5/88)

~~WAC 173-309-090 ((SOLID WASTE DISPOSAL AND MANAGEMENT FACILITIES—GROUND WATER MONITORING GRANTS)) RESERVED. (((+) Applicant eligibility. The ground water monitoring project must be addressed with a facility maintenance and operation plan, as required by chapter 173-304 WAC.~~

~~(2) Eligible project costs:~~

~~(a) General. Costs are grant eligible if:~~

- ~~(i) They are necessary to conduct the project;
 (ii) They are consistent with department's Grant Guidelines for Solid Waste Disposal and Management, May 1988.~~

~~(b) Ground water monitoring. Eligible costs include direct costs incurred by grantees that are owners and operators of landfills, piles, landspreading disposal facilities, and surface impoundments that are required to perform ground water monitoring pursuant to WAC 173-304-400. Direct costs involved in design and installation of ground water monitoring wells at existing facilities as defined by WAC 173-304-100 (27)(a) and (b), will be eligible for funding.~~

~~(3) Matching requirements. Grants will be made for up to fifty percent of the total eligible project costs, not to exceed a maximum of fifty thousand dollars per local government.~~

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

~~(a) Ability to pay. Priority will be given to local governments in economically distressed areas.~~

~~(b) How, or if, the project will contribute directly to the solution of an existing environmental or public health problem.~~

~~(5) Retroactive funding will be allowed for all eligible work for costs incurred since October 16, 1987.))~~

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 173-321 WAC, Public participation grants, will be amended to specify the governmental and quasi-governmental entities that are not eligible for public participation grants. The application criteria for the hazardous substance release and waste management priorities categories will be made consistent, so applicants for both categories will have to submit the same types of documentation. An editorial error will be corrected. These changes will clarify for applicants their eligibility status and the application requirements.

Proposal Changes the Following Existing Rules: Ineligible entities will be specifically listed. Application requirements will be made consistent. A typographical error will be corrected.

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

Chapter 173-321 WAC, Public participation grants, allows the Department of Ecology to distribute grants of up to \$50,000 to groups of three or more citizens or to not-for-profit public interest organizations. This grant program is mandated by the Model Toxics Control Act. Under state law, the public is provided certain opportunities to participate in the investigation and cleanup of hazardous substance releases or threatened releases. These grants are intended to make it easier for citizens to take advantage of those public participation opportunities. The grants may also be used by citizens to help implement the state's solid and hazardous waste management priorities. All grant projects must include a public information/involvement element.

The purpose of amending chapter 173-321 WAC is to state specifically what entities are eligible for public participation grants, to correct an editorial error, and to make consistent the application requirements for the two subcategories of public participation grants.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an impact on more than 20 percent of all industry or 10 percent of the businesses in any one industry be reviewed and altered to minimize their impact on small businesses. Small businesses are defined as businesses which have less than 50 employees.

The amendment proposed has been reviewed. This amendment will clarify the intent of the rule that governmental and quasi-governmental bodies are not eligible for the grants, and will make "housekeeping" changes to the language of the rule. It is not expected that this amendment could have a negative impact on any business entity. The overall impact of the rule change is negligible.

Hearing Location: Conference Room, Krueger Building, 4502 Woodview Place S.E., Lacey, WA, on June 28, 1990, at 7:00 p.m.

Submit Written Comments to: Dan Swenson, Waste Management Grants Section, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711, by July 6, 1990.

WSR 90-11-123

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 90-20—Filed May 23, 1990, 2:07 p.m.]

Original Notice.

Title of Rule: Chapter 173-321 WAC, Public participation grants.

Purpose: To amend chapter 173-321 WAC (section 040), to specify those entities not eligible for public participation grants; to amend chapter 173-321 WAC (section 050), to make the application requirements for both types of public participation grants more consistent; and (section 040), to correct an editorial error.

Statutory Authority for Adoption: Chapter 70.105D RCW.

Statute Being Implemented: Chapter 70.105D RCW.

Summary: Chapter 173-321 WAC will be changed to specify those entities that are not eligible for public participation grants, and to make consistent the application criteria for the two types of public participation grants.

Name of Agency Personnel Responsible for Drafting: Laurie Davies, Lacey, Washington, (206) 438-7562; Implementation and Enforcement: Dan Swenson, Lacey, Washington, (206) 438-7564.

Name of Proponent: Department of Ecology, governmental.

Date of Intended Adoption: September 4, 1990.

May 22, 1990

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order 89-26, filed 10/17/89, effective 11/17/89)

WAC 173-321-040 APPLICANT ELIGIBILITY. (1) ~~((Hazardous substance release))~~ Public participation grants may only be awarded to groups of three or more unrelated persons or to not-for-profit public interest organizations ((involved in scientific, environmental, and public interest activities)).

(2) All applicants must demonstrate ~~((the group's))~~ their ability to appropriately administer grant funds.

(3) Applications for a hazardous substance release grant must include information on:

(a) The nature of the release or threatened release of the hazardous substance;

(b) The location of the release or threatened release of the hazardous substance;

(c) How the applicant group may be adversely affected by the release or threatened release of the hazardous substance;

~~((d))~~ ((How the applicant group represents the environmental, health, and economic interests of individuals affected by the release or threatened release of the hazardous substance;

~~((e))~~ How the applicant group will promote public participation in the investigation or remediation of the release or threatened release of the hazardous substance;

~~((f))~~ (e) A complete project description;

~~((g))~~ (f) How the applicant group represents the environmental, health, and economic interests of individuals affected by the release or threatened release of the hazardous substance;

(g) The applicant group's history and experience, if any, in conducting activities similar to those described in the grant application;

(h) Any other information specified by the department as needed to award a grant.

(4) Applications for a waste management ~~((priority))~~ priorities grant must include information on:

(a) How the applicant group will promote or implement the state solid or hazardous waste management priorities;

~~((b))~~ ((How the applicant group represents the environmental, health, and economic interests of the individual group members;

~~((c))~~ How the applicant group will promote public participation in the grant project described in the application;

~~((d))~~ (c) A complete project description;

~~((e))~~ (d) The applicant group's history and experience, if any, in conducting activities similar to those described in the grant application;

(e) Any other information specified by the department as needed to award a grant.

(5) ~~((Any person potentially liable, under section 4 of the Model Toxics Control Act;))~~ The following persons or groups of persons shall be ineligible for grant funding:

(a) Any person potentially liable, as defined under RCW 70.105D.040;

(b) Local governments including any political subdivision, regional governmental unit, district, municipal or public corporation, including cities, towns, and counties. The term encompasses but does not refer specifically to the departments within a city, town, or county;

(c) Federal and state governments, or agencies thereof;

(d) Federally recognized Indian tribes, as a governing body. Individual tribe members of three or more persons are eligible to apply for a public participation grant;

(e) Organizations sustained by public funding;

(f) Public and private universities.

(6) Grant applications failing to qualify may be resubmitted.

AMENDATORY SECTION (Amending Order 89-26, filed 10/17/89, effective 11/17/89)

WAC 173-321-050 APPLICATION EVALUATION CRITERIA. (1) All grant applications received will be reviewed and evaluated by the department. Incomplete applications will not be evaluated. Applications will be ranked according to how each application meets the criteria set forth below. Grants will be awarded, within the limits of available funds, to the highest ranking applications. The department may fund all or portions of eligible grant applications.

(2) Priority consideration for public participation grant funding will be given to applicants requesting a hazardous substance release grant.

(3) General criteria. All public participation grants will be evaluated against the following criteria:

(a) The type and extent of the applicant group's past history and experience conducting activities similar to those described in the grant application;

(b) The group's basic funding, with consideration given to groups with limited resources;

(c) The group's ability to appropriately manage grant funds;

(d) If more than one group is interested in the same project, priority consideration will be given to groups who consolidate.

(4) Special criteria.

(a) Hazardous substance release grants. Hazardous substance release grants will be evaluated against the following criteria:

(i) The degree to which the applicant group may be adversely or potentially adversely impacted by the release or threatened release of the hazardous substance, including but not limited to adverse or potential adverse impacts to surface and drinking waters, soils, flora or fauna, species diversity, air quality, property values, marketability of agricultural crops, and recreational areas;

(ii) The degree to which the applicant group represents the environmental, health, and economic interests of individual group members;

(iii) The degree to which the proposed project will promote public participation in the investigation or remediation of the release or threatened release of the hazardous substance(;

(iii) The degree to which the applicant group represents the environmental, health, and economic interests of individuals affected by the identified release or threatened release of the hazardous substance;

(iv) Consideration will be given to groups with limited resources to secure other funds for project costs;

(v) The type and extent of the applicant group's past history and experience conducting activities similar to those described in the grant application;

(vi) If more than one group is interested in the same project, priority consideration for funding will be given to groups who consolidate).

(b) Waste management priorities grants. Waste management priorities grants will be evaluated against the following criteria:

(i) The degree to which the proposed public participation ((activities are consistent with or improve upon existing solid or hazardous waste management plans and programs;

(ii) The degree to which the proposed public participation activities)) activity will promote or implement the state solid or hazardous waste management priorities;

((iii)) ((ii) The degree to which the proposed project will facilitate public ((participation in implementing)) understanding of the state((s)) solid ((or)) and hazardous waste management priorities;

((iv) Consideration will be given to groups with limited resources to secure other funds for project costs;

(v) The type and extent of the applicant group's past history and experience conducting activities similar to those described in the grant application;

((vi) If more than one group is interested in the same project, priority consideration will be given to groups who consolidate.

(2) Priority consideration for grant funding will be given to hazardous substance release grant applicants)) (iii) The degree to which the proposed public participation activities are consistent with or improve upon existing solid or hazardous waste management plans.

WSR 90-11-124

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed May 23, 1990, 3:02 p.m.]

Original Notice.

Title of Rule: Chapter 388-15 WAC, Social services for families, children and adults.

Purpose: This amendment brings together all the changes which have recently occurred in the chore services program and are currently in effect.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Addition, deletions and changes have been made to all WAC sections which apply to chore services. A number of changes made to eliminate duplication, to clarify and edit existing material for more consistency and better understanding of the chore services program.

Reasons Supporting Proposal: This rule amendment is necessary to update and incorporate legislative and program changes in WAC 388-15-207 through 388-15-217 which are currently in effect.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sam Koshi, Aging and Adult Services Administration, 753-1244.

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 July 10, 1990, 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 July 10, 1990.

Date of Intended Adoption: July 13, 1990.

May 23, 1990

Leslie F. James, Director
Administrative Services
by Rosemary Carr

Reviser's note: The material contained in this filing will appear in the 90-12 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 90-11-125

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed May 23, 1990, 3:43 p.m.]

Original Notice.

Title of Rule: Applications of pesticides in Benton County and portions of Franklin and Walla Walla counties in chapter 16-230.

Purpose: Restrictions were placed on the use of pesticides to protect public health, beneficial insects and prevent damage to nontarget crops.

Statutory Authority for Adoption: Chapters 17.21 and 15.58 RCW.

Statute Being Implemented: Chapters 17.21 and 15.58 RCW.

Summary: Further restricts the use of pesticides in Benton County and portions of Franklin and Walla Walla counties.

Reasons Supporting Proposal: To further reduce the possibilities of damage to nontargeted crops.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Art G. Losey, Assistant Director, 406 General Administration Building, 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: Many pesticides have been banned in a larger portion of southern Benton County. Area 1 has been expanded west to the Yakima County line and north and south to include all of the northern Horse Heaven Hills in Benton County. Rules also prohibit application of herbicides and Category 1 and 2 insecticides when the average sustained wind is over 12 miles per hour.

Proposal Changes the Following Existing Rules: The existing Area 5 located in the northwest Horse Heaven Hills has been expanded on its northern boundary and is now designated as part of Area 1; the previously existing Area 4 located in the east-central Horse Heaven Hills has been expanded on its southeast boundary and is also now part of Area 1; and application of all herbicides and class 1 and 2 insecticides are prohibited when the mean sustained velocity is over twelve miles per hour in the entire area under order.

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

Hearing Location: General Administration Building, Conference Room, 1st Floor, Olympia, Washington 98504, on June 27, 1990, at 1:30 p.m.

Submit Written Comments to: Art G. Losey, Assistant Director, Pesticide Management Division, 406 General Administration Building, AX-41, Olympia, WA 98504, by June 27, 1990.

Date of Intended Adoption: June 29, 1990.

May 23, 1990

Art Losey
Assistant Director

AMENDATORY SECTION (Amending Order 2014, filed 7/31/89, effective 8/31/89)

WAC 16-230-825 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—PERMITS. The following conditions will apply to all permits issued under the authority of WAC 16-230-800 through 16-230-865.

(1) Application for a permit may be made to the Washington State Department of Agriculture, Compliance Branch, 2015 S. 1st Street, Yakima, Washington 98903. Applications may also be taken in person or by phone.

(2) The department may make on-site monitoring of the application a condition of any permit. A representative of the department may condition, deny, or revoke a permit at any time, if the representative determines that the situation at the application site creates an unreasonable risk of drift. In determining whether the situation at the application site creates an unreasonable risk of drift, the representative may consider all relevant factors such as temperature, air inversions, time of day, burning restrictions, wind direction, wind velocity, topography, and type and condition of application equipment.

(3) No permit shall be issued to apply any pesticide unless that permit is consistent with existing department laws and rules.

~~((4) Application records prescribed in WAC 16-230-805 shall be submitted to the Washington State Department of Agriculture, Compliance Branch, 2015 So. 1st Street, Yakima, Washington 98903,~~

~~within three days after the aerial application under permit is performed.))~~

AMENDATORY SECTION (Amending Order 2014, filed 7/31/89, effective 8/31/89)

WAC 16-230-835 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 1. (1) Area 1 description ((~~North~~) North Horse Heaven Hills). An area including all lands lying within a boundary line beginning at the ((~~southwest corner of Section 24, T8N, R26E; thence north approximately 7 miles~~)) northwest corner of Section 19, T8N, R24E; thence east four miles along section lines to the southwest corner of Section 14, T8N, R24E; thence north one mile along the section line to the northwest corner of Section 14, T8N, R24E; thence east two miles along section lines to the southwest corner of Section 7, T8N, R25E; thence north one mile along the section line to the northwest corner of Section 7, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 5, T8N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 5 to the northeast corner of Section 5, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 34, T9N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 34 to the northeast corner of Section 34, T9N, R25E; thence east two miles along section lines to the southwest corner of Section 30, T9N, R26E; thence north one mile along the section line to the northwest corner of Section 30, T9N, R26E; thence east one mile along the section line to the southwest corner of Section 20, T9N, R26E; thence northeast approximately one and four-tenths of a mile diagonally across Section 20 to the northeast corner of Section 20, T9N, R26E; thence east two miles along section lines to the northwest corner of Section 23, T9N, R26E; thence southeast approximately one and four-tenths of a mile diagonally across Section 23 to the southeast corner of Section 23, T9N, R26E; thence north approximately one mile along the section line(s) to the intersection with the Kennewick Irrigation District (K.I.D.) main canal; thence easterly along the K.I.D. main canal to the Amon pumping station located in Section 7, T8N, R29E; thence southeasterly along the K.I.D. Division Four Canal to the Columbia River in Section 8, T7N, R31E; thence south approximately ((~~one and one-half miles along the Columbia River to the south section line of Section 17, T7N, R31E; thence west approximately seventeen miles along section lines to the southwest corner of Section 15, T7N, R28E; thence north one mile along the section line to the northwest corner of Section 15, T7N, R28E; thence west four miles along section lines to the intersection with Badger Canyon Road at the southwest corner of Section 12, T7N, R27E; thence north two miles along Badger Canyon Road and section lines to the intersection with Sellards Road at the southeast corner of Section 35, T8N, R27E; thence west one mile along Sellards Road and the section line to the southwest corner of Section 35, T8N, R27E; thence north one mile along the section line to the northwest corner of Section 35, T8N, R27E; thence west three miles along section lines to the southwest corner of Section 29, T8N, R27E; thence north one mile along the section line to the intersection with Cemetery Road at the northwest corner of Section 29, T8N, R27E; thence west two miles along Cemetery Road and section lines~~)) five and one-half miles along the Columbia River to the south section line of Section 5, T6N, R31E; thence west approximately eight miles along section lines to the southwest corner of Section 1, T6N, R29E; thence north two miles along section lines to the southwest corner of Section 25, T7N, R29E; thence west thirteen miles along section lines to the southeast corner of Section 27, T7N, R27E; thence north one mile along the section line to the northeast corner of Section 27, T7N, R27E; thence west one mile along the section line to the northwest corner of Section 27, T7N, R27E; thence north two miles along section lines to the northeast corner of Section 16, T7N, R27E; thence west one mile along the section line to the southeast corner of Section 8, T7N, R27E; thence north one mile along the section line to the northeast corner of Section 8, T7N, R27E; thence west approximately twenty miles along section lines to the Benton-Yakima County line at the southwest corner of Section 6, T7N, R24E; thence north four miles along the county line to the point of beginning.

(2) Area 1 restrictions. Application by air of restricted use pesticides as defined in WAC 16-230-810 is prohibited: PROVIDED, That the department may issue written permits for application of insecticides not containing the signal words danger/poison on the label.

AMENDATORY SECTION (Amending Order 2014, filed 7/31/89, effective 8/31/89)

WAC 16-230-845 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 3. (1) Area 3 description.

(a) Eastern Yakima Valley. An area including all lands lying within a boundary line beginning at the northwest corner of Section ((25, T10N, R26E; thence west four miles along section lines to the northwest corner of Section 29, T10N, R26E; thence south one mile along the section line to the southwest corner of Section 29, T10N, R26E; thence west eleven miles along section lines to the southeast corner of Section 29, T10N, R24E; thence north one mile along the section line to the intersection with Anderson Road at the northeast corner of Section 29, T10N, R24E; thence west two miles along Anderson Road and section lines to the Benton-Yakima County line at the northwest corner of Section 30, T10N, R24E; thence south approximately thirteen miles along the Benton-Yakima County line to the northwest corner of Section 31, T8N, R24E; thence east approximately two miles along section lines to the southeast corner of Section 29, T8N, R24E; thence north one mile along the section line to the northeast corner of Section 29, T8N, R24E; thence east four miles along section lines to the southeast corner of Section 24, T8N, R24E; thence north one mile along the section line to the northeast corner of Section 24, T8N, R24E; thence east two miles along section lines to the southeast corner of Section 16, T8N, R25E; thence north one mile along Burt James Road and the section line to the intersection with County Well Road at the northeast corner of Section 16, T8N, R25E; thence east two miles along County Well Road and section lines to the southeast corner of Section 10, T8N, R25E; thence north one mile along the section line to the northeast corner of Section 10, T8N, R25E; thence east three miles along section lines to the intersection with Gould Road at the southeast corner of Section 6, T8N, R26E; thence north one mile along Gould Road and the section line to the northeast corner of Section 6, T8N, R26E; thence east four miles along section lines to the southeast corner of Section 35, T9N, R26E; thence north eight miles along section lines)) 19, T8N, R24E; thence east four miles along section lines to the southwest corner of Section 14, T8N, R24E; thence north one mile along the section line to the northwest corner of Section 14, T8N, R24E; thence east two miles along section lines to the southwest corner of Section 7, T8N, R25E; thence north one mile along the section line to the northwest corner of Section 7, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 5, T8N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 5 to the northeast corner of Section 5, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 34, T9N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 34 to the northeast corner of Section 34, T9N, R25E; thence east two miles along section lines to the southwest corner of Section 30, T9N, R26E; thence north one mile along the section line to the northwest corner of Section 30, T9N, R26E; thence east one mile along the section line to the southwest corner of Section 20, T9N, R26E; thence northeast approximately one and four-tenths of a mile diagonally across Section 20 to the northeast corner of Section 20, T9N, R26E; thence east two miles along section lines to the northwest corner of Section 23, T9N, R26E; thence southeast approximately one and four-tenths of a mile diagonally across Section 23 to the southeast corner of Section 23, T9N, R26E; thence north six miles along section lines to the northwest corner of Section 25, T10N, R26E; thence west four miles along section lines to the northwest corner of Section 29, T10N, R26E; thence south one mile along the section line to the southwest corner of Section 29, T10N, R26E; thence west eleven miles along section lines to the southeast corner of Section 29, T10N, R24E; thence north one mile along the section line to the intersection with Anderson Road at the northeast corner of Section 29, T10N, R24E; thence west two miles along Anderson Road and section lines to the Benton-Yakima County line at the northwest corner of Section 30, T10N, R24E; thence south approximately eleven miles along the Benton-Yakima county line to the point of beginning.

(b) Cold Creek Area. An area including all lands lying within a boundary line beginning at the intersection of the Benton-Yakima County line and the Columbia River in Section 7, T13N, R24E; thence south approximately six and one-half miles along the Benton-Yakima County line to the southwest corner of Section 7, T12N, R24E; thence east five miles along section lines to the southeast corner of Section 11, T12N, R24E; thence north approximately seven miles along section

lines to the Columbia River; thence west approximately five miles along the Columbia River to the point of beginning.

(2) Area 3 restrictions. Application by air of restricted use herbicides as defined in WAC 16-230-810 is prohibited.

AMENDATORY SECTION (Amending Order 2014, filed 7/31/89, effective 8/31/89)

WAC 16-230-850 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 4. (1) Area 4 description.

(a) Tri-cities northwest buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence north two miles along section lines to the northwest corner of Section 13, T10N, R26E; thence east one mile along the section line to the northeast corner of Section 13, T10N, R26E; thence north approximately one-half mile along the section line to the United States Department of Energy Hanford Site south boundary line; thence easterly approximately ten miles and south approximately two and one-half miles along the south boundary line to the south section line of Section 27, T10N, R28E; thence west approximately six and three-fourths miles along section lines to the southwest corner of Section 27, T10N, R27E; thence north one mile along the section line to the northwest corner of Section 27, T10N, R27E; thence west four miles along section lines to the point of beginning.

(b) Tri-cities northeast buffer zone. An area including all lands lying within a boundary line beginning at the intersection of the Esquatzel Diversion Channel drain and the Columbia River; thence east along the Esquatzel Channel to its intersection with Road 68; thence southeasterly approximately one mile along Road 68 to its intersection with Fraser Drive near the northeast corner of Section 24, T10N, R28E; thence south approximately four miles along section lines and portions of Fraser Drive and Dent Road to the southwest corner of Section 6, T9N, R29E; thence east approximately eight and one-half miles along section lines and a portion of Foster Wells Road to its intersection with the Bonneville Power Administration power line in Section 4, T9N, R30E; thence southeasterly approximately seven miles along the power line to its intersection with SR 124 in Section 32, T9N, R31E; thence easterly approximately two and one-half miles along SR 124 to the east section line of Section 34, T9N, R31E near the intersection of SR 124 and the Union Pacific Railroad; thence south approximately three miles along section lines to the southeast corner of Section 15, T8N, R31E; thence west approximately one-fourth mile along the section line to the Union Pacific Railroad; thence southerly approximately four and one-half miles along the railroad to its intersection with U.S. Highway 12 near the Boise Cascade paper mill; thence northwesterly along Highway 12 to its intersection with Interstate 182; thence westerly along I-182 to the west shoreline of the Columbia River; thence northerly approximately six and one-half miles along the Columbia River to the U.S. Department of Energy Hanford Site south boundary line in Section 14, T10N, R28E; thence east approximately one-half mile across the Columbia River to its east shoreline; thence northerly approximately one-half mile to the point of beginning.

~~((c) Horse Heaven Hills east buffer zone. An area including all lands lying within a boundary line beginning at the southwest corner of Section 24, T8N, R26E; thence south three miles along section lines and Tyacke Road to the southwest corner of Section 1, T7N, R26E; thence east three miles along section lines to the northeast corner of Section 8, T7N, R27E; thence south one mile along the section line and Travis Road to the intersection with Reese Road at the southeast corner of Section 8, T7N, R27E; thence east one mile along the section line and Reese Road to the northeast corner of Section 16, T7N, R27E; thence south two miles along section lines to the intersection with Tyrell Road at the northwest corner of Section 27, T7N, R27E; thence east one mile along the section line and Tyrell Road to the northeast corner of Section 27, T7N, R27E; thence south one mile along the section line to the southeast corner of Section 27, T7N, R27E; thence east approximately twenty-two miles along section lines to the Columbia River; thence northerly approximately two miles along the Columbia River to the south section line of Section 17, T7N, R31E; thence west approximately seventeen miles along section lines to the southwest corner of Section 15, T7N, R28E; thence north one mile along the section line to the northwest corner of Section 15, T7N, R28E; thence west four miles along section lines to the intersection with Badger Canyon Road at the southwest corner of Section 12, T7N, R27E; thence north two miles along Badger Canyon Road and section lines to the intersection with Sellards Road at the southeast corner of~~

~~Section 35, T8N, R27E; thence west one mile along Sellards Road and the section line to the southwest corner of Section 35, T8N, R27E; thence north one mile along the section line to the northwest corner of Section 35, T8N, R27E; thence west three miles along section lines to the southwest corner of Section 29, T8N, R27E; thence north one mile along the section line to the intersection with Cemetery Road at the northwest corner of Section 29, T8N, R27E; thence west two miles along Cemetery Road and section lines to the point of beginning.))~~

(2) Area 4 restrictions. Application by air of restricted use pesticides as defined in WAC 16-230-810 may be made by written permit only.

AMENDATORY SECTION (Amending Order 2014, filed 7/31/89, effective 8/31/89)

WAC 16-230-855 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 5. (1) Area 5 description.

(a) Cold Creek buffer zone. An area including all lands lying within a boundary line beginning at the southwest corner of Section 7, T12N, R24E; thence east five miles along section lines to the southeast corner of Section 11, T12N, R24E; thence north approximately seven miles along section lines to the Columbia River; thence easterly approximately two miles along the Columbia River to the east section line of Section 6, T13N, R25E, near the Vernita Bridge; thence south approximately eight and one-half miles along section lines to the southeast corner of Section 18, T12N, R25E; thence west seven miles along section lines to the Benton-Yakima County line at the southwest corner of Section 18, T12N, R24E; thence north one mile along the county line to the point of beginning.

(b) Roza buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence west four miles along section lines to the northwest corner of Section 29, T10N, R26E; thence south one mile along the section line to the southwest corner of Section 29, T10N, R26E; thence west eleven miles along section lines to the southeast corner of Section 29, T10N, R24E; thence north one mile along the section line to the intersection with Anderson Road at the northeast corner of Section 29, T10N, R24E; thence west two miles along Anderson Road and section lines to the Benton-Yakima County line at the northwest corner of Section 30, T10N, R24E; thence north two miles along the county line to the northwest corner of Section 18, T10N, R24E; thence east four miles along section lines to the northeast corner of Section 15, T10N, R24E; thence south one mile along the section line to the southeast corner of Section 15, T10, R24E; thence east seven miles along section lines to the southwest corner of Section 13, T10N, R25E; thence north one mile along the section line to the northwest corner of Section 13, T10N, R25E; thence east six miles along section lines to the northwest corner of Section 13, T10N, R26E; thence south two miles along section lines to the point of beginning.

~~((c) West Horse Heaven buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 31, T8N, R24E; thence east approximately two miles along section lines to the southeast corner of Section 29, T8N, R24E; thence north one mile along the section line to the northeast corner of Section 29, T8N, R24E; thence east four miles along section lines to the southeast corner of Section 24, T8N, R24E; thence north one mile along the section line to the northeast corner of Section 24, T8N, R24E; thence east two miles along section lines to the southeast corner of Section 16, T8N, R25E; thence north one mile along Burt James Road and the section line to the intersection with County Well Road at the northeast corner of Section 16, T8N, R25E; thence east two miles along County Well Road and section lines to the southeast corner of Section 10, T8N, R25E; thence north one mile along the section line to the northeast corner of Section 10, T8N, R25E; thence east three miles along section lines to the intersection with Gould Road at the southeast corner of Section 6, T8N, R26E; thence north one mile along Gould Road and the section line to the northeast corner of Section 6, T8N, R26E; thence east four miles along section lines to the southeast corner of Section 35, T9N, R26E; thence south seven miles along section lines and a portion of Tyacke Road to the southwest corner of Section 1, T7N, R26E; thence west approximately seventeen miles along section lines to the Benton-Yakima County line at the southwest corner of Section 6, T7N, R24E; thence north two miles along the county line to the point of beginning.))~~

(2) Area 5 restrictions. Application by air of restricted use herbicides as defined by WAC 16-230-810 may be made by written permit only.

AMENDATORY SECTION (Amending Order 2014, filed 7/31/89, effective 8/31/89)

WAC 16-230-860 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 6. ((+)) Area 6 description. All remaining lands in the area under order.

(((2) Area 6 restrictions. Records shall be kept as required in WAC 16-230-805.))

NEW SECTION

WAC 16-230-861 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—WIND CONDITIONS. The use or application of all herbicides and class 1 and 2 insecticides are prohibited in the area under order listed in WAC 16-230-800 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That applications shall be allowed in higher velocity winds when an approved ground apparatus is used. Ground apparatus shall be approved by the department prior to application. Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 2014, filed 7/31/89, effective 8/31/89)

WAC 16-230-865 OTHER RULES. Provisions of WAC 16-230-800 through ((WAC)) 16-230-860 shall take precedence over all existing, less restrictive rules of the department affecting the application of pesticides in Benton, Franklin or Walla Walla counties. No provision of WAC 16-230-800 through ((WAC 16-230-860)) 16-230-861 shall be construed as relieving any requirement of existing rules except those in direct conflict.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-230-805 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—RECORDKEEPING.

WSR 90-11-126**PERMANENT RULES****DEPARTMENT OF HEALTH**

[Order 050—Filed May 23, 1990, 3:49 p.m.]

Date of Adoption: May 23, 1990.

Purpose: WAC 402-70-073 Radioactive waste disposal site surveillance fee, low-level radioactive waste site surveillance fee to cover current program costs.

Citation of Existing Rules Affected by this Order: Repealing WAC 440-44-061.

Statutory Authority for Adoption: RCW 70.98.085.

Pursuant to notice filed as WSR 90-06-106 on March 7, 1990.

Changes Other than Editing from Proposed to Adopted Version: After the wording was changed from the original version, comments were received that suggested we add a portion of the original version to the proposed version; these suggestions have been incorporated.

Effective Date of Rule: Thirty-one days after filing.

May 23, 1990

Kristine M. Gebbie
Secretary

NEW SECTION

WAC 402-70-073 RADIOACTIVE WASTE DISPOSAL SITE SURVEILLANCE FEE. (1) The department shall charge a fee for radioactive waste site surveillance.

(2) The fee shall be an added charge on each cubic foot of low-level waste disposed at the disposal site.

(3) The department shall authorize by contract the operator of a low-level radioactive waste disposal site to collect the fee from waste generators and brokers.

(4) The department shall provide for reimbursement to the site operator for collection costs.

(5) The department shall calculate the fee collected from waste generators and brokers as required under RCW 70.98.085 and the fee shall not exceed the statutory limit specified in that section.

(6) The site operator shall remit the fee to the department as follows:

(a) Quarterly for the first seven quarters of each biennium.

(b) By July 15 for the final quarter of the biennium.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 440-44-061 RADIOACTIVE WASTE SITE SURVEILLANCE FEE.

WSR 90-11-127**PROPOSED RULES****LOTTERY COMMISSION**

[Filed May 23, 1990, 4:06 p.m.]

Original Notice.

Title of Rule: WAC 315-11-560, 315-11-561 and 315-11-562, Definitions, criteria and ticket validation requirements for Instant Game No. 56; and 315-11-570, 315-11-571 and 315-11-572, Definitions, criteria and ticket validation requirements for Instant Game No. 57.

Purpose: To establish the game play rules and criteria for determining winners of Instant Game Nos. 56 and 57.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: See Purpose above.

Reasons Supporting Proposal: To establish game rules for two instant games.

Name of Agency Personnel Responsible for Drafting: Jeff Burkhardt, Contracts Specialist, Olympia, 586-6583; Implementation and Enforcement: Evelyn Y. Sun, Director, Olympia, 753-3330.

Name of Proponent: Washington State Lottery Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 315-11-560, 315-11-561, 315-11-562, 315-11-570, 315-11-571 and 315-11-572, for each

game certain terms must be defined in order to provide consistency in the game play rules. The play criteria will explain how the game functions to licensed retailers and players. Rigid validation requirements are set forth which will prevent the lottery from paying out prize money on invalid tickets.

Proposal does not change existing rules.

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

The lottery has considered whether this rule is subject to the Regulatory Fairness Act, chapter 19.85 RCW, and has determined that it is not for the following reasons: The rules have no economic impact on business' cost of equipment, supplies, labor or administrative costs. The rules are designed to establish rules and procedures for the playing of instant lottery games; and the rules will have a negligible impact, if any, on business because they are interpretive. They have been promulgated for the purpose of stating policy, procedure and practice and do not include requirements for forms, fees, appearances or other actions by business.


Hearing Location: Washington State Lottery, Regional Office, 5963 Corson Avenue South, #106, Seattle, WA 98108, on July 6, 1990, at 10:00 a.m.

Submit Written Comments to: Judith Giniger, Lottery, P.O. Box 9770, Olympia, WA 98504, by July 5, 1990.


Date of Intended Adoption: July 6, 1990.

May 17, 1990
Evelyn Y. Sun
Director

NEW SECTION

WAC 315-11-560 DEFINITIONS FOR INSTANT GAME NUMBER 56 ("SILVER BELLS"). (1) Play symbols: The following are the "play symbols": "\$1.00"; "\$2.00"; "\$4.00"; "\$12.00"; "\$50.00"; "\$5,000"; and . One of these play symbols appears in each of the six blocks under the scratch-off material covering the game play data.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 56, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
\$1.00	ONE DOL
\$2.00	TWO DOL
\$4.00	FOR DOL
\$12.00	TLV DOL
\$50.00	\$FIFTY\$
\$5,000	FIVTHOU
	DOUBLE

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

(4) Pack-ticket number: The eleven-digit number of the form 05600001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 56 constitute the "pack number" which starts at 05600001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 or less. For Instant Game Number 56, the retailer verification codes are

three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$1.00
TWO	\$2.00
FOR	\$4.00
EGT	\$8.00
TLV	\$12.00
TTF	\$24.00







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

NEW SECTION

WAC 315-11-561 CRITERIA FOR INSTANT GAME NUMBER 56. (1) The price of each instant game ticket shall be \$1.00.

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

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

Three \$ 1.00 play symbols	- Win \$ 1.00
Two \$ 1.00 play symbols and one 	- Win \$ 2.00
Three \$ 2.00 play symbols	- Win \$ 2.00
Two \$ 2.00 play symbols and one 	- Win \$ 4.00
Three \$ 4.00 play symbols	- Win \$ 4.00
Two \$ 4.00 play symbols and one 	- Win \$ 8.00
Three \$ 12.00 play symbols	- Win \$ 12.00
Two \$ 12.00 play symbols and one 	- Win \$ 24.00
Three \$ 50.00 play symbols	- Win \$ 50.00
Two \$ 50.00 play symbols and one 	- Win \$ 100.00
Two \$ 5000.00 play symbols and one 	- Win \$10000.00

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

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 56 set forth in WAC 315-11-562, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

- (a) Vary the length of Instant Game Number 56; and/or
- (b) Vary the number of tickets sold in Instant Game Number 56 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-562 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 56. (1) A valid instant game ticket for Instant Game Number 56 shall meet all of the following validation requirements as well as all other requirements in these rules and regulations.

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

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

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


Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

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


(e) Each of the play symbols must be exactly one of those described in WAC 315-11-560(1) and each of the captions must be exactly one of those described in WAC 315-11-560(2).

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

NEW SECTION

WAC 315-11-570 DEFINITIONS FOR INSTANT GAME NUMBER 57 ("TREASURE ISLAND"). (1) Play symbols: The following are the "play symbols": ; "\$1.00"; "\$2.00"; "\$5.00"; "\$8.00"; "\$24.00"; "\$50.00"; "\$5000". One of these symbols appears in each of the six blocks under the scratch-off material covering the game play data.

(2) Captions: The small printed characters appearing below each play symbol which verify and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 57, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
	SENTRY\$
\$1.00	ONE DOL
\$2.00	TWO DOL
\$5.00	FIV DOL
\$8.00	EGT DOL
\$24.00	TWY FOR
\$50.00	\$FIFTY\$
\$5000	FIVTHOU

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

(4) Pack-ticket number: The eleven-digit number of the form 05700001-000 printed on the front of the ticket. The first eight digits of the pack-ticket number for Instant Game Number 57 constitute the "pack number" which starts at 05700001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 57, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$1.00
TWO	\$2.00
FIV	\$5.00
EGT	\$8.00
TTF	\$24.00

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

NEW SECTION

WAC 315-11-571 CRITERIA FOR INSTANT GAME NUMBER 57. (1) The price of each instant game ticket shall be \$1.00.

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

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

- Three \$1.00 play symbols - Win \$1.00
- Three \$2.00 play symbols - Win \$2.00
- Three \$5.00 play symbols - Win \$5.00
- Three \$8.00 play symbols - Win \$8.00
- Three \$24.00 play symbols - Win \$24.00
- Three \$50.00 play symbols - Win \$50.00
- Three \$5000 play symbols - Win \$5000.00

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

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 57 set forth in WAC 315-11-572, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.


(5) There will be a grand prize drawing held in conjunction with Instant Game Number 57. It will be conducted at a time and place and pursuant to procedures to be established and announced by the director. The prizes awarded at the grand prize drawing will be as follows:

- One \$ 10,000 prize
- One \$ 20,000 prize
- One \$ 30,000 prize
- One \$ 40,000 prize
- One \$ 50,000 prize
- One \$ 60,000 prize
- One \$ 70,000 prize
- One \$ 80,000 prize
- One \$ 90,000 prize
- One \$ 100,000 prize

Qualifying entries from Instant Game Number 57 will be entered into the grand prize drawing.

(a) To be eligible for entry into the grand prize drawings, an entrant must:

(i) Be eligible to win a prize pursuant to chapter 67.70 RCW and Title 315 WAC.

(ii) Collect three tickets each of which have one  play symbol.

(iii) Write or print legibly the entrant's name, address, and telephone number on each and every ticket. An entry containing more than one name shall be disqualified.

(iv) Place the tickets in an envelope. An envelope which contains extraneous material or which has had the exterior altered for the apparent sole purpose of making the envelope more prominent shall be disqualified.

(v) Mail the envelope with proper postage and a legible return address of the entrant to the address specified in the player's brochure, or deliver it in person during normal business hours to lottery headquarters or any of the regional offices at the address listed in the player's brochure.

(b) There is no limit to the number of entries a person may submit, but each entry must be submitted in a separate envelope and both the entry and the entrant of each must meet the qualifications set forth above.

(c) An entry which contains one or more stolen tickets may be disqualified by the director.

(d) A nonconforming entry, at the sole discretion of the director, may be disqualified.

(e) The lottery shall not be responsible for any other material, including winning tickets, mailed or delivered to the "GRAND PRIZE DRAWING." All mail not drawn will be shredded unopened.

(f) The lottery shall not be responsible for any entries mailed or delivered to the wrong address.

(6) A preliminary drawing will be held to select ten grand prize entries that will be retained and will be eligible for the grand prize drawing. Entries received by the lottery at lottery headquarters by 5:00 p.m. local time on the last business day prior to the preliminary drawing shall be entitled to participation in the preliminary drawing. Entries received at one of the regional offices must arrive no later than 5:00 p.m. two business days prior to the date of the preliminary drawing to be eligible for participation in the preliminary drawing. The preliminary drawing will be conducted at a time and place and pursuant to procedures established and announced by the director. Entries selected during the preliminary drawing will be retained and will be eligible for the grand prize drawing provided they have not been disqualified pursuant to these rules.

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

(a) Vary the length of Instant Game Number 57 and/or

(b) Vary the number of tickets sold in Instant Game Number 57 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-572 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 57. (1) A valid instant game ticket for Instant Game Number 57 shall meet all of the following validation requirements as well as all other requirements in these rules and regulations:

- (a) Exactly one play symbol must appear under each of the six rub-off spots on the front of the ticket.
 (b) Each of the six play symbols must have a caption below it and each must agree with its caption.
 (c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

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

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-570(1) and each of the captions must be exactly one of those described in WAC 315-11-570(2).

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

WSR 90-11-128
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed May 23, 1990, 4:17 p.m.]

Original Notice.

Title of Rule: Title 392 WAC.

Purpose: To implement new numbering system of Title 28A RCW as recodified in HB 2276.

Other Identifying Information: No substantive change has been made in any revised section as a result of this filing.

Statutory Authority for Adoption: HB 2276.

Statute Being Implemented: HB 2276.

Summary: The legislature reorganized Title 28A RCW in an attempt to organize by subject matter, make all terms gender neutral and clarify existing language. The changes were technical in nature with no substantive changes intended.

Reasons Supporting Proposal: Changes needed to implement the recodification.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Old Capitol Building, (206) 753-2298; Implementation and Enforcement: Doyle Winter, Superintendent of Public Instruction, Old Capitol Building, (206) 753-1800.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See 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: Wanamaker Conference Room, Superintendent of Public Instruction, Old Capitol Building, Olympia, Washington 98504, on June 28, 1990, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, Superintendent of Public Instruction, Legal Services, Olympia, Washington 98504, by June 25, 1990.

Date of Intended Adoption: July 3, 1990.

May 23, 1990
 Judith A. Billings
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending Order 84-8, filed 5/15/84)

WAC 392-109-037 AUTHORITY. The authority for this chapter is RCW ((28A-04-020)) 28A.305.020 which authorizes the superintendent of public instruction to adopt rules and regulations for the conduct of election for members of the state board of education.

AMENDATORY SECTION (Amending Order 84-8, filed 5/15/84)

WAC 392-109-043 ELECTION OFFICER. In accordance with RCW ((28A-04-020)) 28A.305.020 the superintendent of public instruction shall serve as the election officer for the coordination and conduct of the election of members of the state board of education.

AMENDATORY SECTION (Amending Order 82-7, filed 7/28/82)

WAC 392-109-065 CANDIDATES—ELIGIBILITY—FILING. (1) Eligibility: A person is eligible to be a candidate for only one vacancy on the state board of education at a time. A candidate for a vacancy among the sixteen voting positions on the state board must be a resident of the congressional district represented by the position and meet the other qualifications established by RCW ((28A-04-040)) 28A.305.040. A candidate for a vacancy in the nonvoting position on the state board must be a resident of the state of Washington and meet the other qualifications established by RCW ((28A-04-040)) 28A.305.040.

(2) Forms for filing: A person who desires to be a candidate shall complete:

(a) The declaration of candidacy and affidavit form provided for in WAC 392-109-070; and

(b) The biographical data form provided for in WAC 392-109-075: PROVIDED, That a declarant may elect not to submit biographical data.

(3) Filing period: The filing period for candidates for any position on the state board of education is from September 1 through September 16. Any declaration of candidacy that is not received by the superintendent of public instruction on or before 5:00 p.m. September 16 shall not be accepted and such a declarant shall not be a candidate: PROVIDED, That any declaration that is postmarked on or before midnight September 16 and received by mail prior to the printing of ballots shall be accepted: PROVIDED FURTHER, That any declaration received pursuant to the United States mail on or before 5:00 p.m. September 21 that is not postmarked or legibly postmarked shall also be accepted.

AMENDATORY SECTION (Amending Order 82-7, filed 7/28/82)

WAC 392-109-072 CANDIDATES FOR NEW CONGRESSIONAL DISTRICT POSITIONS—FIRST ELECTIONS—TERM OF OFFICE. Pursuant to RCW ((28A-04-030)) 28A.305.030, at the first election to the two positions in a new congressional district, one position shall be elected to serve a six year term and the other shall serve a three year term. Candidates filing for election to a new congressional district position for the first such election shall indicate on the declaration and affidavit of candidacy form required by WAC 392-109-070 the initial term of office sought as either six years or three years.

AMENDATORY SECTION (Amending Order 80-20, filed 6/17/80)

WAC 392-109-120 SPECIAL ELECTIONS. Special elections provided for in RCW ((~~28A.04.030~~) 28A.305.030 (new congressional districts), (~~28A.04.060~~) 28A.305.060 (run-off elections) and (~~28A.04.080~~) 28A.04.090 (vacancies) shall be conducted in accordance with the pertinent procedural and substantive provisions of this chapter, including the time schedules governing the conduct of elections, as modified by the superintendent of public instruction to accommodate the special nature of the election and special statutory dates and requirements.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-103-005 PURPOSE AND EFFECT. The purpose of this chapter is to formally advise all current and former employees of the superintendent of public instruction of certain practices which are strictly prohibited and of those which are allowed within rather narrow confines by the Executive Conflict of Interest Act, chapter 42.18 RCW, and RCW ((~~28A.87.090~~) 28A.635.050.

The prohibitions and narrow exceptions exist notwithstanding these regulations. However, in light of the severity of the penalties for violation and the possibility for violation in the case of an agency with such diverse statewide duties as the superintendent of public instruction, it is deemed appropriate to formally bring a summary of chapter 42.18 RCW and RCW ((~~28A.87.090~~) 28A.635.050) to the attention of all employees.

The duty to observe the provisions of this chapter, RCW ((~~28A.87.090~~) 28A.635.050, and chapter 42.18 RCW is the obligation of the individual employee. Violations of this chapter or of chapter 42.18 RCW, as now or hereafter amended, may subject an employee to dismissal, suspension, or other appropriate disciplinary action by the superintendent and/or civil action or prosecution for commission of a gross misdemeanor.

One readily apparent conclusion following a reading of this chapter is that an employee should be most wary of accepting anything of value (other than his/her state compensation) in connection with any matter falling within the scope of his/her state employment duties.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-103-010 PROHIBITED PRACTICES—DIRECT AND INDIRECT RECEIPT OF BENEFITS PROHIBITED. An employee of the superintendent of public instruction is prohibited from:

(1) Requesting or receiving, directly or indirectly, anything of value (other than his/her state compensation) for or on account of his/her influence with respect to any act or proceeding of the state board of education, the superintendent of public instruction, any educational service district, or any school district when such act or proceeding shall inure to the benefit of those offering or giving the thing of value (RCW ((~~28A.87.090~~) 28A.635.050).

(2) Being personally and substantially involved in any transaction involving the state as a state employee through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise in the consequences of which the employee has a substantial economic interest of which he/she may reasonably be expected to know.

(3) Being personally and substantially involved in any transaction involving the state as a state employee through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise in the consequences of which, to the employee's actual knowledge, any of the following persons has a direct and substantial economic interest:

- (a) The employee's spouse or child; or
- (b) Any person (including partnerships, corporations, etc.) in which the employee has a substantial economic interest of which the employee may reasonably be expected to know; or
- (c) Any person (including partnerships, corporations, etc.) of which the employee is an officer, director, trustee, partner, or employee; or
- (d) Any person (including partnerships, corporations, etc.) with whom the employee is negotiating or has any arrangement concerning prospective employment; or
- (e) Any person (including partnerships, corporations, etc.) who is a party to an existing contract with the employee or an obligee (e.g., debtor) of the employee as to a thing of economic value and who by reason thereof is in a position to affect directly and substantially such employee's economic interest.

AMENDATORY SECTION (Amending Order 88-21, filed 9/12/88)

WAC 392-120-001 AUTHORITY. The authority for this chapter is RCW ((~~28A.58.217~~) 28A.185.040) which authorizes the superintendent of public instruction to adopt rules relating to the allocation of any state and federal moneys for students attending a University of Washington transition school and early entrance program.

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-001 AUTHORITY. The authority for this chapter is RCW ((~~28A.41.170~~) 28A.150.290) which authorizes the superintendent of public instruction to adopt rules and regulations as are necessary for the proper administration of chapter ((~~28A.41~~) 28A.150) RCW. This general authority is supplemented by RCW ((~~28A.41.055~~) 28A.150.400) which authorizes the superintendent of public instruction to develop apportionment factors based on data and statistics derived in an annual period established by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-107 DEFINITION—COURSES OF STUDY. As used in this chapter, "courses of study" means those activities for which students enrolled pursuant to chapters 180-50, 180-51, and 392-134 WAC may be counted as enrolled students for the purpose of full-time equivalent student enrollment counts.

(1) Courses of study include:

(a) On-campus instruction – teaching/learning experiences conducted on campus, including qualifying nonclass study time. In order to qualify as on-campus instruction, nonclass study time must be scheduled in conjunction with other educational activity which occurs on campus during the school day, and participation in such study time must be monitored.

(b) Off-campus instruction – teaching/learning experiences primarily conducted off-campus in conformance with WAC 392-121-181.

(c) Alternative learning experience – alternative learning experience conducted on or off campus in conformance with WAC 392-121-182.

(d) Contracting – enrollment in an educational institution other than a school district in conformance with WAC 392-121-183.

(e) National guard – participation in a national guard high school career training program for which credit is being given toward either required or elective high school credits pursuant to RCW ((~~28A.04.133~~) 28A.305.170) and WAC 180-50-320. Such participation may be counted as a course of study only by the school district which the individual last attended.

(f) Ancillary service – service provided to private school and home-based students in conformance with chapter 392-134 WAC. Ancillary service is reported annually to the superintendent of public instruction by school districts for the number of hours that private school and home-based students attend class or receive ancillary service. Ancillary service is not counted on the monthly report pursuant to WAC 392-121-122.

(g) Work experience training – training provided pursuant to WAC 180-50-315.

(2) Courses of study do not include:

(a) Home-based instruction pursuant to RCW ((~~28A.27.010~~) 28A.225.010(4)).

(b) Enrollment in state institutions, i.e., handicapped institutions, neglected and delinquent institutions, group homes, and juvenile detention centers.

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-108 ENROLLMENT EXCLUSIONS. A person who qualifies for any of the exclusions set forth in this section shall not be counted as an enrolled student pursuant to WAC 392-121-106.

(1) Absences – a student whose consecutive days of absence from school encompasses two consecutive monthly enrollment count days as specified in WAC 392-121-122 shall not be counted on the next enrollment count day as an enrolled student unless one of the following requirements is met:

(a) Attendance is resumed; or

(b) There is an agreement between the appropriate school official and the student's parent or guardian pursuant to RCW ((~~28A.27.010~~) 28A.225.010) that the student's temporary absence is not deemed to cause a serious adverse effect upon the student's educational progress: PROVIDED, That such temporary absence shall not exceed twenty consecutive school days.

(2) Dropouts – a student for whom the school district has received notification of dropping out of school by the student or the student's parent or guardian shall not be counted as an enrolled student unless attendance is resumed.

(3) Transfers – a student for whom the school district has received notification of transfer to another public or private school from the school to which the student is transferring, the student, or the student's parent or guardian shall not be counted as an enrolled student unless attendance is resumed in that school district.

(4) Suspensions – a student who has been suspended from school pursuant to WAC 180-40-260, when the conditions of the suspension will cause the student to lose academic grades or credit, shall not be counted as an enrolled student until attendance is resumed.

(5) Expulsions – a student who has been expelled from school by the school district pursuant to WAC 180-40-275 shall not be counted as an enrolled student.

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-161 DEFINITION—KINDERGARTEN. As used in this chapter, "kindergarten" means an instructional program conducted pursuant to RCW ((28A-58-754)) 28A.150.220 for students who meet the entry age requirements pursuant to chapter 180-39 WAC.

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-257 DEFINITION—IN-SERVICE CREDITS. As used in this chapter, "in-service credits" means credits determined as follows:

(1) Credits are earned after August 31, 1987.

(2) Credits are earned on or before October 1 of the year for which allocations are being calculated pursuant to this chapter.

(3) Credits are earned in either:

(a) A locally approved in-service training program which means a program approved by a school district board of directors, and meeting standards adopted by the state board of education pursuant to the standards in WAC 180-85-200 and the development of which has been participated in by an in-service training task force whose membership is the same as provided under RCW ((28A-71-210)) 28A.415.040; or

(b) A state approved continuing education program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the state board of education pursuant to chapter 180-85 WAC.

(4) Credits are not counted as academic credits pursuant to WAC 392-121-255.

(5) Credits are not earned for the purpose of satisfying the requirements of the employee's next highest degree.

(6) Ten locally approved in-service or state approved continuing education credit hours defined in WAC 180-85-030 equal one in-service credit.

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-299 DETERMINATION OF DISTRICT AVERAGE BASIC EDUCATION CERTIFICATED INSTRUCTIONAL STAFF SALARY FOR THE PURPOSE OF APPORTIONMENT. Each school district's average basic education certificated instructional staff salary for the purpose of apportioning state general fund moneys to school districts pursuant to RCW ((28A-41-130)) 28A.150.250 and ((28A-41-140)) 28A.150.260, chapter 2, Laws of 1987 1st ex. sess., and the biennial Operating Appropriations Act, shall be determined by the superintendent of public instruction as provided in this section.

(1) For the 1987-88 school year each district's average basic education certificated instructional staff salary shall be the greater of:

(a) The district average basic education certificated instructional staff salary per placement on the state-wide salary allocation schedule; or

(b) The district actual average annual basic education certificated instructional staff salary for the 1986-87 school year improved by 2.1 percent; or

(c) The district's 1986-87 derived base salary for basic education certificated instructional staff as shown on LEAP Document 11, multiplied by the district's average staff mix factor for 1987-88 basic education certificated instructional staff, and further increased by 2.1 percent.

(2) For the 1988-89 school year each district's average basic education certificated instructional staff salary shall be the greater of:

(a) The district average basic education certificated instructional staff salary per placement on the 1988-89 state-wide salary allocation schedule; or

(b) For districts which received salary allocations for the 1987-88 school year under subsection (1)(b) or (c) of this section, the district's actual 1987-88 derived base salary for basic education certificated instructional staff, multiplied by the district's average staff mix factor for 1988-89 basic education certificated instructional staff, and further increased by 2.1 percent.

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-400 PAYMENT OF BASIC EDUCATION ALLOCATION FUNDS. From the basic education allocation funds appropriated to the superintendent of public instruction, the superintendent shall make twelve monthly payments during each school year pursuant to RCW ((28A-48-010)) 28A.510.250 to each school district operating a program approved by the state board of education: PROVIDED, That each school district submits data in a timely manner as requested by the superintendent of public instruction.

Initial monthly payments shall be based on estimates of such data as the superintendent of public instruction deems necessary to commence payment for the school year, such estimates to be submitted by school districts to the educational service districts or superintendent of public instruction on forms provided by the superintendent of public instruction. The latest date on which a school district may make changes in these data shall be the date on which the school district files its budget with the educational service district.

As the school year progresses, monthly payments to school districts shall be adjusted to reflect actual full-time equivalent students enrolled, district average basic education certificated instructional staff salary per placement on the state-wide salary allocation schedule, other school district characteristics, deductible revenues and such other data as are deemed necessary by the superintendent and reported by school districts and other governmental agencies on forms provided or approved by the superintendent of public instruction. The superintendent of public instruction annually shall advise each school district and educational service district of the dates on which data are required to be submitted to educational service districts or the superintendent of public instruction and dates on which payments will be made to school districts.

AMENDATORY SECTION (Amending Order 89-04, filed 7/21/89, effective 8/21/89)

WAC 392-121-415 BASIC EDUCATION ALLOCATION—DEDUCTIBLE REVENUES. In addition to those funds appropriated by the legislature for basic education allocation purposes, the following locally available general fund revenues shall be included in the computation of the total annual basic education allocation of each school district pursuant to RCW ((28A-41-130)) 28A.150.250 and ((28A-41-140)) 28A.150.260 and shall be deducted from payments made pursuant to WAC 392-121-400:

(1) Proceeds from the sale, rental or lease of stone, minerals, timber, forest products, other crops and matter, and improvements from or on tax title real property managed by a county pursuant to RCW 36.35.040;

(2) Proceeds from state forests pursuant to RCW 76.12.030 and 76.12.120;

(3) Federal in lieu of tax payments made pursuant to RCW 84.72-.020; and

(4) Proceeds from the sale of lumber, timber, and timber products on military reservations or facilities in accordance with U.S.C. § 2665, Title 10, and P.L. 97-99.

(5) Local in lieu of tax payments including but not limited to payments made pursuant to RCW 35.82.210, 35.83.040, and 79.66.100.

Otherwise deductible revenues from any of the foregoing sources received by a school district due solely to the district's levy of a capital projects fund or debt service fund excess tax levy shall constitute non-general fund revenues and shall not be deducted in the computation of the district's annual basic education allocation for that school year.

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-420 BASIC EDUCATION ALLOCATION—FEDERAL FOREST FUNDS. The superintendent of public instruction shall distribute federal forest funds pursuant to RCW ((~~28A-02-310~~) 28A.520.020 and ((~~28A-41-130~~) 28A.150.250.

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-445 PROCEDURE FOR CREDITING PORTION OF BASIC EDUCATION ALLOCATION FOR CAPITAL PURPOSES IN SCHOOL DISTRICTS. If a local school district board of directors wishes to direct a portion of the district's annual basic education allocation to the school district's capital projects fund or debt service fund pursuant to RCW ((~~28A-41-143~~) 28A.150.270, the district board shall execute a resolution requesting the superintendent of public instruction to pay a portion of that allocation to the credit of the district's capital projects fund and/or debt service fund. Such board resolutions should specify the justification in detail and the dollar amount to be credited to the capital projects fund and/or debt service fund. Such resolution should be received by the superintendent of public instruction on or before the tenth of the month when payment to the building and capital projects fund and/or bond interest and redemption fund is to begin. Without a properly executed resolution, the superintendent of public instruction shall pay all state apportionment due and apportionable to the credit of the school district's general fund. Such moneys paid to any fund pursuant to this section cannot be subsequently transferred to the credit of another fund.

Resolutions requesting the superintendent of public instruction to direct a portion of the district's basic education allocation to the capital projects fund and/or the debt service fund will not be approved by the superintendent of public instruction if the loss of general fund revenue to the district will result in an out-of-balance general fund budget. Any school district that would have an out-of-balance general fund budget after the potential loss of general fund revenue which would result from such a redirection of revenue shall revise the general fund budget document to be in balance following appropriate budget modification or extension procedures in order for the superintendent of public instruction to approve the resolution. A budget modification or extension may be necessary for the capital projects fund and/or debt service fund.

Upon approval of the resolution by the superintendent of public instruction, payments will commence to the capital projects fund and/or debt service fund in accordance with the apportionment schedule set forth in RCW ((~~28A-48-010~~) 28A.510.250. Such payments shall reduce general fund apportionment payments by the full amount of the approved resolution in the month payment begins. If the amount of the approved resolution exceeds the entire monthly apportionment payment in the month payment begins, the entire apportionment payment will be paid to the fund(s) designated in the resolution until the amount of the approved resolution is paid, subject to moneys available in the district's basic education allocation.

AMENDATORY SECTION (Amending Order 84-10, filed 6/13/84)

WAC 392-122-005 AUTHORITY. The authority for this chapter is RCW ((~~28A-41-170~~) 28A.150.290 which authorizes the superintendent of public instruction to adopt rules and regulations for the implementation of chapter ((~~28A-41~~) 28A.150 RCW.

AMENDATORY SECTION (Amending Order 84-10, filed 6/13/84)

WAC 392-122-010 PURPOSE. The purpose of this chapter is to establish policies and procedures for the distribution of state moneys to school districts for programs authorized by RCW ((~~28A-41-162~~) 28A.150.370 other than basic education apportionment and transportation allocations.

AMENDATORY SECTION (Amending Order 85-16, filed 12/9/85)

WAC 392-122-610 DISTRIBUTION OF STATE MONEYS FOR THE STATE REMEDIATION ASSISTANCE PROGRAM. The superintendent of public instruction shall apportion to districts for the state remediation assistance program the amount calculated per district in WAC 392-122-605 in monthly payments according to the schedule depicted in RCW ((~~28A-48-010~~) 28A.510.250. Monthly payments to districts shall be adjusted during the year to reflect the changes in each district's annual average full time enrollment in grades

two through six and eight-month annual average specific learning disabled headcount enrollment ages seven through eleven.

AMENDATORY SECTION (Amending Order 85-16, filed 12/9/85)

WAC 392-122-710 DISTRIBUTION OF STATE MONEYS FOR THE TRANSITIONAL BILINGUAL PROGRAM. The superintendent of public instruction shall apportion to districts for the state transitional bilingual program the amount calculated per district in WAC 392-122-705 according to the apportionment schedule provided in RCW ((~~28A-48-010~~) 28A.510.250. Monthly payments to districts shall be adjusted during the year to reflect changes in the district's reported eligible students as reported on the P223, Monthly report of school district enrollment form.

AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-810 DISTRIBUTION OF STATE MONEYS FOR THE STATE HIGHLY CAPABLE STUDENTS EDUCATION PROGRAM. The superintendent of public instruction shall apportion to districts for the state highly capable student education program the amount calculated per district in WAC 392-122-805 according to the apportionment schedule provided in RCW ((~~28A-48-010~~) 28A.510.250. The amount apportioned may be adjusted intermittently to reflect changes in the district's AAFTE students as reported on the P223, Monthly report of school district enrollment form.

AMENDATORY SECTION (Amending Order 83-12, filed 10/10/83)

WAC 392-123-003 AUTHORITY. The authority for this chapter is RCW ((~~28A-65-465~~) 28A.505.140 which authorizes the superintendent of public instruction to promulgate rules and regulations regarding budgetary procedures and practices by school districts.

AMENDATORY SECTION (Amending Order 81-18, filed 9/24/81)

WAC 392-123-005 PURPOSES. The purposes of this chapter are to implement chapter ((~~28A-65~~) 28A.505 RCW and insure proper budgetary procedures and practices on the part of school districts.

AMENDATORY SECTION (Amending Order 83-12, filed 10/10/83)

WAC 392-123-046 DEFINITIONS—GENERAL FUND, CAPITAL PROJECTS FUND, DEBT SERVICE FUND, ASSOCIATED STUDENT BODY FUND, ADVANCED REFUNDING AND ADVANCE REFUNDED BOND FUNDS, TRANSPORTATION VEHICLE FUND AND INSURANCE RESERVES. (1) A general fund shall be established for maintenance and operation of the school district to account for all financial operations of the school district, except those required to be accounted for in another fund, as authorized by RCW ((~~28A-58-441, 28A-58-120, and 28A-58-428~~) 28A.320.330, 28A.325.030, and 28A.160.130.

(2) A capital projects fund shall be established as authorized by RCW ((~~28A-58-441~~) 28A.320.330 for major capital purposes. Any statutory references to a "building fund" shall mean the capital projects fund. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies, state apportionment proceeds, earnings from capital projects fund investments, rental and lease proceeds, and proceeds from the sale of real property.

Money deposited into the capital projects fund from other sources may be used for the purposes provided in WAC 392-123-180 and for the purposes of:

(a) Major renovation, including the replacement of facilities and systems where periodical repairs are no longer economical. Major renovation and replacement shall include, but shall not be limited to, roofing, heating and ventilating systems, floor covering, and electrical systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(3) A debt service fund shall be established to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39-44 RCW.

(4) An associated student body fund shall be established as authorized by RCW ((28A.58.120)) 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds shall be established to provide for proceeds and disbursements as authorized in chapter 39.53 RCW.

(6) A transportation vehicle fund shall be established as authorized by RCW ((28A.58.428)) 28A.160.130.

(7) The board of directors of first-class school districts shall have power to create and maintain an insurance reserve pursuant to RCW ((28A.59.185)) 28A.330.110 to be used to meet losses specified by the board of directors.

Funds required for maintenance of an insurance reserve shall be budgeted and allowed as are other moneys required for the support of the school district.

The school district board of directors may, as an alternative or in addition to the establishment of a self-insurance reserve or the purchasing of insurance, contract for or hire personnel to provide risk management services.

AMENDATORY SECTION (Amending Order 83-12, filed 10/10/83)

WAC 392-123-070 OVEREXPENDING AND EXCEEDING THE BUDGET. Total budgeted expenditures for each fund as adopted in the budget of a school district shall constitute the appropriations of the district for the budgeted fiscal year and the board of directors shall be limited in the incurring of expenditures to the amount of each such appropriation. The board of directors shall incur no expenditures for any purpose in excess of the appropriation for each fund: PROVIDED, That no board of directors shall be prohibited from incurring expenditures for the payment of regular employees, for the necessary repairs and upkeep of the school plant, for the purchase of books and supplies, and for their participation in joint purchasing agencies authorized in RCW ((28A.58.107)) 28A.320.080 during the interim while the budget is being settled under WAC 392-123-080: PROVIDED FURTHER, That transfers between budget classes may be made by the school district's chief administrative officer or finance officer, subject to such restrictions as may be imposed by the school district board of directors.

Directors, officers or employees who knowingly or negligently violate or participate in a violation of this section by the incurring of expenditures in excess of any appropriation(s) shall be held civilly liable, jointly and severally, for such expenditures in excess of such appropriation(s), including consequential damages following therefrom, for each such violation. If as a result of any civil or criminal action the violation is found to have been done knowingly, such director, officer, or employee who is found to have participated in such breach shall immediately forfeit his office or employment, and the judgment in any such action shall so provide.

Nothing in this section shall be construed to limit the duty of the attorney general to carry out the provisions of RCW 43.09.260, as now or hereafter amended.

AMENDATORY SECTION (Amending Order 85-3, filed 7/24/85)

WAC 392-123-079 REVIEW OF SECOND-CLASS DISTRICT BUDGETS AND BUDGET EXTENSIONS. Budgets of second-class school districts shall be reviewed by the educational service district prior to adoption by the school district board of directors. Second-class school districts shall submit a copy of their budget to their

educational service district for review at least fourteen days prior to adoption, but not later than July 15.

Educational service districts shall notify each of its second-class school districts of any problems noted during the review prior to adoption of the budget by the board of directors.

Review of second-class school district adopted budgets shall be performed by the educational service districts. Said reviews shall include, but not be limited to, completion of data entry and edit, review of revenues and reserved and unreserved fund balances for accuracy, appropriateness of expenditures and determination of whether or not the budget is in compliance with this chapter, state statutory law, and budget instructions issued by the superintendent of public instruction.

The educational service district will notify the district of all problems noted during the review. The educational service district shall attempt to have the problems corrected prior to submission of the budget to the superintendent of public instruction.

The superintendent of public instruction shall conduct meetings with representatives of the educational service district and/or school district as deemed necessary to correct problems and to fix and approve the amount of appropriation from each fund of the budget as prescribed in RCW ((28A.65.430)) 28A.505.070 and WAC 392-123-054.

Review of budget extensions shall consist of data entry and edit, review of revenues and reserved and unreserved fund balances for accuracy, appropriateness of expenditures, and determination of whether or not the budget extension is in compliance with this chapter, state statutory law, and budget instructions issued by the superintendent of public instruction. Approval of budget extensions shall be in accordance with WAC 392-123-072.

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-123-135 INTERFUND LOANS—DEFINITION. An interfund loan is considered to be a temporary loan of moneys between one district fund and another. An interfund loan is not considered to be an investment pursuant to the provisions of RCW ((28A.58.440)) 28A.320.320.

AMENDATORY SECTION (Amending Order 4-78, filed 7/18/78)

WAC 392-123-165 CONTRACTUAL LIABILITY EXTENDING BEYOND END OF FISCAL PERIOD. The board of directors of any school district may enter into contracts for their respective districts for periods not exceeding five years in duration with public and private persons, organizations, and entities for the following purposes:

- (1) To rent or lease building space, portable buildings, security systems, computers, and other equipment; and
- (2) To have maintained and repaired security systems, computers and other equipment.

The budget for each fund of each school district shall contain a schedule which identifies that portion of each contractual liability incurred pursuant to RCW ((28A.58.131)) 28A.335.170 which extends beyond the fiscal period being budgeted. Said schedule shall list for each such contractual liability a brief description, the accounting code, the beginning and ending dates, the total dollar amount, and the estimated dollar amount extending beyond the end of the fiscal period being budgeted.

AMENDATORY SECTION (Amending Order 83-12, filed 10/10/83)

WAC 392-123-170 PROCEEDS FROM THE SALE OF SCHOOL DISTRICT REAL PROPERTY. Pursuant to RCW ((28A.58.046)) 28A.335.130 the proceeds from any sale of school district real property by a board of directors shall be deposited to the debt service fund and/or the capital projects fund, except for amounts required to be expended for the costs associated with the sale of such property, which moneys may be deposited into the fund from which the expenditure was incurred.

AMENDATORY SECTION (Amending Order 83-12, filed 10/10/83)

WAC 392-123-175 PROCEEDS FROM THE LEASE, RENTAL OR OCCASIONAL USE OF SURPLUS PROPERTY. Pursuant to RCW ((28A.58.035)) 28A.335.060 each school district's board of directors shall deposit moneys derived from the lease, rental or occasional use of surplus school property as follows:

(1) Moneys derived from real property shall be deposited into the district's capital projects fund except for moneys required to be expended for general maintenance, utility, insurance costs, and any other costs associated with the lease or rental of such property, which money shall be deposited in the district's general fund;

(2) Moneys derived from pupil transportation vehicles shall be deposited in the district's transportation vehicle fund;

(3) Moneys derived from other personal property shall be deposited in the district's general fund.

AMENDATORY SECTION (Amending Order 83-12, filed 10/10/83)

WAC 392-123-180 BOND PROCEEDS. Money derived from the sale of bonds, including interest earnings thereof, shall be deposited in the capital projects fund and may only be used for the following purposes as enumerated in RCW ((~~28A.51.010~~) 28A.530.010).

(1) Funding outstanding indebtedness or bonds theretofore issued; or

(2) Purchase of sites for all buildings, playgrounds, physical education and athletic facilities and structures authorized by law or necessary or proper to carry out the functions of a school district; or

(3) Erecting all buildings authorized by law, including but not limited to those listed immediately above or necessary or proper to carry out the functions of a school district, and providing necessary furniture, apparatus, or equipment; or

(4) Improving the energy efficiency of school district buildings and/or installing systems and components to utilize renewable and/or inexhaustible energy resources; or

(5) Major and minor structural changes and structural additions to buildings, structures, facilities and sites necessary or proper to carrying out the functions of the school district.

Accrued interest paid for bonds sold shall be deposited in the debt service fund.

AMENDATORY SECTION (Amending Order 84-12, filed 6/13/84)

WAC 392-125-003 AUTHORITY. The authority for this chapter is RCW ((~~28A.21.135~~) 28A.310.330 which authorizes the superintendent of public instruction to promulgate rules and regulations for the adoption of budgeting procedures for educational service districts modeled after the statutory procedure for school districts.

AMENDATORY SECTION (Amending Order 1-79, filed 6/7/79)

WAC 392-125-005 PURPOSES. The purposes of this chapter are to implement RCW ((~~28A.21.135~~) 28A.310.330 through ((~~28A.21.310~~) 28A.310.460 and establish budgeting procedures governing educational service districts.

AMENDATORY SECTION (Amending Order 85-4, filed 7/24/85)

WAC 392-125-036 CORE SERVICES FUNDING FORMULA. (1) The superintendent of public instruction shall biennially review and adopt the core services funding formula for educational service districts based upon RCW ((~~28A.21.136, 28A.21.137~~) 28A.310.340, 28A.310.350 and the considerations set forth in this section.

(2) The core services funding formula shall be established to identify basic, uniform services to be provided to school districts and to the superintendent of public instruction by educational service districts.

(3) The core funding formula provides for the equalization of services by educational service districts based on geographical features, number and size of districts served, and facility requirements.

(4) All educational service districts shall be allocated the following positions without regard to size:

- (a) Superintendent;
- (b) Executive secretary;
- (c) Receptionist;
- (d) Internal accountant;
- (e) Secretary; and
- (f) Certification clerk.

(5) All other positions in addition to those specified in subsection (4) of this section, both professional and clerical, shall be allocated on the basis of workload, e.g., total number of school districts, number of second-class school districts, number of on-line computer reports required. These positions shall be allocated to the educational service districts in the following manner:

(a) To provide fiscal office support to school districts most in need, allocations shall be based on the number of second-class school districts served.

(b) In the case of terminal operators, allocation shall be on a workload basis associated with the amount of hours required to process state reports.

(c) The level of curriculum and instruction services provided by educational service districts shall be based on the number of school districts served, regardless of district enrollment.

(6) Travel expenses shall be based on a mileage factor calculated for each educational service district. The factor shall be calculated by measuring the distance between each school district headquarters and the respective educational service district headquarters and obtaining the total mileage for the educational service district. The total mileage shall be multiplied by the number of professional staff allocated to the respective educational service district. The product shall then be multiplied by a standard dollar amount to be determined by the superintendent of public instruction after consultation with the Educational Service District Superintendents' Association.

(7) The expenses of board members shall be provided for in the formula by allocating a dollar amount to be determined by the superintendent of public instruction after consultation with the Educational Service District Superintendents' Association for each educational service district board member.

(8) Maintenance and operation expenditures shall be provided in the formula by allocating a dollar amount to be determined by the superintendent of public instruction after consultation with the Educational Service District Superintendents' Association for each core staff position.

(9) The annual housing costs for each educational service district shall be agreed upon by the educational service district superintendents and approved by the superintendent of public instruction or his or her designee.

(10) Total compensation of core positions shall be allocated in accordance with the state biennial appropriations act.

(11) Unique situations may dictate exceptions to the formula which shall be recommended by the Educational Service District Superintendents' Association and approved by the superintendent of public instruction or his or her designee.

(12) The elements set forth in subsections (1) through (11) of this section shall:

(a) Serve as basis for preparing biennial budget requests to the regular sessions of the Washington state legislature; and

(b) Be considered in the approval or disapproval of the annual budgets of the educational service districts by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 5-78, filed 7/18/78)

WAC 392-125-080 CONTRACTUAL LIABILITY EXTENDING BEYOND END OF FISCAL PERIOD. The board of any educational district may enter into contracts for their respective districts for periods not exceeding five years in duration with public and private persons, organizations, and entities for the following purposes:

(1) To rent or lease building space, portable buildings, security systems, computers, and other equipment; and

(2) To have maintained and repaired security systems, computers and other equipment.

The budget of each educational service district shall contain a schedule which identifies that portion of each contractual liability incurred pursuant to RCW ((~~28A.21.310~~) 28A.310.460 which extends beyond the fiscal period. Said schedule shall list for each such contractual liability a brief description, the accounting code, the beginning and ending dates, the total dollar amount, and the estimated amount extending beyond the end of the fiscal period being budgeted.

AMENDATORY SECTION (Amending Order 23, filed 12/20/89, effective 1/20/90)

WAC 392-126-400 AUTHORITY. The authority for this chapter is RCW ((~~28A.100.090~~) 28A.340.060(1) which authorizes the superintendent of public instruction to adopt rules and regulations as are necessary to implement the cooperative partnerships among small school districts program.

AMENDATORY SECTION (Amending Order 23, filed 12/20/89, effective 1/20/90)

WAC 392-126-405 **PURPOSE.** The purpose of this chapter is to set forth the policies and procedures to implement the cooperative partnerships among small school districts program set forth in RCW ((~~28A.100.080~~) 28A.340.010 through ((~~28A.100.092~~) 28A.340.070.

AMENDATORY SECTION (Amending Order 22, filed 12/20/89, effective 1/20/90)

WAC 392-129-003 **AUTHORITY.** The authority for this chapter is RCW ((~~28A.41.170~~) 28A.150.290(2) which authorizes the superintendent of public instruction to establish the terms and conditions for allowing a school district to receive an allocation of state moneys when the school district is unable, due to an unforeseen emergency, to fulfill the following statutory requirements:

- (1) One hundred eighty days of operation; or
- (2) The total program hour offerings, teacher contact hours, or course mix and percentage requirements imposed by law.

AMENDATORY SECTION (Amending Order 22, filed 12/20/89, effective 1/20/90)

WAC 392-129-005 **PURPOSE.** This chapter shall govern a school district's entitlement to allocations of state moneys pursuant to RCW ((~~28A.41.170~~) 28A.150.290(2) for any school year during which it is unable to conduct the kindergarten program, first through twelfth grade program, or both due to one or more unforeseen emergencies such that the following statutory requirements cannot be met:

- (1) The minimum number of school days; and/or
- (2) Program hour offerings, teacher contact hours, and course mix and percentages.

AMENDATORY SECTION (Amending Order 22, filed 12/20/89, effective 1/20/90)

WAC 392-129-015 **DEFINITION—VACATION DAY.** As used in this chapter, "vacation day" means a day other than:

- (1) A school day;
- (2) A school holiday defined in RCW ((~~28A.02.061~~) 28A.150.050;
- (3) Saturday unless actually used for a school day; or
- (4) An inservice day for employees of the school district that:
 - (a) Was scheduled prior to the unforeseen school closure; and
 - (b) Was actually used for that purpose.

AMENDATORY SECTION (Amending Order 84-14, filed 6/13/84)

WAC 392-132-010 **AUTHORITY.** This chapter is adopted pursuant to authority vested in the superintendent of public instruction by RCW ((~~28A.44.230~~) 28A.545.110 and 84.52.0531(7). RCW ((~~28A.44.230~~) 28A.545.110 provides that the superintendent of public instruction may adopt rules and regulations for the payments to high school districts for educating nonhigh district students. RCW 84.52.0531(7) provides that the superintendent of public instruction shall develop rules and regulations for the calculation of the excess maintenance and operation levy transfer from high school districts to nonhigh school districts.

AMENDATORY SECTION (Amending Order 85-15, filed 12/9/85)

WAC 392-134-002 **AUTHORITY.** The authority for this chapter is RCW ((~~28A.41.145~~) 28A.150.350 which authorizes the superintendent of public instruction to adopt rules and regulations regarding part-time public school attendance.

AMENDATORY SECTION (Amending Order 85-15, filed 12/9/85)

WAC 392-134-005 **DEFINITIONS.** As used in this chapter the term:

- (1) "Ancillary service" shall mean any cocurricular service or activity, any health care service or activity, and any other services or activities, except "courses," for or in which preschool through twelfth grade students are enrolled by a public school. The term shall include, but not be limited to, counseling, psychological services, testing, remedial instruction, speech and hearing therapy, health care services, tutorial services such as home or hospital instruction for the physically disabled, and sports activities;

(2) "Course" shall mean any instructional curricular service or activity in which preschool through twelfth grade students are enrolled by a public school;

(3) "Part-time public school student" shall mean a student who is enrolled in a public school for less time than a "full-time equivalent student" as defined in chapter 392-121 WAC, as now or hereafter amended, and shall include:

(a) Private school students to the extent they are also enrolled in a public school as a student thereof for the purpose of taking any course or receiving any ancillary service, or any combination of courses and ancillary services which is not available in the student's private school of attendance;

(b) Any student who is enrolled exclusively in a public school for the purpose of taking courses or receiving ancillary services and/or participating in a work training program approved by the board of directors of the district; and

(c) Any student who is participating in home-based instruction to the extent that the student is also enrolled in a public school for the purpose of taking any course or receiving any ancillary service, or any combination of courses and ancillary services.

(4) "Private school" shall mean any nonpublic vocational school and any nonpublic school which provides instruction in any of the grades kindergarten through twelve inclusive of nonpublic sectarian (religious) schools;

(5) "Private school student" shall mean a student who is enrolled in a private school "full time" as defined by the private school of attendance; and

(6) "Home-based instruction" shall mean an instructional program established pursuant to RCW ((~~28A.27.010~~) 28A.225.010(4).

AMENDATORY SECTION (Amending Order 80-06, filed 4/15/80)

WAC 392-134-030 **COMPLIANCE WITH RULES AS A CONDITION OF STATE FUNDING.** Each public school district shall certify compliance with this chapter as a condition to the reimbursement of costs pursuant to RCW ((~~28A.41.130, 28A.41.140 and 28A.41.145~~) 28A.150.250, 28A.150.260 and 28A.150.350, as now or hereafter amended. State and federal funds shall be withheld in whole or part or recovered in whole or part through reduction in future entitlements of a district as necessary to enforce the provisions and intent of this chapter.

AMENDATORY SECTION (Amending Order 80-07, filed 4/15/80)

WAC 392-135-005 **PURPOSES.** The purposes of this chapter are to implement RCW ((~~28A.58.075(2) and 28A.58.245~~) 28A.335.160(2) and 28A.225.250 and establish the conditions pursuant to which school districts may cooperate in interdistrict tuition-free educational programs, including but not limited to vocational and handicapped programs.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-135-030 **COOPERATIVE FINANCING OF CONSTRUCTION.** Cooperative financing involving the construction of any educational facility and arrangements therefor pursuant to RCW ((~~28A.58.075~~) 28A.335.160(1) shall be in compliance with state board of education regulations, WAC 180-30-460 through 180-30-495, as now or hereafter amended.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-135-035 **NONHIGH SCHOOL DISTRICT OBLIGATION.** No arrangement pursuant to this chapter shall alter a non-high school district's obligation to a high school district pursuant to chapter ((~~28A.44~~) 28A.545 RCW.

AMENDATORY SECTION (Amending Order 84-2, filed 1/26/84)

WAC 392-136-003 **AUTHORITY.** The authority for this chapter as applied to educational service districts is RCW ((~~28A.21.360~~) 28A.310.490 which authorizes the superintendent of public instruction to adopt rules and regulations related to a mandatory attendance incentive program for all employees of educational service districts. The authority for this chapter as applied to school districts is RCW ((~~28A.58.096~~) 28A.400.210 which authorizes the superintendent of public instruction to adopt rules and regulations related to a permissive attendance incentive program for employees of school districts.

AMENDATORY SECTION (Amending Order 84-2, filed 1/26/84)

WAC 392-136-005 PURPOSE. The purpose of this chapter is to implement RCW ((~~28A.58.096~~ and ~~28A.21.360~~)) 28A.400.210 and 28A.310.490 which provide for compensating school district and educational service district employees for accumulated sick leave. The rules set forth in this chapter are not intended to govern the leave policies of a district for other purposes.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-137-001 PURPOSES. The purposes of this chapter are: (1) To implement RCW ((~~28A.58.240~~)) 28A.225.220 by setting forth arrangements deemed approved by the superintendent of public instruction under which nonresident and resident students may attend the preschool through twelfth grade programs of any school district without tuition charge;

(2) To implement RCW ((~~28A.58.240~~)) 28A.225.220 by establishing a reasonable tuition charge for nonresident and resident students whose attendance arrangements in preschool through twelfth grade programs have not been deemed approved by the superintendent of public instruction; and

(3) To implement RCW ((~~28A.58.242~~)) 28A.225.230 by establishing procedures for filing and conducting appeals from the decision of a resident school district to deny the release of a student to a nonresident district.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-137-003 NONRESIDENT ATTENDANCE EXEMPT FROM CHAPTER PROVISIONS. The following nonresident attendance arrangements are exempt from the provisions of this chapter:

(1) Interdistrict cooperation programs conducted in accordance with RCW ((~~28A.58.075~~)) 28A.335.160(7) and chapter 392-135 WAC;

(2) Programs temporarily conducted in behalf of another school district in accordance with RCW ((~~28A.58.225~~)) 28A.225.200; and

(3) Reciprocity programs with contiguous out-of-state school districts conducted pursuant to RCW ((~~28A.58.250~~)) 28A.225.260.

Nonresident attendance arrangements exempted from the provisions of this chapter by this section, as now or hereafter amended, are governed by the statutes and rules referenced above and by the rules or policies of a school district that supplement the referenced rules or statutes.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-137-020 NONRESIDENT STUDENTS UNDER THE AGE OF TWENTY-ONE—MUTUAL AGREEMENT BETWEEN RESIDENT AND NONRESIDENT DISTRICT REQUIRED. (1) A nonresident student who is under the age of twenty-one may be admitted tuition free (but see permissive tuition in WAC 392-137-045(1)) by a nonresident district only pursuant to an agreement between the student's resident district and the nonresident district or pursuant to an order of the superintendent of public instruction pursuant to RCW ((~~28A.58.242~~)) 28A.225.230 and WAC 392-137-065 or pursuant to an order of a court of law. In the event the student is considered to be a resident of more than one district pursuant to the definition of "resident student" set forth in WAC 392-137-010(2), the agreement shall be between the nonresident district and the district in which the student was last enrolled and is considered to be a resident.

(2) A student's attendance shall be credited in all cases to the school district of enrollment unless:

(a) The superintendent of public instruction is notified by order of the board of directors of a student's resident district provided for in subsection (1) that the student is a resident of its district and is attending a nonresident district without authorization pursuant to an agreement or order of the superintendent or a court of law releasing the student, and

(b) it is established that the student is a resident of the district and that neither such an agreement nor order of the superintendent or a court of law exists.

(3) In the event a district claims that a student attending another district is a resident of its district, the board of directors of such district, in its order, shall set forth the correct residence of the student and the facts upon which such determination was made. A copy of

such order shall be provided to the student and the district of enrollment. If the student or the district of enrollment protests the correctness of the student's residence, the board of directors of the district of enrollment shall cause the matter to be investigated and determine within forty-five calendar days whether the student is a resident of the district of enrollment and the district thereby is entitled to claim the student for apportionment purposes. The superintendent of public instruction shall consider the decision of the board of directors of the district of enrollment final unless set aside by a court of law.

(4) In the event it is so established that a student is enrolled in a nonresident district without authorization, the basic education allocation and other state payments in connection with the student's enrollment shall be discontinued until:

(a) The student enrolls in a resident district,

(b) An agreement required by subsection (1) is entered into, or

(c) The superintendent or a court of law orders the release of the student.

(5) In the event an agreement is entered into or the superintendent of public instruction or a court of law orders the release of the student, the basic education entitlement shall be allocated to the nonresident district for the period of the agreement or the order which may be retroactive to the month in which such entitlement was discontinued.

AMENDATORY SECTION (Amending Order 84-15, filed 6/13/84)

WAC 392-138-003 AUTHORITY. The authority for this chapter is RCW ((~~28A.58.115~~)) 28A.325.020 which authorizes the superintendent of public instruction to promulgate rules and regulations regarding the administration and control of associated student body moneys.

AMENDATORY SECTION (Amending Order 4-76, filed 3/4/76, effective 7/1/76)

WAC 392-138-005 PURPOSES. The purposes of this chapter are to: (1) Implement RCW ((~~28A.58.115~~)) 28A.325.020, (2) designate the powers and responsibilities of the board of directors of each school district regarding the efficient administration, management, and control of moneys, records, and reports of associated student body funds, and (3) encourage the supervised self-government of associated student bodies.

AMENDATORY SECTION (Amending Order 84-15, filed 6/13/84)

WAC 392-138-030 POWERS—AUTHORITY AND POLICY OF BOARD OF DIRECTORS. The board of directors of each school district shall:

(1) Retain and exercise the general powers, authority, and duties expressed and implied in law with respect to the administration of a school district and regulation of actions and activities of the associated student bodies of the district including, but not limited to RCW ((~~28A.58.010~~)) 28A.320.010 (Corporate powers), RCW ((~~28A.02.020~~)) 28A.150.070 (General public school system administration), RCW ((~~28A.58.030~~)) 28A.320.030 (Gifts, conveyances, etc., for scholarship and student aid purposes), RCW ((~~28A.58.101~~)) 28A.600.010 (Government of schools, pupils, and employees), RCW ((~~28A.58.110~~)) 28A.320.040 (Bylaws of board and school government), RCW ((~~28A.58.150~~)) 28A.400.030 (2), (3) and (8) (Superintendent's duties), RCW ((~~28A.58.200~~)) 28A.600.040 (Pupils to comply with rules and regulations), RCW 43.09.200 (Division of municipal corporations—Uniform system of accounting), RCW 36.22.090 (Warrants of political subdivisions), and chapter ((~~28A.65~~)) 28A.505 RCW (School district budgets);

(2) Approve the constitution and bylaws of each district associated student body and establish policies and guidelines relative to:

(a) The identification of those activities which shall constitute the associated student body program;

(b) The establishment of an official governing body representing the associated student body;

(c) The methods and means by which students shall be permitted to raise and otherwise acquire associated student body moneys; and

(d) The designation of the primary advisor to each associated student body and the authority of the primary advisor to designate advisors to the various student subgroup organizations affiliated with an associated student body;

(3) Assign accounting functions, or portions thereof, to the school building level to be performed by a designated representative of an associated student body or centralize the accounting functions at the district central administrative office level; and

(4) Provide for the participation of the associated student body or bodies of the school district in the determination of the purposes for which associated student body moneys shall be budgeted and disbursed.

AMENDATORY SECTION (Amending Order 4-76, filed 3/4/76, effective 7/1/76)

WAC 392-138-040 ASSOCIATED STUDENT BODY PROGRAM BUDGET. Each associated student body of a school district, with the guidance of the primary advisor, and at such time as is designated by the central district office, annually shall prepare and submit a financial plan (budget) for support of the associated student body program to the district superintendent or his/her designee for consolidation into a district associated student body program fund budget and then present such budget to the board of directors of the district for its review, revision, and approval: PROVIDED, That revisions of the budget submitted by an associated student body and revisions of the budget approved by the board of directors shall first be reviewed by the associated student body and, in the case of an approved budget, shall be subject to the requirements of chapter ((28A-65)) 28A.505 RCW regarding emergency expenditures or budget extensions. The budget as approved shall constitute an appropriation and authorization for the disbursement of funds for the purposes established in the budget.

AMENDATORY SECTION (Amending Order 4-76, filed 3/4/76, effective 7/1/76)

WAC 392-138-065 COMPLIANCE WITH BID LAW REQUIRED. The statutory provisions of RCW ((28A-58-135)) 28A.335.190, the so-called "bid law" governing school district purchasing procedures, shall govern purchases payable from the associated student body program fund.

AMENDATORY SECTION (Amending Order 89-06, filed 8/16/89, effective 9/16/89)

WAC 392-138-100 STUDENT AID DONATIONS AND OTHER NONASSOCIATED STUDENT BODY MONEYS. Prior to September 1, 1989, the board of directors of a school district may accept money donated for scholarship and student aid purposes and deposit, invest, and expend the same within the associated student body program fund pursuant to the school district's rules and regulations adopted in compliance with RCW ((28A-58-030)) 28A.320.030. After August 31, 1989, the board of directors of a school district may accept such moneys received pursuant to RCW ((28A-58-030)) 28A.320.030 and deposit same to the credit of the school district's expendable and/or nonexpendable trust funds as specified in the Accounting Manual for Washington Public School Districts. Any remaining moneys on August 31, 1989, in associated student body program funds from donations pursuant to this section shall be transferred to the school district's expendable and/or nonexpendable trust funds.

Nonassociated student body program fund moneys generated and received by students for private purposes, including but not limited to use for scholarship and/or charitable purposes, may, in the discretion of the board of directors of any school district, be held in trust in one or more separate accounts within an associated student body program fund and be disbursed for such purposes: PROVIDED, That the school district shall either withhold an amount from such moneys as will pay the district for its cost in providing the service or otherwise be compensated for its cost for such service.

WAC 392-138-035 shall apply to moneys received, deposited, invested, expended, and accounted for under this section.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-001 AUTHORITY. The authorities for this chapter are RCW 84.52.0531(10) and ((28A-41-170)) 28A.150.290.

(1) RCW 84.52.0531(10) authorizes the superintendent of public instruction to promulgate rules and regulations regarding the limitation of local school district excess levies otherwise known as the "Special levy lid law."

(2) RCW ((28A-41-170)) 28A.150.290 authorizes the superintendent of public instruction to promulgate such rules and regulations as are necessary for administration of state general fund support for the

common schools pursuant to chapter ((28A-41)) 28A.150 RCW. Rules regarding allocation of state general fund moneys for the purpose of partially equalizing excess levy tax rates, otherwise known as "local effort assistance" are adopted pursuant to this general authority.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-005 PURPOSES. The purposes of this chapter are to define the annual procedures that the superintendent of public instruction shall use to determine for each school district:

(1) The maximum dollar amount which may be levied on its behalf for general fund maintenance and operation support pursuant to RCW 84.52.053 and 84.52.0531; and

(2) The local effort assistance to be allocated to it pursuant to RCW ((28A-41-155)) 28A.500.010.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-115 DEFINITION—BASIC EDUCATION ALLOCATION. As used in this chapter, "basic education allocation" means the amount of state moneys calculated by the superintendent of public instruction which is the basis for the superintendent's distribution of moneys to school districts for the operation of a basic program of education pursuant to RCW ((28A-58-750)) 28A.150.200, et seq., ((28A-41-130, and 28A-41-140)) RCW 28A.150.250, and 28A.150.260, chapter 392-121 WAC, and the Biennial Operating Appropriations Act. The amount of a school district's total guaranteed entitlement plus substitute teacher and skills center summer program funding as reported on the August Report 1191 is considered a school district's basic education allocation in determining the school district's excess levy base pursuant to WAC 392-139-310.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-120 DEFINITION—4121 EDUCATION OF HANDICAPPED CHILDREN. As used in this chapter, "4121 Education of handicapped children" means the school district general fund revenue account in which is recorded revenue for a program for education of handicapped children pursuant to chapter ((28A-13)) 28A.155 RCW, RCW ((28A-41-053)) 28A.150.390, chapter 392-171 WAC and the Biennial Operating Appropriations Act.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-122 DEFINITION—4155 LEARNING ASSISTANCE PROGRAM. As used in this chapter, "4155 Learning assistance program" means the school district general fund revenue account in which is recorded revenue for a learning assistance program pursuant to RCW ((28A-120-010)) 28A.165.010 through ((28A-120-026)) 28A.165.190, chapter 392-162 WAC, and the Biennial Operating Appropriations Act.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-126 DEFINITION—4165 TRANSITIONAL BILINGUAL. As used in this chapter, "4165 Transitional bilingual" means the school district general fund revenue account in which is recorded revenue for a transitional bilingual instruction program pursuant to RCW ((28A-58-800 and 28A-58-810)) 28A.180.010 and 28A.180.080, chapter 392-160 WAC, and the Biennial Operating Appropriations Act.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-128 DEFINITION—4174 HIGHLY CAPABLE. As used in this chapter, "4174 Highly capable" means the school district general fund revenue account in which is recorded revenue for a program for highly capable students, pursuant to chapter ((28A-16)) 28A.185 RCW, chapter 392-170 WAC, and the Biennial Operating Appropriations Act.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-132 DEFINITION—4199 TRANSPORTATION—OPERATIONS. As used in this chapter, "4199 Transportation—Operations" means the school district general fund revenue account in which is recorded revenue for reimbursement for operation of a student transportation program pursuant to RCW ((~~28A-41-505; 28A-24-055, and 28A-24-100~~)) 28A.160.150, 28A.160.010, and 28A.160.030, chapter 392-141 WAC, and the Biennial Operating Appropriations Act.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-134 DEFINITION—4499 TRANSPORTATION REIMBURSEMENT—DEPRECIATION. As used in this chapter, "4499 Transportation reimbursement—Depreciation" means the school district transportation vehicle fund revenue account in which is recorded revenue for replacement or depreciation of transportation equipment pursuant to RCW ((~~28A-41-540~~)) 28A.160.200, chapter 392-142 WAC, and the Biennial Operating Appropriations Act.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-205 DEFINITION—F-195. As used in this chapter, "F-195" means the annual school district budget document officially adopted by each school district pursuant to chapter ((~~28A-65~~)) 28A.505 RCW for each year's operations. This document includes estimates of revenues to be received from federal sources during the school year. The federal revenues reported on a school district's F-195 for the prior school year are included in the district's excess levy base pursuant to WAC 392-139-310 if they qualify for inclusion and are not reported on Report 1197. The accounts included in the levy base and reported on the F-195 are listed in WAC 392-139-310 (4)(b).

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-215 DEFINITION—P-223H. As used in this chapter, "P-223H" means the form printed by the superintendent of public instruction and distributed annually to all school districts for reporting of handicapped students pursuant to chapter ((~~28A-13~~)) 28A.155 RCW.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-230 DEFINITION—P-213. As used in this chapter, "P-213" means the form entitled report of students residing in nonhigh school districts enrolled in high school districts. P-213 forms are printed and distributed annually by the superintendent of public instruction to high school districts educating students from nonhigh school districts. School districts use the P-213 to report enrollment of students residing in a nonhigh school district and enrolled in a high school district pursuant to chapter ((~~28A-44~~)) 28A.545 RCW and chapter 392-132 WAC. Enrollments reported on this form are used in calculating excess levy authority transfers from high school districts to nonhigh school districts pursuant to WAC 392-139-340.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-235 DEFINITION—ANNUAL AVERAGE FULL-TIME EQUIVALENT (AAFTE) RESIDENT ENROLLMENT. As used in this chapter "AAFTE resident enrollment" means the AAFTE students residing in a school district which shall be determined as follows:

(1) Determine total AAFTE students enrolled in the school district for the school year;

(2) Add AAFTE students residing in the school district but enrolled in another school district pursuant to an interdistrict cooperation agreement authorized pursuant to RCW ((~~28A-58-075; 28A-58-245~~)) 28A.335.160, 28A.225.250, and chapter 392-135 WAC;

(3) Add AAFTE students residing in the school district but enrolled in another school district pursuant to chapter ((~~28A-44~~)) 28A.545 RCW and chapter 392-132 WAC;

(4) Subtract AAFTE students residing in another school district but enrolled in the school district pursuant to an interdistrict cooperation agreement authorized pursuant to RCW ((~~28A-58-075; 28A-58-245~~)) 28A.335.160, 28A.225.250, and chapter 392-135 WAC;

(5) Subtract AAFTE students residing in another school district but enrolled in the school district pursuant to chapter ((~~28A-44~~)) 28A.545 RCW and chapter 392-132 WAC.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-330 DETERMINATION OF EXCESS LEVY AUTHORITY TRANSFERS FOR INTERDISTRICT COOPERATION PROGRAMS. The superintendent of public instruction shall calculate the amount of levy authority transfers for the next calendar year for interdistrict cooperation programs as provided in this section. For students who during the prior school year resided in one school district (the sending district) but attended school in another school district (the serving district) pursuant to an interdistrict cooperation agreement authorized pursuant to RCW ((~~28A-58-075 or 28A-58-245~~)) 28A.335.160 or 28A.225.250 and chapter 392-135 WAC, the serving district's excess levy authority for the next calendar year shall be reduced and the sending district's excess levy authority for the next calendar year shall be increased by the same amount which shall be determined as follows:

(1) Determine the serving district's excess levy authority for the next calendar year after adjustment for levy reduction funding but prior to adjustment for transfers of excess levy authority pursuant to this section and WAC 392-139-340;

(2) Divide the result by the total AAFTE students enrolled in the serving district in the prior school year as reported on the district's August Report 1191; and

(3) Multiply the result by the AAFTE students residing in the sending district and enrolled in the serving district in the prior school year pursuant to an interdistrict cooperation agreement as reported on forms P-223NR, and P-223H or 1067.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-340 DETERMINATION OF EXCESS LEVY AUTHORITY TRANSFERS FROM HIGH SCHOOL DISTRICTS TO NONHIGH SCHOOL DISTRICTS. The superintendent of public instruction shall determine the amount of excess levy authority transfers for the next calendar year from high school districts to nonhigh school districts as provided in this section. For students residing in a nonhigh school district but enrolled in a high school district pursuant to chapter ((~~28A-44~~)) 28A.545 RCW and chapter 392-132 WAC, the high school district's excess levy authority shall be reduced and the nonhigh school district's excess levy authority shall be increased by the same amount. The amount of the excess levy authority transfer shall equal the estimated excess levy authority transfer for the current school year calculated pursuant to subsection (1) of this section adjusted by the amount of the nonhigh billing adjustment for the prior school year calculated pursuant to subsection (2) of this section.

(1) The estimated excess levy authority transfer for the current school year is determined as follows:

(a) Calculate the high school district's excess levy authority for the next calendar year after adjustment for levy reduction funding but prior to adjustments for transfers of excess levy authority pursuant to this section and WAC 392-139-330;

(b) Divide the result by the estimated total AAFTE students enrolled in the high school district in the current school year as reported to the superintendent of public instruction on form P-213; and

(c) Multiply the result by the estimated AAFTE students residing in the nonhigh school district and enrolled in the high school district for the current school year pursuant to chapter ((~~28A-44~~)) 28A.545 RCW as reported on form P-213.

(2) The amount of the nonhigh billing adjustment for the prior school year is determined as follows:

(a) Determine the high school district's certified excess levy for the current calendar year;

(b) Divide the result by the high school district's AAFTE resident enrollment for the prior school year determined pursuant to WAC 392-139-235 using AAFTE student enrollments reported on the August Report 1191 and forms P-213, P-223NR, and P-223H or 1067; and

(c) Multiply the result by the number of AAFTE students determined as follows:

(i) Determine the actual AAFTE students residing in the nonhigh school district and enrolled in the high school district in the prior school year pursuant to chapter ((28A-44)) 28A.545 RCW as reported in the current calendar year on form P-213; and

(ii) Subtract the estimated AAFTE students from the nonhigh school district enrolled in the high school district in the prior school year pursuant to chapter ((28A-44)) 28A.545 RCW as reported on form P-213 for the prior calendar year.

AMENDATORY SECTION (Amending Order 80-9, filed 4/15/80)

WAC 392-140-001 PURPOSE. Provisions of this chapter serve to implement and govern the finance-related administration of laws of limited duration, laws with phase-in/phase-out procedures, and/or laws requiring special one-time processes or procedures for which the superintendent of public instruction has broad rule-making authority pursuant to RCW ((28A-03-030)) 28A.300.040(3), as now or hereafter amended, or specific rule-making authority authorized by the legislature, as the case may be.

AMENDATORY SECTION (Amending Order 86-3, filed 4/2/86)

WAC 392-140-075 1985-87 SCHOOL BASED MANAGEMENT PILOT PROJECTS—APPLICABLE PROVISIONS—AUTHORITY. The provisions of WAC 392-140-075 through 392-140-083 shall be applicable to the distribution of categorical grant funds to districts for the establishment of a school based management system for one or more school buildings within the district. The authority for these regulations is RCW ((28A-58-082)) 28A.240.030(4) which authorizes the superintendent of public instruction to adopt rules and regulations for the implementation of school based management pilot projects.

AMENDATORY SECTION (Amending Order 86-3, filed 4/2/86)

WAC 392-140-079 1985-87 SCHOOL BASED MANAGEMENT PILOT PROJECTS—DISTRICT APPLICATION. The board of directors of any district may apply to the superintendent of public instruction to establish a school based management system. Such application shall contain:

(1) An assurance that the district will establish a school site council in conformance with WAC 392-140-077 and RCW ((28A-58-082)) 28A.240.030(2) for each particular building which will utilize the school based management system for preparation of a school improvement plan.

(2) A description of the composition and selection process for the school site council.

(3) An assurance that the school site council will be required to develop an annual school improvement plan.

(4) A statement whether the district will participate in one or more or all components within the basic education program and, if not all components, a description of the educational needs, goals, objectives, and strategies and/or the components of the basic education program which the school site council is authorized to address.

(5) An assurance that no school improvement plan will be approved by the board of directors for the particular school building affecting the specified components unless it is developed and recommended by the school site council in conformance with RCW ((28A-58-082)) 28A.240.030(4). For the purpose of this subsection, any proposed improvement which has a nexus to the specified components shall be included in such assurance.

(6) An assurance that categorical grant funds allocated by the superintendent of public instruction will be expended only for implementation of the school based management system—i.e., expenses related to the building based management system process and not for the cost of implementation of the school improvement plan resulting from such process.

(7) An assurance that the district will maintain accurate fiscal records and supporting documentation and, when requested, will provide such documentation to the superintendent of public instruction.

(8) A proposed program budget for the school based management system by activities and objects of expenditure, including any local or other funds, if any, committed to the pilot project.

(9) An assurance that if the district decides to terminate the building based management system pursuant to WAC 392-140-082 that

such district will provide the superintendent of public instruction with an evaluation of the pilot project and state the reasons for termination.

(10) An assurance that the district after completion of the pilot project will provide the superintendent of public instruction with an evaluation of the program, including successes and failures and recommendations for improvement of the program.

(11) An assurance that the district will cooperate with efforts of the superintendent of public instruction to monitor and assess the success of the various pilot projects, including notification of scheduled meetings of the school site councils and submission of any progress reports requested by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 25, filed 12/20/89, effective 1/20/90)

WAC 392-140-300 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—APPLICABLE PROVISIONS. The provisions of WAC 392-140-300 through 392-140-335 apply to the determination of kindergarten through third grade enhancement moneys which are in addition to the statutory general apportionment moneys allocated pursuant to RCW ((28A-41-140)) 28A.150.260 (2)(c). Compliance with these sections does not assure compliance with:

(1) RCW ((28A-41-110)) 28A.150.100(2), which requires each school district to maintain a ratio of at least forty-six basic education certificated instructional staff per thousand annual average full-time equivalent students; or

(2) RCW ((28A-41-130)) 28A.150.250, which requires that the ratio of students per classroom teacher in grades kindergarten through three be no greater than the ratio of students per classroom teacher in grades four and above.

AMENDATORY SECTION (Amending Order 25, filed 12/20/89, effective 1/20/90)

WAC 392-140-301 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—AUTHORITY. The authority for WAC 392-140-300 through 392-140-335 is:

(1) Section 502(10), chapter 19, Laws of 1989 1st ex. sess. (the Omnibus Appropriations Act); and

(2) RCW ((28A-41-170)) 28A.150.290(1).

AMENDATORY SECTION (Amending Order 25, filed 12/20/89, effective 1/20/90)

WAC 392-140-302 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—PURPOSE. The purpose of WAC 392-140-300 through 392-140-335 is to set forth the policies and procedures used by the superintendent of public instruction to determine the amount of moneys to be provided to school districts for certificated instructional staff above that set forth in RCW ((28A-41-140)) 28A.150.260 (2)(c).

AMENDATORY SECTION (Amending Order 84-26, filed 7/11/84)

WAC 392-141-105 AUTHORITY. The authority for this chapter is RCW ((28A-41-170)) 28A.150.290 which authorizes the superintendent of public instruction to adopt rules and regulations for the administration of chapter ((28A-41)) 28A.150 RCW, which includes student transportation programs, and RCW ((28A-24-100)) 28A.160.030, which authorizes the superintendent of public instruction to adopt rules and regulations for individual and in-lieu transportation arrangements.

AMENDATORY SECTION (Amending Order 84-26, filed 7/11/84)

WAC 392-141-115 DEFINITION—ELIGIBLE STUDENT. As used in this chapter "eligible student" shall mean any student who is served by transportation or for whom compensation is provided pursuant to RCW ((28A-24-100)) 28A.160.030 who meets at least one of the following:

(1) In the case of students transported by bus:

(a) A student whose route stop is more than one radius mile from the student's school of attendance or learning center or transfer route stop;

(b) A student whose school of attendance is more than one radius mile from his learning center or transfer route stop;

(c) A student whose route stop is established because of one or more hazardous walking conditions in accordance with WAC 392-141-175

and is one radius mile or less from the school of attendance or learning center;

(d) A student who is handicapped as defined by RCW ((~~28A.13-010~~) 28A.155.020) and is either not ambulatory or capable of protecting his or her own welfare while traveling to or from school or agency where special education services are provided and is one radius mile or less from the school of attendance or learning center.

(2) In the case of students for whom transportation arrangements are made pursuant to RCW ((~~28A.24.100~~) 28A.160.030):

(a) A student whose residence is more than one radius mile from the route stop or school of attendance or transfer route stop;

(b) A student who is handicapped as defined in RCW ((~~28A.13-010~~) 28A.155.020) and is either not ambulatory or capable of protecting his or her welfare while traveling either to the school or agency where special education services are provided or to the appropriate route stop.

AMENDATORY SECTION (Amending Order 84-26, filed 7/11/84)

WAC 392-141-180 LIMITATIONS ON THE ALLOCATION FOR TRANSPORTATION BETWEEN SCHOOLS AND LEARNING CENTERS. Funding for transportation between schools and learning centers shall be subject to the following conditions:

(1) The instruction at the learning center site shall meet the requirements established in any of the following statutes:

- (a) Chapter ((~~28A.05~~) 28A.230) RCW;
- (b) Chapter ((~~28A.13~~) 28A.155) RCW;
- (c) RCW ((~~28A.41.400 through 28A.41.414~~) 28A.165.010 through 28A.165.080);
- (d) RCW ((~~28A.58.750~~) 28A.150.200); and
- (e) RCW ((~~28A.58.800 through 28A.58.810~~) 28A.180.010 through 28A.180.080);

(2) The instruction at the learning site shall be scheduled for at least eighty percent of the days within an annual school term (i.e., 144 school days);

(3) The transportation between schools and learning centers or other schools shall be scheduled at least eighty percent of the days within an annual school term, (i.e., 144 school days);

(4) The limitations imposed by this section shall not apply to midday transportation to or from school or transportation of special education students between schools and between schools and agencies less frequently than four days a week.

AMENDATORY SECTION (Amending Order 84-26, filed 7/11/84)

WAC 392-141-185 OPERATION ALLOCATION COMPUTATION. The computation of the transportation operation allocation shall be as follows:

(1) All eligible students as defined in WAC 392-141-115 who are transported to school except for midday transportation students and special education students accounted for in subsection (7) of this section shall be measured by radius mile intervals between the bus route stop and the destination school in accordance with WAC 392-141-170(3);

(2) All kindergarten and younger students transported to or from school midday shall be measured by radius mile intervals between the bus route stop and the school of attendance in accordance with WAC 392-141-170(3);

(3) The total number of the students transported to school in subsection (1) of this section in each of the distance intervals shall be multiplied by two to yield the round trip totals in each of the distance intervals;

(4) The total from subsection (3) of this section plus the midday transportation students in subsection (2) of this section shall equal the total students transported in each of the distance intervals with the exception of special education students accounted for in subsection (7) of this section;

(5) The total students calculated in subsection (4) of this section in each of the distance intervals, multiplied by the applicable distance weighting factor contained in WAC 392-141-170(3) shall equal the cumulative weighted student units in each of the distance intervals with the exception of midday transportation students whose midday transportation schedule is three days per week or less. In such cases the weighted student units calculated for such transportation are multiplied by the appropriate percent shown in the table below:

No. of days per week	Percent factor
1	20%
2	40%
3	60%

(6) The sum of the cumulative weighted student units in each of the distance intervals calculated in subsection (5) of this section multiplied by the standard student mile allocation rate, and that product for the 1983-84 school year only multiplied by the formula support level expressed as a percent, shall equal the total transportation operation allocation, unless subsection(s) (7) and (8) or (9) of this section applies;

(7) All special education students as defined in RCW ((~~28A.13-010~~) 28A.155.020) transported on special education bus routes to school or agencies for special education services shall be measured by distance intervals between their bus route stops and destinations in accordance with WAC 392-141-170(3) and multiplied by the appropriate distance weighting factors. These products are multiplied by two. These products shall be totaled and that total shall be multiplied by the appropriate special education load factor determined in accordance with WAC 392-141-170 (4)(b): PROVIDED, That for special education students transported between schools and between schools and agencies less frequently than four days a week, the weighted student units calculated for such students shall be multiplied by the appropriate percent shown in the table below:

No. of days per week	Percent factor
1	20%
2	40%
3	60%

This product shall equal the weighted student units for special education transportation;

(8) The weighted student units calculated pursuant to subsection (7) of this section are multiplied by the standard student mile allocation rate, and for the 1983-84 school year only that product is multiplied by the formula support level expressed as a percent;

(9) The district's minimum load factor, if any, is calculated pursuant to WAC 392-141-170 (4)(a) and reduced by the whole number one. The factor is multiplied by the weighted student units in each distance interval calculated pursuant to subsection (5) of this section. These products then are totaled. This total is the additional weighted student units attributable to the district's small average bus load. These additional weighted student units, if any, are multiplied by the standard student mile allocation rate and for the 1983-84 school year only this product is multiplied again by the formula support level expressed as a percent;

(10) The small fleet maintenance factor, if any, shall be added to the standard student mile allocation rate before the calculations in subsections (6), (8), and (9) of this section are made. For the 1983-84 school year, the small fleet maintenance factor shall be multiplied by the formula support level expressed as a percent;

(11) The district's annual allocation for transportation operation is the total of the calculations made in subsections (6), (8), and (9) of this section;

(12) When a district submits a revised report pursuant to WAC 392-141-165, to the extent funds are available, the district's operation allocation shall be recalculated. Any increase in operations allocations shall be subject to the following:

(a) Any increase in annual allocations shall be prorated for the remainder of the annual school term. The date that the district documents first meeting the ten percent increase in eligible students transported shall be used to prorate any increase in annual transportation operation allocations; and

(b) All revised reports shall be held until the end of the annual school term in all school districts state-wide. After the end of the annual school terms all requests for increases shall be computed in accordance with subsections (1) through (11) of this section. The pool of state moneys available to meet all revised reports shall be prorated among eligible districts if necessary.

AMENDATORY SECTION (Amending Order 84-26, filed 7/11/84)

WAC 392-141-195 ALLOCATION SCHEDULE FOR STATE PAYMENTS. The superintendent of public instruction shall apportion the transportation operation allocation pursuant to the payment schedule in RCW ((~~28A.48.010~~) 28A.510.250). Such allocation shall be

based on estimated amounts for payments to be made in September, October, November, and December. The superintendent shall notify each school district of the student transportation operation allocation before December 15 of the current school year.

AMENDATORY SECTION (Amending Order 80-24, filed 7/9/80)

WAC 392-153-010 DEFINITIONS. (1) A "traffic safety education course" shall mean an accredited course of instruction in traffic safety education approved by the superintendent of public instruction which shall consist of two phases: Classroom instruction and laboratory experience.

(2) "Classroom instruction" shall mean that portion of a traffic safety education course, based in a classroom environment, which is characterized by student learning under the management of a qualified teacher or teachers.

(3) "Laboratory experience" shall mean that portion of a traffic safety education course, covering motor vehicle operation under real or simulated conditions, characterized by student learning experiences arising from use of simulation equipment, an off-street multiple car driving range, and/or on-street driving practice in a dual controlled car under the direction of a teacher.

(4) A "qualified teacher of traffic safety education" shall mean an instructor certificated under the provisions of chapter ((28A-70)) 28A.410 RCW and certificated by the superintendent of public instruction to teach either the classroom phase or the laboratory phase of the traffic safety education course, or both, under regulations promulgated by the superintendent: PROVIDED, That the laboratory phase of the traffic safety education course may be taught by instructors certificated under rules promulgated by the superintendent of public instruction, exclusive of any requirement that the instructor be certificated under the provisions of chapter ((28A-70)) 28A.410 RCW. Commercial instructors certificated under the provisions of chapter 46.82 RCW, and participating in this program, shall be subject to qualification requirements jointly adopted by the superintendent of public instruction and the director of the department of licensing.

AMENDATORY SECTION (Amending Order 80-24, filed 7/9/80)

WAC 392-153-020 TEACHER AND INSTRUCTOR QUALIFICATIONS. (1) A teacher certificated under provisions of chapter ((28A-70)) 28A.410 RCW shall be eligible to teach the classroom or laboratory phases of the traffic safety education program if he/she possesses the following qualifications in addition to those required under chapter ((28A-70)) 28A.410 RCW:

(a) Possesses a valid Washington state driver's license.

(b) Provides a record(s) from the Washington state department of licensing and/or other driver licensing jurisdiction for a five-year period showing:

(i) Not more than three moving traffic violations within the preceding 12 months or more than four moving traffic violations in the preceding 24 months;

(ii) No alcohol related traffic violation within the preceding three years;

(iii) No driver's license suspension, cancellation, revocation or denial within the preceding three years.

(c) Has completed at least one 3-quarter credit hour course in general safety education and at least three courses consisting of 3-quarter credit hours each in traffic safety education as approved by the office of the superintendent of public instruction.

(d) Possesses a valid traffic safety education endorsement issued by the superintendent of public instruction.

(2) Any person endorsed by the superintendent of public instruction to teach traffic safety education in the state of Washington prior to May 27, 1969, and who possesses a consultant special certificate but does not hold a valid teaching certificate required by WAC 392-153-010 (4) and (5), shall continue to be qualified to teach both classroom and laboratory phase of traffic safety education in this state on the condition that he or she renew such consultant special certificate on an annual basis and maintain a satisfactory driving record as set forth above in WAC 392-153-020 (1)(a) and (1)(b).

(3) The laboratory phase of the traffic safety education course may be taught by a commercial instructor licensed by the department of licensing pursuant to chapter 46.82 RCW or an instructor who, although not certificated pursuant to chapter ((28A-70)) 28A.410 RCW or chapter 46.82 RCW, serves under the supervision of the district

traffic safety education program coordinator or his/her designee and who meets the following qualifications:

(a) Possesses a valid Washington state driver's license.

(b) Is at least 21 years of age.

(c) Has at least 5 years of driving experience.

(d) Holds a high school diploma or its equivalent.

(e) Provides a record(s) from the Washington state department of licensing and/or other driver licensing jurisdiction for a 5 year period showing a satisfactory driving record as set forth above in WAC 392-153-020 (1)(b).

(f) Provides evidence of the following:

(i) Completion of at least sixty 60-minute clock hours of study in the field of driving instruction as required by [RCW 46.82.130] [RCW 46.82.330] and as approved by the office of the superintendent of public instruction and the department of licensing;

(ii) Completion of behind-the-wheel supervised practice in instructing;

(iii) A recommendation for a certificate from a school district superintendent or from a commercial school approved by the office of the superintendent of public instruction.

(g) Passes practical and knowledge examinations developed and administered by the department of licensing and required under provisions of chapter 46.82 RCW for commercial instructors.

(h) Provides evidence to an agent approved by the office of the superintendent of public instruction of the following instructional competencies:

(i) Uses teaching methods which allow for individual student driving abilities, reduces student anxieties, and involves backseat observers;

(ii) Communicates clearly, using appropriate technical vocabulary;

(iii) Select routes for on-street and on-site lessons and conducts student learning activities from simple to complex which correspond with the learner's mental, physical and emotional performance capabilities in coordination with classroom activities;

(iv) Maintains a position within the vehicle for awareness of the traffic scene and utilizes control instruments to maintain safety and facilitate instruction;

(v) Applies uniform evaluation criteria in assessing needs and progress of students during and after each lesson.

(i) Persons desiring to teach in the simulator or on the multiple car driving range shall provide evidence of having completed an additional thirty clock hours of study which includes supervised practice in instructing in each area as approved by the office of the superintendent of public instruction and the department of licensing: PROVIDED, That a person who holds a valid certificate under the provisions of chapter ((28A-70)) 28A.410 RCW and meets the requirements for traffic safety certification set forth under WAC 392-153-020(1) who is employed as a paraprofessional shall not be required to meet any of the requirements set forth above in WAC 392-153-020(3).

(4) The superintendent of public instruction shall issue the consultant special certificate to any person who files an application, pays the appropriate fee(s), and meets the requirements set forth in WAC 392-153-020 (2) or (3) for certification as an instructor of the laboratory phase of traffic safety education.

(5) Certificates issued to teach the laboratory phase of traffic safety education under provisions of chapter 392-153 WAC shall be valid for one year. Reissuance of such certificates shall be subject to the following requirements:

(a) Verification of employment or intent to employ;

(b) Verification of a satisfactory driving record.

(6) The fee for the consultant special certificate shall be \$1.00 which shall be remitted to an educational service district.

AMENDATORY SECTION (Amending Order 84-17, filed 6/13/84)

WAC 392-160-003 AUTHORITY. The authority for this chapter is RCW ((28A-58-808)) 28A.180.060 which authorizes the superintendent of public instruction to promulgate rules for the implementation of a transitional bilingual instructional program.

AMENDATORY SECTION (Amending Order 87-14, filed 10/22/87)

WAC 392-162-047 DEFINITION—BASIC SKILLS TEST. As used in this chapter, the term "basic skills tests" means state-wide tests at the fourth and eighth grade levels established pursuant to RCW ((28A-03-360)) 28A.230.190.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-100 AUTHORITY. The authority for this chapter is RCW ((28A-02-100)) 28A.300.070 which authorizes the superintendent of public instruction to receive federal funds on behalf of school districts of the state of Washington and to disburse such funds in accordance with federal law and accompanying federal rules and regulations.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-100 AUTHORITY. The authority for this chapter is RCW ((28A-02-100)) 28A.300.070 which authorizes the superintendent of public instruction to receive federal funds on behalf of school districts of the state of Washington and to disburse such funds in accordance with federal law and accompanying federal rules and regulations.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-225 ACADEMIC INSTRUCTION—DEFINITION. As used in this chapter, the term "academic instruction" means reading, oral language, language arts, mathematics: PROVIDED, That other areas of basic education instruction identified in RCW ((28A-58-754)) 28A.150.220, Basic Education Act, may be included if appropriate to the state and local plans approved pursuant to WAC 392-164-285.

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

WAC 392-165-100 AUTHORITY. The authority for this chapter is RCW ((28A-02-100)) 28A.300.070 which authorizes the superintendent of public instruction to receive federal funds on behalf of school districts of the state of Washington and to disburse such funds in accordance with federal law and accompanying federal rules and regulations.

AMENDATORY SECTION (Amending Order 87-12, filed 11/9/87)

WAC 392-166-115 QUALIFYING SCHOOL DISTRICTS—DEFINITION. As used in this chapter, the term "qualifying school districts" means those school districts, based on drop-out statistics submitted to the superintendent of public instruction pursuant to RCW ((28A-58-087)) 28A.175.010, with a drop-out rate in the top twenty-five percent of all districts reporting such information: PROVIDED, That the rate may be an average of such data available for a period not to exceed the immediately preceding five school years.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-168-105 AUTHORITY. The authority for this chapter is RCW ((28A-02-100)) 28A.300.070 which authorizes the superintendent of public instruction to receive and administer federal funds on behalf of school districts of the state of Washington in compliance with applicable rules and regulations.

AMENDATORY SECTION (Amending Order 84-20, filed 6/28/84)

WAC 392-170-005 AUTHORITY. The authority for this chapter is chapter ((28A-16)) 28A.185 RCW—which authorizes the superintendent of public instruction to adopt rules and regulations for the administration of a program for highly capable students, including the nomination, assessment, and selection of such students.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-295 AUTHORITY. The authority for this chapter is RCW ((28A-13-070)) 28A.155.090(7) which authorizes the superintendent of public instruction to promulgate rules and regulations to implement chapter ((28A-13)) 28A.155 RCW. Such authority is supplemented by RCW ((28A-02-100)) 28A.300.070 which authorizes the superintendent of public instruction to receive federal funds in accordance with the provisions of federal law.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-300 PURPOSES. The purposes of this chapter are:

(1) To implement chapter ((28A-13)) 28A.155 RCW in a manner that is compatible also with the federal Education for All Handicapped Children Act, 20 United States Code (USC) section 1401 et seq. (PL 94-142);

(2) To assure that all handicapped students as defined in this chapter have an opportunity for a free and appropriate education at public expense (i.e., free special education and related services) to meet their unique needs;

(3) To assure that the rights of handicapped students and their parents are protected;

(4) To assist school districts and others to provide for the education of all handicapped students;

(5) To assess and assure the effectiveness of efforts to educate handicapped students; and

(6) To be applicable to all handicapped education programs established pursuant to law and operated by the common school districts or on behalf of the common school districts, including the state residential school programs established and operated pursuant to RCW ((28A-58-770)) 28A.190.020 et seq.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-310 DEFINITIONS OF "FREE APPROPRIATE, PUBLIC EDUCATION," "ADULT STUDENT," "HANDICAPPED STUDENT," "PARENT," AND "SCHOOL DISTRICT." As used in this chapter:

(1) "Free appropriate, public education" means special education and related services which:

(a) Are provided at public expense, under local school district supervision and direction, and without charge;

(b) Meet the standards of the state educational agency, including the requirements of this chapter; and

(c) Are provided in conformity with an individualized education program which meet the requirements of WAC 392-171-461.

(2) "Adult student" means a handicapped student or a student who is eighteen, nineteen, or twenty years of age, except as provided for in WAC 392-171-331, and who has not been judged incompetent by a court of law or otherwise judged by a court of law as being incapable of assuming and exercising the rights, duties and responsibilities otherwise granted to and imposed upon parents by this chapter (a student shall assume and be entitled to exercise all rights, duties and responsibilities otherwise granted to or imposed upon parents by this chapter upon attaining the age of eighteen and shall retain and be entitled to exercise the same until he or she has been judged incompetent or otherwise incapable of exercising the same by a court of law).

(3) "Handicapped student" and "student" (depending upon the context in which the terms are used) mean:

(a) A person under the age of twenty-one, except as provided for in WAC 392-171-331, who has been determined pursuant to this chapter to have one or more of the disabilities set forth in WAC 392-171-381 through 392-171-451 and to be in need of special education and related services; or

(b) A person under the age of twenty-one who has become a focus of concern and who may have one or more of the disabilities set forth in WAC 392-171-381 through 392-171-451 in the judgment of the school district superintendent or his or her designee, or the parent(s), or the adult student; or

(c) A person under the age of twenty-one, except as provided for in WAC 392-171-331, who resides in a residential school for the handicapped in accordance with RCW ((28A-58-770)) 28A.190.020 et seq.

(d) The foregoing categories of persons—notwithstanding the fact the person(s) may not be enrolled in or attending school in the normal sense of the term "student."

(4) "Parent" means a natural parent, a legal guardian, an adult person acting as a parent, or a surrogate parent who has been appointed in accordance with WAC 392-171-581, who represents a nonadult student. The term does not include the state if the child is a ward of the state.

(5) "School district" means:

(a) Each public school district in the state;

(b) Each educational service district that provides special education or related services to one or more handicapped students; and

(c) Each public or private organization or entity or person who provides special education and/or related services to one or more handicapped students in behalf of a public school district—even though such public school district, educational service district, or public or private organization or entity or person does not receive federal funds made available for the purposes of the Education for All Handicapped Children Act.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-361 MEDICAL EVALUATION. (1) A medical evaluation is required when:

- (a) It is necessary to meet the eligibility criteria for funding; or
 (b) Voice training is being considered in the presence of hoarseness; or

(c) Whenever a qualified health professional suspects a student under consideration as a possible handicapped student of having a health problem which may affect his or her educational program.

(2) Medical evaluations at the expense or otherwise in behalf of a school district shall be obtained only:

(a) At the direction of or with the prior approval of the school district superintendent or his or her designee (except in the case of an independent assessment pursuant to WAC 392-171-371);

(b) In accordance with criteria established by the school district including, but not limited to, the location of the evaluation and the report required; and

(c) When the student's parent(s) (or the adult student) agrees in advance to the type of examination and the choice of medical examiner;

(d) When, except in the case of an adult student, the student's parent(s) is present at the time of the examination or has agreed that his or her presence is not required; and

(e) When the evaluation is conducted by the student's personal physician or if conducted by another physician, when the student's personal physician has been involved in the planning with the permission of the student's parent(s) (or the adult student).

(4) Medical evaluation services necessary to a determination of the educational needs of residential school students, shall be the responsibility of the department of social and health services pursuant to RCW ((28A-58-774)) 28A.190.040.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-491 CONTRACTUAL SERVICES. (1) School districts, severally or jointly, shall be authorized to:

(a) Enter into interdistrict agreements with another school district(s) pursuant to RCW ((28A-58-075, 28A-58-245, 28A-58-250)) 28A.335.160, 28A.225.250, 28A.225.260, and chapter 392-135 WAC; and

(b) Contract with nonpublic and public school agencies for special education and related services for handicapped students: PROVIDED, That the school district establishes that it cannot provide an appropriate education for the handicapped student within the district or another school district: PROVIDED FURTHER, That in the case of a cooperative placement by a school district of a handicapped student at a center for the furtherance of research and training in handicapping conditions as established pursuant to RCW 28B.20.410 through 28B.20.414, as now or hereafter amended, or other such centers as may be established at other public institutions of higher education, as defined in RCW 28B.10.016, the school districts shall establish that the parent (or adult student) has given written approval for placement of the handicapped student at such center despite the existence of an appropriate education for the handicapped student within the district or another school district and has agreed that such placement would equal or substantially equal the placement available in the school district.

(2) If a handicapped student has special education and related services available in his or her public school district of residence and the child is placed in another public school district or in a public or private school or facility other than pursuant to a contractual arrangement between the student's district of (initial) residence and the entity of placement, the district of (initial) residence shall not be required to pay for the student's education or otherwise be responsible for the education of the student, except to the extent the student may qualify for services as a private school student pursuant to WAC 392-171-646 et seq.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-171-711 FACILITIES. Construction of special facilities or the remodeling of present facilities in order to meet the special education and related services needs of any handicapped student shall be provided in accordance with rules of the superintendent of public instruction and the state board of education which govern the construction and/or financing of school district facilities: PROVIDED, That all educational facilities required for handicapped students in residential school programs shall be the responsibility of department of social and health services as provided by RCW ((28A-58-774)) 28A.190.040.

AMENDATORY SECTION (Amending Order 84-46, filed 10/2/84)

WAC 392-173-003 AUTHORITY. The authority for this chapter is RCW 72.05.140 which requires educational programs operated by the department of social and health services to conform to standards defined by the state board of education or the office of superintendent of public instruction. Such authority is buttressed by RCW ((28A-02-100)) 28A.300.070 which authorizes the superintendent of public instruction to accept federal conditions upon the receipt of federal funds for educational programs operated by the department of social and health services and by Article III, section 22 of the state Constitution which requires the superintendent of public instruction to have supervision over all matters pertaining to the public schools.

AMENDATORY SECTION (Amending Order 86-8, filed 7/18/86)

WAC 392-182-005 AUTHORITY. The authority for this chapter is RCW ((28A-31-117)) 28A.210.150 which requires the superintendent of public instruction to "provide procedures for schools to quickly verify the immunization of records of students transferring from one school to another before the immunization records are received."

AMENDATORY SECTION (Amending Order 86-8, filed 7/18/86)

WAC 392-182-010 PURPOSE. The purpose of this chapter is to implement RCW ((28A-31-117)) 28A.210.150 and provide for quick verification of immunization records of students transferring from one school to another before the immunization records are received.

AMENDATORY SECTION (Amending Order 84-5, filed 2/14/84)

WAC 392-184-003 AUTHORITY. The authority for this chapter is RCW ((28A-97-030)) 28A.205.030 which authorizes the superintendent of public instruction to adopt rules relating to the grade level standing of a prior common school dropout who reenters the common school system.

AMENDATORY SECTION (Amending Order 84-3, filed 2/9/84)

WAC 392-185-003 AUTHORITY. The authority for this chapter is RCW ((28A-97-050)) 28A.205.050 which authorizes the superintendent of public instruction to adopt rules and regulations to carry out the purpose of chapter ((28A-97)) 28A.205 RCW, the operation and funding of educational clinics. (The certification or approval of educational clinics is the responsibility of the state board of education. See chapter 180-95 WAC.)

AMENDATORY SECTION (Amending Order 84-3, filed 2/9/84)

WAC 392-185-005 PURPOSE. The purpose of this chapter is to establish the policies and procedures necessary to distribute funds to certified educational clinics as provided in chapter ((28A-97)) 28A.205 RCW.

AMENDATORY SECTION (Amending Order 8-79, filed 11/9/79)

WAC 392-185-010 DEFINITIONS. The following definitions shall apply to terms used in this chapter:

(1) The terms, "educational clinic," "basic academic skills," "a clinical-client centered basis," "individual diagnostic procedures," "general educational development tests," "educational gains," and "employment orientation," as defined in WAC 180-95-010 as adopted or hereafter amended shall apply to the provisions of this chapter.

(2) An "eligible common school dropout" shall mean a person who (a) has not completed high school; (b) has reached his or her thirteenth birthday and not attained his or her twentieth birthday; (c) does not show proficiency beyond the high school level in a test approved by the superintendent of public instruction which has been given as a part of the initial diagnostic procedure; and (d) has dropped out of a common school for at least one month and written verification is received from a school official of the common school last attended stating that such person is no longer in attendance at such school unless (i) the board of directors or its designee submits a written request that such person be admitted, or (ii) the person has been expelled or suspended pursuant to chapter 180-40 WAC. The fact that any person may be subject to the compulsory attendance law, chapter ((28A-27)) 28A.225 RCW, shall not affect his or her qualifications as an eligible common school dropout under this chapter.

In addition, to qualify as an "eligible common school dropout" a child must have on file with the appropriate certified educational clinic a written waiver allowing the superintendent of public instruction to examine his or her records at the certified educational clinic at any time and for purposes consistent with the intent of this chapter and chapter 180-95 WAC.

(3) "Class size" is defined to be that number of students assigned to a single certificated teacher during the period of time for which reimbursement is requested regardless of whether or not the students are working on similar courses, subjects, or activities.

AMENDATORY SECTION (Amending Order 87-8, filed 7/27/87)

WAC 392-185-060 FEES—PAYMENT AND PROCEDURES. Consistent with the provisions of chapter ((28A-97)) 28A.205 RCW as enacted or hereafter amended, fee reimbursements made to certified educational clinics shall be made in accordance with the following:

(1) There shall be no reimbursement prior to the actual delivery of services.

(2) Payments related to diagnostic procedures and course activities shall be made from available funds first to those clinics which demonstrate superior performance in the judgment of the superintendent of public instruction in accordance with WAC 392-185-030.

(3) No certified educational clinic shall be entitled to receive payment for any student's course work undertaken prior to the completion of the initial diagnostic procedure.

(4) Upon submission of vouchers, the superintendent of public instruction shall reimburse certified educational clinics under contract for services provided to identified, eligible common school dropouts on the basis of records of diagnostic and instructional services rendered.

(5) Vouchers shall include the following:

(a) A roster of names of students;

(b) Diagnostic fees; and

(c) Fees for instruction based upon class sizes, subject areas and other pertinent data to allow for computation of reimbursement: PROVIDED, That in the event of changes in class size, vouchers shall reflect appropriate changes and documentation shall appear in the records of the educational clinic: PROVIDED FURTHER, That this information is submitted on voucher claim forms as provided by the superintendent of public instruction in accordance with written instructions.

(6) After a student has attended an educational clinic, for all or a portion of one hundred thirty-five instructional days, no further reimbursement fees shall be paid by the superintendent of public instruction for that student.

AMENDATORY SECTION (Amending Order 1-78, filed 2/6/78, effective 3/9/78)

WAC 392-185-100 TUITION—LIMITATIONS. No certified educational clinic shall make any charge to any student or his or her parent, guardian, or custodian for whom a fee is being received under the provisions of chapter ((28A-97)) 28A.205 RCW and this chapter.

AMENDATORY SECTION (Amending Order 1-78, filed 2/6/78, effective 3/9/78)

WAC 392-185-120 STATE AUDIT REVIEW. Any certified educational clinic under contract with the superintendent of public instruction pursuant to chapter ((28A-97)) 28A.205 RCW and this chapter shall permit, without prior notice, a review of its records by

the state auditor and/or the superintendent of public instruction during normal business hours.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-190-005 PURPOSE—ELIMINATION OF SEX DISCRIMINATION. The purpose of this chapter is to establish rules and regulations which implement chapter ((28A-85)) 28A.640 RCW. The referenced enactment prohibits discrimination on the basis of sex in grades K-12 of the Washington public schools. Broad federal regulations implementing Title IX of the Education Amendments of 1972 similarly prohibit sex discrimination in federally-assisted education programs or activities. As a result, several substantive areas have been similarly identified and addressed by both state and federal enactments.

It is the intent of this chapter to encompass those similar substantive areas addressed by the Title IX regulations and in some aspects extend beyond the Title IX regulations. Accordingly, compliance with this chapter should constitute compliance with those similar substantive areas treated in the Title IX regulations, but school districts should be aware that compliance with the Title IX regulations alone may not constitute compliance with this chapter.

Although chapter ((28A-85)) 28A.640 RCW and the balance of this chapter prohibit sex discrimination in grades K-12 only, the superintendent of public instruction hereby declares pursuant to the authority vested in the superintendent by Article 3, section 22 of the state Constitution that it shall be unlawful for any public school district to discriminate on the basis of sex with regard to any activity conducted by or in behalf of a school district including, but not limited to, preschool, adult education, community education and vocational-technical program activities.

AMENDATORY SECTION (Amending Order 15, filed 11/2/89, effective 12/3/89)

WAC 392-190-055 TEXTBOOKS AND INSTRUCTIONAL MATERIALS—SCOPE—ELIMINATION OF SEX BIAS—COMPLIANCE TIMETABLE. (1) It is the intent of this section to eliminate sex bias in connection with any form of instruction provided by a school district.

(2) The instructional materials policy of each school district required by RCW ((28A-58-103)) 28A.320.230 shall incorporate therein, as part of the selection criteria, a specific statement requiring the elimination of sex bias in all textbooks and instructional materials including reference materials and audio-visual materials.

(3) The instructional materials committee of each school district shall establish and maintain appropriate screening criteria designed to identify and eliminate sex bias in all textbooks and instructional materials including reference materials and audio-visual materials: PROVIDED, That such selection criteria shall be consistent with the selection criteria endorsed by the state board of education dated December 6, 1974, WAC 180-48-010, as now or hereafter amended, and WAC 180-46-005 through 180-46-060, as now or hereafter amended. One of the aids to identification of sex bias in instructional materials consists of the Washington Models for the Evaluation of Bias Content in Instructional Materials published by the superintendent of public instruction.

(4) In recognition of the fact that current instructional materials which contain sex bias may not be replaced immediately, each school district should acquire supplemental instructional materials or aids to be used concurrent with existing materials for the purpose of countering the sex bias content thereof.

(5) Nothing in this section is intended to prohibit the use or assignment of supplemental instructional materials such as classic and contemporary literary works, periodicals and technical journals which, although they contain sex bias, are educationally necessary or advisable.

AMENDATORY SECTION (Amending Order 85-11, filed 10/11/85)

WAC 392-193-005 AUTHORITY. The authority for this chapter is RCW ((28A-67-020)) 28A.405.020 which permits the superintendent of public instruction to grant alien permits authorizing an alien to teach in the common schools of this state and to convert certain alien permits to a regular teaching certificate.

AMENDATORY SECTION (Amending Order 85-11, filed 10/11/85)

WAC 392-193-020 **APPLICABILITY TO TEACHERS ONLY.** The alien permit requirement of RCW ((~~28A.67.020~~) 28A.405.020) applies only to teachers.

AMENDATORY SECTION (Amending Order 85-11, filed 10/11/85)

WAC 392-193-055 **NONIMMIGRANT ALIEN PERMITS—REQUIREMENTS.** The superintendent of public instruction shall grant a nonimmigrant alien permit to each nonimmigrant alien applicant who is qualified to teach in the common schools of the state under regulations established by the state board of education, who subscribes to the oath or affirmation required by RCW ((~~28A.67.020~~) 28A.405.020), and who offers sufficient proof that such applicant has been:

(1) Admitted to the United States for purpose of serving as an exchange teacher. Such nonimmigrant permit for exchange teachers shall be valid for one school year and may be renewed once; or

(2) Employed for the sole purpose of serving as a foreign language teacher. Such nonimmigrant permit for a foreign language teacher shall be valid for the same period of time as would be the case if the applicant sought certification solely under the applicable regulations established by the state board of education.

AMENDATORY SECTION (Amending Order 84-44, filed 10/2/84)

WAC 392-195-003 **AUTHORITY.** The authority for this chapter is RCW ((~~28A.71.210~~) 28A.415.040) which authorizes the superintendent of public instruction to adopt rules and regulations for the allocation of funds to common school districts and educational service districts for in-service training programs for certificated and classified personnel.

AMENDATORY SECTION (Amending Order 87-13, filed 11/5/87)

WAC 392-196-005 **AUTHORITY.** The authority for this chapter is RCW ((~~28A.67.240~~) 28A.405.450) which authorizes the superintendent of public instruction to adopt rules to establish and operate a teacher assistance program.

AMENDATORY SECTION (Amending Order 17, filed 10/20/89, effective 11/20/89)

WAC 392-196-011 **DEFINITION—TEACHER.** As used in this chapter the term "teacher" means any school employee possessing any one of the certificates issued by the superintendent of public instruction under RCW ((~~28A.70.005~~) 28A.410.010): **PROVIDED,** That such employees who hold administrator credentials and are employed as administrators shall not be included for purposes of this chapter.

AMENDATORY SECTION (Amending Order 17, filed 10/20/89, effective 11/20/89)

WAC 392-196-020 **DEFINITION—MENTOR TEACHER STIPEND.** As used in this chapter, the term "mentor teacher stipend" shall mean an amount paid by a school district to a mentor teacher for services as a mentor teacher including three days attendance at the required workshops or training sessions. Such stipend, including the amount and conditions applicable, shall be set forth in a supplemental contract in accordance with and subject to the provisions of RCW ((~~28A.67.074~~) 28A.405.240).

AMENDATORY SECTION (Amending Order 17, filed 10/20/89, effective 11/20/89)

WAC 392-196-030 **DEFINITION—BEGINNING TEACHER/EXPERIENCED TEACHER STIPEND.** As used in this chapter, the term "beginning teacher stipend" shall mean an amount paid by a school district to a beginning teacher/experienced teacher for three days of attendance at the required workshops or training sessions. Such stipend, including the amount and conditions applicable, shall be set forth in a supplemental contract in accordance with and subject to the provisions of RCW ((~~28A.67.074~~) 28A.405.240).

AMENDATORY SECTION (Amending Order 17, filed 10/20/89, effective 11/20/89)

WAC 392-196-080 **SCHOOL DISTRICT APPLICATION TO SPI FOR PARTICIPATION IN THE TEACHER ASSISTANCE PROGRAM.** Any district may apply to the superintendent of public instruction for participation in the teacher assistance program. The application shall require the superintendent of the district to provide the following assurances:

(1) The board of directors of the district has reviewed the requirements of this chapter and has agreed to the conditions therein.

(2) The mentor teacher shall be paid a mentor teacher stipend.

(3) The beginning/experienced teacher shall be paid a beginning/experienced teacher stipend.

(4) The beginning/experienced teacher and mentor shall be required to attend and shall be reimbursed by the district for travel expenses for attendance at the educational service district sponsored workshops or training sessions.

(5) The mentor teacher, the beginning teacher, and the experienced teacher shall be released from teaching responsibilities in order to jointly or separately observe each other or observe colleagues in teaching situations.

(6) The district shall provide for or approve two days of workshops as training sessions as defined in WAC 392-196-045. The mentor and beginning or participating experienced teacher shall be required to attend together and shall be reimbursed by the district for expenses for attendance at the two school district sponsored or approved workshops or training sessions.

(7) The total released time from classroom teaching as required by subsection (5) of this section shall be at least twenty-four scheduled instructional hours per school year but no more than twenty-four scheduled instructional hours shall be paid for with funds made available under this chapter.

(8) Mentor teachers shall not be involved in evaluations of their beginning or experienced teachers conducted pursuant to RCW ((~~28A.67.065~~) 28A.405.100).

(9) The mentor teacher, beginning teacher, and experienced teacher shall be required to complete and forward to the superintendent of public instruction such evaluation reports of the teacher assistance program as requested by the superintendent of public instruction.

(10) Mentor teachers shall periodically inform their principals respecting the contents of training sessions and other program activities.

(11) The superintendent of the district shall supply the superintendent of public instruction, at times specified by the superintendent of public instruction, such information as requested regarding the teacher assistance program, including agendas and evaluation material from each district sponsored or approved workshop or training session.

AMENDATORY SECTION (Amending Order 84-43, filed 10/2/84)

WAC 392-200-003 **AUTHORITY.** Partial authority for this chapter is RCW ((~~28A.85.020~~) 28A.640.020) which authorizes the superintendent of public instruction to adopt rules and regulations for the elimination of sex discrimination in the common schools. Such authority is supplemented by RCW ((~~28A.02.100~~) 28A.300.070) which authorizes the superintendent of public instruction to receive federal funds and distribute such funds in accordance with federal law and accompanying federal rules and regulations and by Article III, section 22 of the Washington state Constitution which authorizes the superintendent of public instruction to have supervision over the common schools.

AMENDATORY SECTION (Amending Order 6-76, filed 5/17/76)

WAC 392-200-015 **PUBLIC SCHOOL EMPLOYMENT—AFFIRMATIVE ACTION PROGRAM.** (1) Each school district shall develop and/or incorporate within any existing affirmative action employment program appropriate provisions which are consistent with the intent of chapter ((~~28A.85~~) 28A.640) RCW and such guidelines as are hereafter developed and distributed to each school district by the office of superintendent of public instruction to eliminate discrimination on the basis of sex, in connection with employment by the school district: **PROVIDED,** That each school district's affirmative action employment program shall include at least the following provisions respecting discrimination on the basis of sex.

(a) Maintain credential requirements for all personnel;

(b) Make no differentiation in pay scale;

(c) Make no differentiation in the assignment of school duties except where such assignment would involve duty in areas or situations, such as but not limited to a shower room, where persons might be disrobed;

(d) Provide the same opportunities for advancement;

(e) Make no difference in conditions of employment including, but not limited to, hiring practices, leaves of absence, hours of employment and assignment of, or pay for, instructional and noninstructional duties; and

(f) Such other provisions as may be required by the superintendent of public instruction designed to facilitate the effective achievement of all reasonable affirmative action goals and objectives in public school employment respecting the elimination of discrimination on the basis of sex.

(2) Each affirmative action employment program of a school district shall be filed with the office of the superintendent of public instruction.

(3) The board of directors of each school district shall adopt and implement an approved affirmative action employment program required by this section as expeditiously as possible but in no event later than July 1, 1976.

AMENDATORY SECTION (Amending Order 14, filed 9/14/89, effective 10/15/89)

WAC 392-202-003 **AUTHORITY.** The authority for this chapter is RCW ((~~28A.03.532~~)) 28A.625.050 which authorizes the superintendent of public instruction to adopt rules relating to administration of a Washington award for excellence in education for teachers, principals, administrators, superintendents, and school boards.

AMENDATORY SECTION (Amending Order 86-9, filed 7/18/86)

WAC 392-210-005 **AUTHORITY.** The authority for this chapter is RCW ((~~28A.03.444~~)) 28A.600.070 which authorizes the superintendent of public instruction to develop rules and regulations for the establishment and administration of the Washington state honors award program.

AMENDATORY SECTION (Amending Order 88-10, filed 3/1/88)

WAC 392-310-010 **AUTHORITY.** The authority for this chapter is RCW ((~~28A.100.054~~)) 28A.630.210 which authorizes the superintendent of public instruction to adopt rules to implement the superintendent of public instruction's duties related to the schools for the twenty-first century pilot projects program.

AMENDATORY SECTION (Amending Order 88-11, filed 4/18/88)

WAC 392-315-005 **AUTHORITY.** The authority for this chapter is RCW ((~~28A.130.014~~)) 28A.610.030(5) which authorizes the superintendent of public instruction to promulgate rules for the establishment and administration of project even start.

AMENDATORY SECTION (Amending Order 88-11, filed 4/18/88)

WAC 392-315-075 **ASSURANCE OF NONSUPPLANTING—PROGRAM STANDARD.** No application for an even start project grant shall be approved by the superintendent of public instruction unless the authorized agent of the eligible grantee provides assurance to the superintendent of public instruction of compliance with RCW ((~~28A.130.014~~)) 28A.610.030(4)—i.e., "State funds . . . shall be used solely to expand and complement, but not supplant, federal funds for adult literacy programs."

AMENDATORY SECTION (Amending Order 88-11, filed 4/18/88)

WAC 392-315-080 **ASSURANCE OF COOPERATION WITH THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES REGARDING PUBLIC ASSISTANCE REPORTS—PROGRAM STANDARD.** No application for an even start project grant shall be approved by the superintendent of public instruction unless the authorized agent of the eligible grantee agrees to assist eligible parents in any reporting requirement of the department of social and health services related to compliance with RCW ((~~28A.130.014~~)) 28A.610.030(3)—i.e., "fulfillment of . . . work and training obligation for the receipt of public assistance."

AMENDATORY SECTION (Amending Order 88-11, filed 4/18/88)

WAC 392-315-130 **PRIORITY PROJECTS.** In accordance with RCW ((~~28A.130.016~~)) 28A.610.040, "before developing and funding

new adult literacy programs to carry out the purposes of project even start," the superintendent of public instruction shall fund the existing adult literacy programs and parent related programs which meet the conditions established in this chapter and are offered by the following agencies:

- (1) Common schools, including vocational technical institutes.
- (2) Community colleges.
- (3) Community-based, nonprofit organizations.

WSR 90-11-129
EMERGENCY RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed May 23, 1990, 4:34 p.m.]

Date of Adoption: May 23, 1990.

Purpose: To provide emergency rules for the early election by all of the first class cities (Seattle, Spokane and Tacoma) of portability for their employees made available by HB 1323, chapter 192, Laws of 1990.

Statutory Authority for Adoption: RCW 34.05.350, section 5(4), chapter 192, Laws of 1990.

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: Pursuant to HB 1323, chapter 192, Laws of 1990, all the first class cities (Seattle, Spokane and Tacoma) must adopt prior to June 1, 1990, resolutions to participate in portability for their employees with DRS administered retirement systems. These emergency rules are intended to provide guidance on the implementation of portability if all first class cities adopt resolutions prior to June 1, 1990.

Effective Date of Rule: Immediately.

May 23, 1990
George Northcroft
Director

Chapter 415-113 WAC
PORTABILITY OF PUBLIC EMPLOYMENT BENEFITS

NEW SECTION

WAC 415-113-010 BACKGROUND AND PURPOSE. (1) *Background* – R.C.W 41.54 as amended by House Bill No. 1323, provides that portability of public retirement benefits are to be made available to employees of the cities of Seattle, Spokane and Tacoma (Chapter 192, Laws of 1990). House Bill No. 1323 provides the option to the aforementioned cities to irrevocably elect to have its employee retirement system subject to portability with the Department of Retirement Systems (DRS) administered retirement systems. The DRS administered retirement systems that are participating in portability under this chapter are limited to those established under R.C.W chapters 41.32 (TRS), 41.40 (PERS), 41.44 (SCERS), and 43.43 (WSP).

(2) *Purpose* – This chapter is intended to provide emergency rules for the election of portability by all three cities permitted by House Bill No. 1323. Should

all three cities elect to participate prior to June 1, 1990, portability will be effective July 1, 1990. House Bill No. 1323 also allows the cities to individually elect to participate before December 1, 1990 with portability becoming effective on January 1, 1991. Permanent rules will be adopted by DRS for the individual election of participation by the cities if the cities do not all resolve to participate. The emergency rules contained in this chapter will not govern permanent rules if permanent rules are necessary for election of individual participation.

NEW SECTION

WAC 415-113-020 **AUTHORITY TO ASSESS COSTS OF PORTABILITY.** House Bill No. 1323 provides that the entire additional costs of a person receiving benefits resulting from these portability provisions are to be borne by the city retirement system of which the person is a member. These additional costs are to be assessed by DRS against the city retirement system of the dual member.

NEW SECTION

WAC 415-113-030 **DEFINITIONS (1)** "Portability" means that a person can be a dual member of both a city retirement system and one or more of the DRS administered retirement systems for the purpose of combining service credit from each system if the person meets the requirements of dual membership contained in House Bill 1323.

(2) "Base salary" means the definition used in RCW 41.54.010(1).

(3) "Average compensation" means respectively, "final compensation" as defined in RCW 41.28.010 and RCW 41.44.030(14), "average final compensation" as defined in RCW 41.32.010 and 41.40.010, "average earnable compensation" as defined in RCW 41.32.498, and "average final salary" as defined in RCW 43.43.120.

(4) "A city retirement system" means the retirement systems for the cities of Seattle, Spokane and Tacoma.

(5) "DRS administered systems" means the retirement systems established under RCW chapters 41.32 (Teacher's Retirement System), 41.40 (Public Employees Retirement System), 41.44 (State-wide City Employee's Retirement) and 43.43 (Washington State Patrol).

(6) "Additional costs" which cities will be assessed under this chapter will be the following costs:

(a) The additional costs of benefits that result from a dual member's use of base salary or average compensation from either the city or DRS administered system to increase DRS benefits. Cities will also be assessed for any future cost of living adjustments (COLA) applied to the additional costs of benefits for the dual member if the COLA is based on additional benefits.

(b) The additional costs of benefits that result from the combination or reestablishment of service credit that is allowed under the portability provided by this chapter. When the cities bear the entire costs of the DRS benefits for a dual member, the costs to the cities will be reduced by the amount of accumulated employee contributions of

the dual member held by DRS. Cities will also be assessed the costs of future COLAs applied to these benefits if the COLA is based on additional benefits.

(c) Cities will not be assessed for the cost of a COLA which is given on criteria other than service credit.

NEW SECTION

WAC 415-113-040 **ELECTION TO PARTICIPATE.** To participate in portability under this chapter, all three cities (Seattle, Spokane and Tacoma) must irrevocably elect to participate by adoption of a resolution before June 1, 1990. This resolution must be transmitted to the Director of DRS and to the Joint Committee on Pension Policy prior to June 1, 1990. If any city should elect not to participate, the resolutions of any other city to participate shall have no effect. If the cities should choose to not participate jointly, election to participate on an individual basis shall be governed by forthcoming permanent rules. Transmittal of the resolutions should be made to the following offices:

For the Director of DRS – George Northcroft
Director
Department of Retirement
Systems

For the Joint Committee – Stan Johnson, Chairman
Office of the State Actuary

NEW SECTION

WAC 415-113-050 **REIMBURSEMENT OF ADDITIONAL COSTS.** DRS will assess the additional costs of benefits in the following manner. Prior to a dual member receiving benefits from DRS, an actuarial computation of the additional costs of benefits will be done by the Office of the State Actuary (OSA). The city retirement system of the dual member shall then reimburse DRS for the actuarial value of the additional costs.

WSR 90-11-130
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD
[Filed May 23, 1990, 4:45 p.m.]

Original Notice.

Title of Rule: State of Washington educational opportunity grant project.

Purpose: Adoption of rules to establish the educational opportunity grant project.

Statutory Authority for Adoption: Chapter 288, Laws of 1990.

Statute Being Implemented: Chapter 288, Laws of 1990.

Summary: A program to serve eligible placebound financially needy students who have completed an AA degree or its equivalent by enabling them to increase their participation in and completion of upper-division study at eligible institutions which have existing unused capacity.

Reasons Supporting Proposal: Implementation of the educational opportunity grant project.

Name of Agency Personnel Responsible for Drafting: Shirley Ort, 917 Lakeridge Way, Olympia, 98504, 586-6404; Implementation: Barbara Theiss, 917 Lakeridge Way, Olympia, 98504, 586-8112; and Enforcement: Ann Daley and Shirley Ort, 917 Lakeridge Way, Olympia, 98504, 753-2210.

Name of Proponent: Higher Education Coordinating Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Title of Rule, Purpose and Summary above.

Proposal does not change existing rules.

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

Hearing Location: Conference Room, 917 Lakeridge Way, GV-11, Higher Education Coordinating Board, Olympia, WA 98504, on June 28, 1990, at 9:30 a.m.

Submit Written Comments to: Ann Daley, Executive Director, Higher Education Coordinating Board, 917 Lakeridge Way, GV-11, Olympia, WA 98504, by June 28, 1990.

Date of Intended Adoption: July 18, 1990.

May 23, 1990

Ann Daley

Executive Director

STATE OF WASHINGTON
EDUCATIONAL OPPORTUNITY GRANT PROJECT
(CHAPTER 288, LAWS OF 1990)

RULES AND REGULATIONS
WAC 250-70

WAC 250-70-010	Purpose
WAC 250-70-020	Program Definitions
WAC 250-70-030	Institutional Eligibility
WAC 250-70-040	Student Eligibility
WAC 250-70-050	Application Procedure
WAC 250-70-060	Recipient Selection and Award
WAC 250-70-070	Grant Disbursement
WAC 250-70-080	Program Administration
WAC 250-70-090	Student Responsibilities
WAC 250-70-100	Repayment Option

The following general regulations govern the administration of the Educational Opportunity Grant program.

NEW SECTION

WAC 250-70-010 PURPOSE. Recognizing that Washington State experiences low participation rates at the upper-division level within postsecondary education, and further recognizing that the state intends to meet future educational demand, in part, through a system of branch campuses, the Legislature has authorized the development of the Educational Opportunity Grant program.

Further, recognizing that there exists in some public and private higher education institutions unused enrollment capacity within existing educational programs and facilities, the Educational Opportunity Grant program will test the premise that a supplemental grant of some significance will influence eligible placebound students to choose such institutions when transferring to or enrolling in baccalaureate study.

The purpose of the Educational Opportunity Grant program is to serve eligible placebound financially needy students who have completed an Associate of Arts degree, or its equivalent, by enabling them to increase their participation in and completion of upper-division study at eligible institutions which have the capacity to accommodate such students within existing educational programs and facilities.

Believing that there will be a substantial saving to the state to maximize use of existing capacity within educational programs and facilities at both public and private institutions, the demonstration project

will test the relationship between student financial aid and enrollment to improve understanding of how financial aid policy and the awarding of this grant affect otherwise placebound students in choosing higher education and selecting institutions.

NEW SECTION

WAC 250-70-020 PROGRAM DEFINITIONS. (1) "Branch campus service areas" shall mean:

(a) For the University of Washington Bothell-Woodinville branch, the service area consists of Snohomish County and the northern and central parts of King County, excluding Seattle.

(b) The University of Washington Tacoma branch service area includes Pierce County, the southern part of King County, and a portion of Kitsap County.

(c) The service area for the proposed Washington State University Spokane branch consists of Spokane County.

(d) The Washington State University Tri-Cities branch service area includes three counties: Benton, Franklin and Walla Walla.

(e) The Washington State University Southwest Washington branch service area is defined as Clark, Cowlitz, and Skamania Counties.

(f) The Yakima education center service area includes Yakima County.

The Board shall, in guidelines, further define these service areas by zip code.

(2) "Demonstration project" shall mean a reasonable period of time for testing the premise and expected outcomes of the program.

(3) "Placebound" shall mean unable to relocate to complete a college program because of family or employment commitments, health concerns, monetary inability, or other similar factors.

(4) "Placebound resident" shall mean a person whose residence is located in an area served by a branch campus who, because of family or employment commitments, health concerns, monetary need, or other similar factors, would be unable to complete an upper-division course of study but for receipt of an Educational Opportunity Grant. A placebound resident is one who may be influenced by the receipt of an enhanced student financial aid award to attend an eligible institution that has existing unused capacity rather than attend a branch campus established pursuant to Chapter 28B.45 RCW.

(5) "Demonstrated financial need" shall mean the difference between the budgetary cost to the student attending the institution of postsecondary education and the total applicant resources which the institutional financial aid officer determines can reasonably be expected to be available to the student for meeting such costs.

(6) "Needy student" shall mean those students as defined in RCW 28B.10.802(3), and as otherwise defined by the Board.

(7) "Washington resident or resident student" shall mean an individual who at the time of application for an Educational Opportunity Grant satisfies the requirements of RCW 28B.15.012 through 28B.15.013 and Board-adopted rules and regulations pertaining to the determination of state residency.

(8) "Associate of Arts degree or equivalent" shall mean an Associate of Arts degree from a two-year institution or completion of at least 60 semester credits or 90 quarter credits toward a baccalaureate program.

(9) "Upper division" shall mean baccalaureate coursework beyond an Associate of Arts degree or its equivalent.

(10) "Award amount" shall mean an award amount up to \$2,500 per year per student, paid periodically in equal installments, not to exceed the student's demonstrated financial need.

(11) "Board" shall mean the Higher Education Coordinating Board. When a duty or 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.

(12) "Existing unused capacity" shall mean available capacity within existing educational programs and facilities as periodically and formally defined and approved by the Board for purposes of statewide enrollment planning.

NEW SECTION

WAC 250-70-030 INSTITUTIONAL ELIGIBILITY. To qualify as an eligible institution for purposes of this program an institution shall:

(1) Be a public or private baccalaureate institution of higher education in the state of Washington which is accredited or otherwise licensed to do business in the state of Washington, and

(2) Be certified by the Higher Education Coordinating Board as having existing unused capacity to accommodate Educational Opportunity Grant recipients within existing educational programs and facilities, excluding any branch campus or education program established under Chapter 285.45 RCW.

(3) Complete an agreement to participate and acknowledge its responsibility to administer the Educational Opportunity Grant program according to prescribed rules and regulations and guidelines, and otherwise give evidence of its eligibility, if necessary.

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 250-70-040 STUDENT ELIGIBILITY. A placebound student is eligible for an Educational Opportunity Grant if the additional financial resource would alleviate the placebound condition by either allowing the student access to education at a local eligible institution with existing unused capacity or allowing relocation to another institution with existing unused capacity. For a student to be eligible for an Educational Opportunity Grant he or she must:

(1) Be a "financially needy student" as determined by the Higher Education Coordinating Board in accordance with RCW 28B.10.802(3);

(2) Be a resident of the state of Washington;

(3) Be a resident of a branch campus service area;

(4) Be enrolled or accepted for enrollment as a full-time upper-division undergraduate student at an eligible baccalaureate institution in the state of Washington approved by the Higher Education Coordinating Board as an eligible institution for purposes of this program;

(5) Be a placebound resident;

(6) Have completed an Associate of Arts degree or its equivalent at an institution other than the one selected for purposes of receiving this grant;

(7) Not be involved in a program that includes any religious worship, exercise or instruction or the pursuit of any degree in religious, seminarian, or theological academic studies;

(8) In addition to enrolling full-time, the student is also expected to complete satisfactorily 12 credits per quarter or semester and otherwise make satisfactory academic progress as determined by the institution; and

(9) An otherwise eligible student may not use this grant to attend a branch campus of a public university or to continue enrollment at an institution where he or she is presently attending.

NEW SECTION

WAC 250-70-050 APPLICATION PROCEDURE. Placebound students shall annually apply directly to the Higher Education Coordinating Board and shall complete an application and other materials as provided and required by the Board.

NEW SECTION

WAC 250-70-060 RECIPIENT SELECTION AND AWARD. In selecting grant recipients, the Board will give priority to those students who, but for this grant, evidence that they could not pursue a baccalaureate degree.

(1) **Determination.** The Higher Education Coordinating Board shall determine student eligibility and awards under this program. The Board will appoint a policy advisory committee to advise the Board on matters of program administration including, but not limited to award screening and selection criteria and procedures, program publicity, and efforts to recruit placebound students. The Board shall appoint a separate screening and selection committee.

(2) **Standards.** Assuming program eligibility criteria are met, the following additional selection criteria, among others, may be employed by the selection committee in ranking candidates and awarding grants:

(a) Evidence that, but for this grant, a placebound student could not pursue baccalaureate study at an eligible institution of the student's choice;

(b) Evidence of financial hardship or significant educational debt; and

(c) A brief statement describing the student's educational goals and plans.

Once named, recipients may elect to use the grant at any one of the Board-certified eligible institutions. A student may ultimately choose

an institution different from that referenced in his or her application, provided the receiving eligible institution can also verify student eligibility criteria such as certification of enrollment in an eligible academic program, documented financial need and satisfactory academic progress.

NEW SECTION

WAC 250-70-070 GRANT DISBURSEMENT. Grant disbursement shall be made directly to the eligible student in equal amounts per term upon institutional verification of the student's enrollment in an eligible program, proof of financial need and satisfactory academic progress. The award amount shall not exceed \$2,500 per academic year. The value of the grant shall be the same regardless of the institution selected.

The Educational Opportunity Grant, when combined with the state share of other state-appropriated student financial aid programs, shall not exceed an amount equal to the total maximum student expense budget at the public research institutions plus the current average state appropriation per student for operating expense in the public institutions.

NEW SECTION

WAC 250-70-080 PROGRAM ADMINISTRATION. (1) **Administering Agency.** The Higher Education Coordinating Board shall administer the Educational Opportunity Grant program. The staff of the Board, under the direction of the Executive Director, will manage the administrative functions relative to the program and shall be authorized to enter into agreement with eligible institutions for participation in the program.

(2) **Maintenance of Effort.** State funds provided under this program are not to be used to supplant federal, state or institutional grants which would otherwise be available to support the student's attendance.

(3) **Reports.** The Higher Education Coordinating Board will obtain periodic reports from institutions describing the number of Educational Opportunity Grant recipients selecting that institution, the socio-economic profile of such recipients in attendance at each participating institution, and other information about the student's academic program pertinent to these rules.

(4) **Oversight and Appeals.** If an institution fails to maintain eligibility for the program as defined in WAC 250-70-030, or if the Board determines that an institution has failed to comply with program rules and regulations or guidelines, the Board may suspend, terminate, or place conditions upon the institution's participation in the program. Satisfactory resolution of a dispute will be attempted by Board staff. If satisfactory resolution cannot be achieved by Board staff, the institution initiating the appeal may request a hearing with the Board, which shall take action on the appeal. Eligible applicants may request in writing a review of any adverse decision affecting them by requesting such review within 20 days of the adverse decision, addressed to the Executive Director of the Higher Education Coordinating Board. In both circumstances, the appeal shall be conducted consistent with the terms of the Administrative Procedures Act, Chapter 34.05 RCW.

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 250-70-090 STUDENT RESPONSIBILITIES. A student who fails to meet the academic progress required under terms of this program, or who has incorrectly submitted information on his or her application, shall be required to repay grant funds to the program.

Any student who has obtained an Educational Opportunity Grant through means of a willfully false statement or failure to reveal any material fact, condition, or circumstance affecting eligibility will be subject to applicable civil or criminal penalties.

NEW SECTION

WAC 250-70-100 REPAYMENT OPTION. It is the intent of this legislation that nothing in this act shall prevent or discourage an individual from making an effort to repay any state financial aid awarded during his or her collegiate career.

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.

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
16-22-040	AMD-P 90-07-065	16-230-839	NEW-P 90-04-109	16-317-040	AMD 90-04-003
16-22-040	AMD 90-10-046	16-230-839	NEW-W 90-11-025	16-317-050	AMD 90-04-003
16-86	AMD-E 90-05-049	16-230-840	REP-P 90-04-109	16-317-060	AMD 90-04-003
16-86	AMD-P 90-07-066	16-230-840	REP-W 90-11-025	16-317-090	REP 90-04-003
16-86	AMD 90-10-045	16-230-845	AMD-P 90-04-109	16-318-040	AMD 90-03-026
16-86-005	AMD-E 90-05-049	16-230-845	AMD-E 90-09-011	16-318-065	NEW 90-03-026
16-86-005	AMD-P 90-07-066	16-230-845	AMD-W 90-11-025	16-318-200	NEW 90-03-026
16-86-005	AMD 90-10-045	16-230-845	AMD-P 90-11-125	16-318-205	NEW 90-03-026
16-86-093	NEW-E 90-05-049	16-230-850	REP-P 90-04-109	16-318-210	NEW 90-03-026
16-86-093	NEW-P 90-07-066	16-230-850	AMD-E 90-09-011	16-318-215	NEW 90-03-026
16-86-093	NEW 90-10-045	16-230-850	REP-W 90-11-025	16-318-220	NEW 90-03-026
16-158-010	NEW-P 90-08-090	16-230-850	AMD-P 90-11-125	16-318-225	NEW 90-03-026
16-158-020	NEW-P 90-08-090	16-230-855	AMD-P 90-04-109	16-318-230	NEW 90-03-026
16-158-030	NEW-P 90-08-090	16-230-855	AMD-E 90-09-011	16-318-235	NEW 90-03-026
16-158-040	NEW-P 90-08-090	16-230-855	AMD-W 90-11-025	16-318-240	NEW 90-03-026
16-158-050	NEW-P 90-08-090	16-230-855	AMD-P 90-11-125	16-318-300	NEW 90-03-026
16-158-060	NEW-P 90-08-090	16-230-859	NEW-P 90-04-109	16-318-305	NEW 90-03-026
16-158-070	NEW-P 90-08-090	16-230-859	NEW-W 90-11-025	16-318-310	NEW 90-03-026
16-158-080	NEW-P 90-08-090	16-230-860	REP-P 90-04-109	16-318-315	NEW 90-03-026
16-158-090	NEW-P 90-08-090	16-230-860	AMD-E 90-09-011	16-318-320	NEW 90-03-026
16-158-100	NEW-P 90-08-090	16-230-860	REP-W 90-11-025	16-318-325	NEW 90-03-026
16-158-110	NEW-P 90-08-090	16-230-860	AMD-P 90-11-125	16-318-330	NEW 90-03-026
16-158-120	NEW-P 90-08-090	16-230-861	NEW-P 90-04-109	16-318-335	NEW 90-03-026
16-158-130	NEW-P 90-08-090	16-230-861	NEW-E 90-09-011	16-318-340	NEW 90-03-026
16-158-140	NEW-P 90-08-090	16-230-861	NEW-W 90-11-025	16-318-345	NEW 90-03-026
16-228-164	AMD-E 90-08-017	16-230-861	NEW-P 90-11-125	16-318-350	NEW 90-03-026
16-228-190	AMD-C 90-06-014	16-230-862	NEW-P 90-04-109	16-318-355	NEW 90-03-026
16-228-190	AMD 90-11-024	16-230-862	NEW-W 90-11-025	16-318-360	NEW 90-03-026
16-228-700	NEW-C 90-06-012	16-230-863	NEW-P 90-04-109	16-318-365	NEW 90-03-026
16-228-700	NEW-W 90-07-042	16-230-863	NEW-W 90-11-025	16-318-370	NEW 90-03-026
16-228-705	NEW-C 90-06-012	16-230-865	AMD-P 90-11-125	16-318-375	NEW 90-03-026
16-228-705	NEW-W 90-07-042	16-300-020	AMD-P 90-09-064	16-318-380	NEW 90-03-026
16-228-710	NEW-C 90-06-012	16-304-040	AMD-P 90-09-064	16-318-385	NEW 90-03-026
16-228-710	NEW-W 90-07-042	16-304-110	AMD-P 90-09-064	16-318-390	NEW 90-03-026
16-228-715	NEW-C 90-06-012	16-304-130	AMD-P 90-09-064	16-318-395	NEW 90-03-026
16-228-715	NEW-W 90-07-042	16-316-165	AMD-P 90-09-064	16-318-400	NEW 90-03-026
16-228-720	NEW-C 90-06-012	16-316-285	AMD-P 90-03-090	16-318-405	NEW 90-03-026
16-228-720	NEW-W 90-07-042	16-316-285	AMD-W 90-06-105	16-318-410	NEW 90-03-026
16-230	AMD-C 90-08-062	16-316-290	AMD-P 90-03-090	16-318-415	NEW 90-03-026
16-230-615	AMD-E 90-08-017	16-316-290	AMD-W 90-06-105	16-318-420	NEW 90-03-026
16-230-805	REP-P 90-04-109	16-316-370	AMD-P 90-09-064	16-400-010	AMD-E 90-03-034
16-230-805	REP-E 90-09-011	16-316-474	AMD-P 90-09-064	16-400-010	AMD-P 90-05-065
16-230-805	REP-W 90-11-025	16-316-525	AMD-P 90-09-064	16-400-010	AMD 90-09-031
16-230-805	REP-P 90-11-125	16-316-620	AMD-P 90-09-064	16-400-100	AMD-E 90-03-034
16-230-825	AMD-E 90-09-011	16-316-622	AMD-P 90-09-064	16-400-100	AMD-P 90-05-065
16-230-825	AMD-P 90-11-125	16-316-715	AMD-P 90-09-064	16-400-100	AMD 90-09-031
16-230-835	AMD-P 90-04-109	16-316-724	AMD-P 90-09-064	16-400-210	AMD-E 90-03-034
16-230-835	AMD-E 90-09-011	16-316-800	AMD-P 90-09-064	16-400-210	AMD-P 90-05-065
16-230-835	AMD-W 90-11-025	16-316-815	AMD-P 90-09-064	16-400-210	AMD 90-09-031
16-230-835	AMD-P 90-11-125	16-316-820	AMD-P 90-09-064	16-403-142	AMD-E 90-03-035

Table of WAC Sections Affected

WAC #			WSR #			WAC #			WSR #			WAC #			WSR #		
16-403-142	AMD-W	90-03-036	50-12-330	NEW	90-10-074	72-120-200	NEW-P	90-10-103									
16-403-142	AMD-P	90-05-066	50-12-340	NEW	90-10-074	72-120-205	NEW-P	90-10-103									
16-403-142	AMD-P	90-05-067	50-12-350	NEW	90-10-074	72-120-210	NEW-P	90-10-103									
16-403-142	AMD	90-09-032	50-12-360	NEW	90-10-074	72-120-220	NEW-P	90-10-103									
16-403-142	AMD-W	90-11-009	50-12-370	NEW	90-10-074	72-120-225	NEW-P	90-10-103									
16-403-155	AMD-W	90-03-036	50-36-090	AMD-P	90-03-105	72-120-230	NEW-P	90-10-103									
16-403-155	AMD-P	90-05-066	50-36-090	AMD	90-07-011	72-120-234	NEW-P	90-10-103									
16-403-155	AMD-P	90-10-086	50-44-010	AMD-P	90-09-091	72-120-236	NEW-P	90-10-103									
16-403-155	AMD-W	90-11-009	50-44-020	AMD-P	90-09-091	72-130-010	NEW-P	90-10-104									
16-403-190	AMD-E	90-03-035	50-44-030	AMD-P	90-09-091	72-130-020	NEW-P	90-10-104									
16-403-190	AMD-W	90-03-036	50-44-050	NEW-P	90-09-091	72-130-030	NEW-P	90-10-104									
16-403-190	AMD-P	90-05-066	51-04-010	AMD	90-02-108	72-130-035	NEW-P	90-10-104									
16-403-190	AMD-P	90-05-067	51-04-015	NEW	90-02-108	72-130-040	NEW-P	90-10-104									
16-403-190	AMD	90-09-032	51-04-018	NEW	90-02-108	72-130-050	NEW-P	90-10-104									
16-403-190	AMD-W	90-11-009	51-04-020	AMD	90-02-108	72-140-010	NEW-P	90-10-105									
16-403-220	AMD-W	90-03-036	51-04-025	NEW	90-02-108	72-140-020	NEW-P	90-10-105									
16-403-220	AMD-P	90-05-066	51-04-030	NEW	90-02-108	72-140-030	NEW-P	90-10-105									
16-403-220	AMD-W	90-11-009	51-04-035	NEW	90-02-108	72-140-040	NEW-P	90-10-105									
16-403-280	AMD-W	90-03-036	51-04-037	NEW	90-02-108	72-140-050	NEW-P	90-10-105									
16-403-280	AMD-P	90-05-066	51-04-040	NEW	90-02-108	72-140-060	NEW-P	90-10-105									
16-403-280	AMD-W	90-11-009	51-04-050	NEW	90-02-108	72-140-070	NEW-P	90-10-105									
16-462-060	NEW-P	90-06-050	51-04-060	NEW	90-02-108	72-140-080	NEW-P	90-10-105									
16-462-060	NEW	90-10-043	51-04-070	NEW	90-02-108	72-171-001	NEW-P	90-10-106									
16-470-700	NEW-P	90-11-100	51-06-010	AMD	90-02-108	72-171-010	NEW-P	90-10-106									
16-470-705	NEW-P	90-11-100	51-06-020	AMD	90-02-108	72-171-015	NEW-P	90-10-106									
16-470-710	NEW-P	90-11-100	51-06-030	REP	90-02-108	72-171-016	NEW-P	90-10-106									
16-470-715	NEW-P	90-11-100	51-06-040	REP	90-02-108	72-171-100	NEW-P	90-10-106									
16-470-720	NEW-P	90-11-100	51-06-050	REP	90-02-108	72-171-110	NEW-P	90-10-106									
16-488-025	AMD-P	90-09-056	51-06-060	REP	90-02-108	72-171-120	NEW-P	90-10-106									
16-494-001	AMD-P	90-03-090	51-06-070	AMD	90-02-108	72-171-130	NEW-P	90-10-106									
16-494-001	AMD-W	90-06-105	51-06-080	REP	90-02-108	72-171-140	NEW-P	90-10-106									
16-494-010	AMD-P	90-03-090	51-06-090	REP	90-02-108	72-171-150	NEW-P	90-10-106									
16-494-010	AMD-W	90-06-105	51-06-100	REP	90-02-108	72-171-200	NEW-P	90-10-106									
16-516-040	AMD	90-09-068	51-06-110	REP	90-02-108	72-171-210	NEW-P	90-10-106									
16-555-010	AMD-P	90-05-059	51-06-120	AMD	90-02-108	72-171-220	NEW-P	90-10-106									
16-555-010	AMD	90-11-001	51-08-010	AMD	90-02-108	72-171-230	NEW-P	90-10-106									
16-555-040	AMD-P	90-05-059	51-10	AMD	90-02-110	72-171-240	NEW-P	90-10-106									
16-555-040	AMD-W	90-11-026	51-12-201	AMD-P	90-05-064	72-171-400	NEW-P	90-10-106									
16-557-010	NEW-W	90-05-068	51-12-201	AMD-C	90-11-020	72-171-410	NEW-P	90-10-106									
16-557-020	NEW-W	90-05-068	51-12-202	AMD-P	90-05-064	72-171-420	NEW-P	90-10-106									
16-557-030	NEW-W	90-05-068	51-12-202	AMD-C	90-11-020	72-171-430	NEW-P	90-10-106									
16-557-040	NEW-W	90-05-068	51-12-204	AMD-P	90-05-064	72-171-500	NEW-P	90-10-106									
16-557-041	NEW-W	90-05-068	51-12-204	AMD-C	90-11-020	72-171-510	NEW-P	90-10-106									
16-557-050	NEW-W	90-05-068	51-12-220	AMD	90-02-110	72-171-600	NEW-P	90-10-106									
16-557-060	NEW-W	90-05-068	51-12-403	AMD	90-02-110	72-171-610	NEW-P	90-10-106									
16-557-070	NEW-W	90-05-068	51-12-404	AMD	90-02-110	72-171-620	NEW-P	90-10-106									
16-557-080	NEW-W	90-05-068	51-12-411	AMD-P	90-05-064	72-171-630	NEW-P	90-10-106									
16-570-040	AMD-P	90-03-071	51-12-411	AMD-C	90-11-020	72-171-640	NEW-P	90-10-106									
16-570-040	AMD	90-07-013	51-12-426	AMD	90-02-110	72-171-650	NEW-P	90-10-106									
16-622-001	NEW	90-08-069	51-12-601	AMD	90-02-110	72-276-010	NEW-P	90-10-107									
16-622-005	NEW	90-08-069	51-12-602	AMD-P	90-05-064	72-276-020	NEW-P	90-10-107									
16-622-010	NEW	90-08-069	51-12-602	AMD-C	90-11-020	72-276-030	NEW-P	90-10-107									
16-622-015	NEW	90-08-069	51-12-608	AMD	90-02-110	72-276-040	NEW-P	90-10-107									
16-622-020	NEW	90-08-069	51-16-030	AMD	90-02-110	72-276-050	NEW-P	90-10-107									
16-622-025	NEW	90-08-069	51-16-050	AMD	90-02-110	72-276-060	NEW-P	90-10-107									
16-622-030	NEW	90-08-069	51-16-080	AMD-P	90-07-083	72-276-070	NEW-P	90-10-107									
16-622-035	NEW	90-08-069	51-16-090	REP-P	90-07-083	72-276-080	NEW-P	90-10-107									
16-622-040	NEW	90-08-069	51-18-010	NEW	90-02-110	72-276-090	NEW-P	90-10-107									
16-622-045	NEW	90-08-069	51-18-020	NEW	90-02-110	72-276-100	NEW-P	90-10-107									
16-622-050	NEW	90-08-069	51-18-030	NEW	90-02-110	72-276-110	NEW-P	90-10-107									
16-622-055	NEW	90-08-069	51-18-040	NEW	90-02-110	72-276-120	NEW-P	90-10-107									
16-622-900	NEW	90-08-069	51-18-050	NEW	90-02-110	72-276-130	NEW-P	90-10-107									
16-752-400	NEW-P	90-11-089	67-25-560	AMD	90-11-047	72-276-140	NEW-P	90-10-107									
16-752-405	NEW-P	90-11-089	67-25-570	AMD	90-11-047	72-280-010	NEW-P	90-10-108									
16-752-410	NEW-P	90-11-089	72-100-001	NEW-P	90-10-101	72-280-011	NEW-P	90-10-108									
16-752-415	NEW-P	90-11-089	72-108-010	NEW-P	90-10-102	72-280-015	NEW-P	90-10-108									
16-752-420	NEW-P	90-11-089	72-108-020	NEW-P	90-10-102	72-280-020	NEW-P	90-10-108									
44-10-090	AMD-E	90-11-033	72-108-030	NEW-P	90-10-102	72-280-025	NEW-P	90-10-108									
44-10-090	AMD-P	90-11-034	72-108-040	NEW-P	90-10-102	72-280-030	NEW-P	90-10-108									
44-10-160	AMD-P	90-11-034	72-108-060	NEW-P	90-10-102	72-280-040	NEW-P	90-10-108									
44-10-200	AMD-P	90-11-034	72-108-070	NEW-P	90-10-102	72-280-050	NEW-P	90-10-108									
44-10-215	REP-P	90-11-034	72-108-080	NEW-P	90-10-102	72-280-055	NEW-P	90-10-108									
44-10-235	NEW-P	90-11-034	72-108-090	NEW-P	90-10-102	72-280-060	NEW-P	90-10-108									
50-12-040	REP-P	90-09-090	72-108-100	NEW-P	90-10-102	72-280-070	NEW-P	90-10-108									
50-12-045	NEW-P	90-09-090	72-120-010	NEW-P	90-10-103	72-325-010	NEW-P	90-10-109									
50-12-310	NEW	90-10-074	72-120-015	NEW-P	90-10-103	113-12-104	NEW-P	90-09-077									
50-12-320	NEW	90-10-074	72-120-100	NEW-P	90-10-103	113-12-130	REP-P	90-04-029									

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
113-12-130	REP	90-08-035	132H-108-005	REP-P	90-03-077	132H-108-250	REP	90-09-066
113-12-160	REP-P	90-04-029	132H-108-005	REP-E	90-03-079	132H-108-260	REP-P	90-03-077
113-12-160	REP	90-08-035	132H-108-005	REP	90-09-066	132H-108-260	REP-E	90-03-079
113-12-161	REP-P	90-04-029	132H-108-010	REP-P	90-03-077	132H-108-260	REP	90-09-066
113-12-161	REP	90-08-035	132H-108-010	REP-E	90-03-079	132H-108-270	REP-P	90-03-077
113-12-200	AMD-P	90-04-029	132H-108-010	REP	90-09-066	132H-108-270	REP-E	90-03-079
113-12-200	AMD-C	90-08-036	132H-108-020	REP-P	90-03-077	132H-108-270	REP	90-09-066
114-12-136	AMD	90-04-094	132H-108-020	REP-E	90-03-079	132H-108-280	REP-P	90-03-077
114-12-155	AMD-P	90-11-045	132H-108-020	REP	90-09-066	132H-108-280	REP-E	90-03-079
114-12-190	AMD-P	90-11-045	132H-108-030	REP-P	90-03-077	132H-108-280	REP	90-09-066
131-16-055	NEW-E	90-04-066	132H-108-030	REP-E	90-03-079	132H-108-290	REP-P	90-03-077
131-16-500	NEW-E	90-09-069	132H-108-030	REP	90-09-066	132H-108-290	REP-E	90-03-079
132D-108-010	NEW	90-05-045	132H-108-040	REP-P	90-03-077	132H-108-290	REP	90-09-066
132D-108-020	NEW	90-05-045	132H-108-040	REP-E	90-03-079	132H-108-300	REP-P	90-03-077
132D-108-030	NEW	90-05-045	132H-108-040	REP	90-09-066	132H-108-300	REP-E	90-03-079
132D-108-040	NEW	90-05-045	132H-108-050	REP-P	90-03-077	132H-108-300	REP	90-09-066
132D-108-050	NEW	90-05-045	132H-108-050	REP-E	90-03-079	132H-108-310	REP-P	90-03-077
132D-108-060	NEW	90-05-045	132H-108-050	REP	90-09-066	132H-108-310	REP-E	90-03-079
132D-108-070	NEW	90-05-045	132H-108-060	REP-P	90-03-077	132H-108-310	REP	90-09-066
132D-108-080	NEW	90-05-045	132H-108-060	REP-E	90-03-079	132H-108-320	REP-P	90-03-077
132D-108-090	NEW	90-05-045	132H-108-060	REP	90-09-066	132H-108-320	REP-E	90-03-079
132D-130-010	NEW	90-05-045	132H-108-070	REP-P	90-03-077	132H-108-320	REP	90-09-066
132D-130-020	NEW	90-05-045	132H-108-070	REP-E	90-03-079	132H-108-330	REP-P	90-03-077
132D-130-030	NEW	90-05-045	132H-108-070	REP	90-09-066	132H-108-330	REP-E	90-03-079
132D-130-035	NEW	90-05-045	132H-108-080	REP-P	90-03-077	132H-108-330	REP	90-09-066
132D-130-040	NEW	90-05-045	132H-108-080	REP-E	90-03-079	132H-108-410	NEW-P	90-03-077
132D-130-045	NEW	90-05-045	132H-108-080	REP	90-09-066	132H-108-410	NEW-E	90-03-079
132D-130-050	NEW	90-05-045	132H-108-090	REP-P	90-03-077	132H-108-410	NEW	90-09-066
132D-130-055	NEW	90-05-045	132H-108-090	REP-E	90-03-079	132H-108-420	NEW-P	90-03-077
132D-130-060	NEW	90-05-045	132H-108-090	REP	90-09-066	132H-108-420	NEW-E	90-03-079
132D-130-070	NEW	90-05-045	132H-108-100	REP-P	90-03-077	132H-108-420	NEW	90-09-066
132D-130-075	NEW	90-05-045	132H-108-100	REP-E	90-03-079	132H-108-430	NEW-P	90-03-077
132D-130-080	NEW	90-05-045	132H-108-100	REP	90-09-066	132H-108-430	NEW-E	90-03-079
132D-130-085	NEW	90-05-045	132H-108-110	REP-P	90-03-077	132H-108-430	NEW	90-09-066
132D-130-090	NEW	90-05-045	132H-108-110	REP-E	90-03-079	132H-108-440	NEW-P	90-03-077
132D-130-095	NEW	90-05-045	132H-108-110	REP	90-09-066	132H-108-440	NEW-E	90-03-079
132D-130-100	NEW	90-05-045	132H-108-120	REP-P	90-03-077	132H-108-440	NEW	90-09-066
132D-133-020	NEW	90-05-045	132H-108-120	REP-E	90-03-079	132H-108-450	NEW-P	90-03-077
132D-400-010	NEW	90-05-045	132H-108-120	REP	90-09-066	132H-108-450	NEW-E	90-03-079
132D-400-020	NEW	90-05-045	132H-108-130	REP-P	90-03-077	132H-108-450	NEW	90-09-066
132D-400-030	NEW	90-05-045	132H-108-130	REP-E	90-03-079	132H-108-460	NEW-P	90-03-077
132D-400-040	NEW	90-05-045	132H-108-130	REP	90-09-066	132H-108-460	NEW-E	90-03-079
132E-108-010	NEW-P	90-03-012	132H-108-140	REP-P	90-03-077	132H-108-460	NEW	90-09-066
132E-108-010	NEW	90-09-006	132H-108-140	REP-E	90-03-079	132H-108-470	NEW-P	90-03-077
132E-108-020	NEW-P	90-03-012	132H-108-140	REP	90-09-066	132H-108-470	NEW-E	90-03-079
132E-108-020	NEW	90-09-006	132H-108-150	REP-P	90-03-077	132H-108-470	NEW	90-09-066
132E-108-030	NEW-P	90-03-012	132H-108-150	REP-E	90-03-079	132H-108-480	NEW-P	90-03-077
132E-108-030	NEW	90-09-006	132H-108-150	REP	90-09-066	132H-108-480	NEW-E	90-03-079
132E-108-040	NEW-P	90-03-012	132H-108-160	REP-P	90-03-077	132H-108-480	NEW	90-09-066
132E-108-040	NEW	90-09-006	132H-108-160	REP-E	90-03-079	132H-200-040	NEW-P	90-03-076
132E-108-050	NEW-P	90-03-012	132H-108-160	REP	90-09-066	132H-200-040	NEW-E	90-03-080
132E-108-050	NEW	90-09-006	132H-108-170	REP-P	90-03-077	132H-200-040	NEW	90-09-066
132E-108-060	NEW-P	90-03-012	132H-108-170	REP-E	90-03-079	132H-400-005	NEW-P	90-03-078
132E-108-060	NEW	90-09-006	132H-108-170	REP	90-09-066	132H-400-005	NEW-E	90-03-081
132E-108-070	NEW-P	90-03-012	132H-108-180	REP-P	90-03-077	132H-400-005	NEW	90-09-067
132E-108-070	NEW	90-09-006	132H-108-180	REP-E	90-03-079	132H-400-010	NEW-P	90-03-078
132E-108-080	NEW-P	90-03-012	132H-108-180	REP	90-09-066	132H-400-010	NEW-E	90-03-081
132E-108-080	NEW	90-09-006	132H-108-190	REP-P	90-03-077	132H-400-010	NEW	90-09-067
132E-133-020	NEW-P	90-03-019	132H-108-190	REP-E	90-03-079	132H-400-020	NEW-P	90-03-078
132E-133-020	NEW	90-09-049	132H-108-190	REP	90-09-066	132H-400-020	NEW-E	90-03-081
132E-400-010	NEW-P	90-03-021	132H-108-200	REP-P	90-03-077	132H-400-020	NEW	90-09-067
132E-400-010	NEW	90-09-005	132H-108-200	REP-E	90-03-079	132H-400-030	NEW-P	90-03-078
132E-400-020	NEW-P	90-03-021	132H-108-200	REP	90-09-066	132H-400-030	NEW-E	90-03-081
132E-400-020	NEW	90-09-005	132H-108-210	REP-P	90-03-077	132H-400-030	NEW	90-09-067
132E-400-030	NEW-P	90-03-021	132H-108-210	REP-E	90-03-079	132H-400-040	NEW-P	90-03-078
132E-400-030	NEW	90-09-005	132H-108-210	REP	90-09-066	132H-400-040	NEW-E	90-03-081
132E-400-040	NEW-P	90-03-021	132H-108-220	REP-P	90-03-077	132H-400-040	NEW	90-09-067
132E-400-040	NEW	90-09-005	132H-108-220	REP-E	90-03-079	132L-20-090	REP	90-05-004
132G-108-010	NEW-P	90-10-049	132H-108-220	REP	90-09-066	132L-108-010	NEW-E	90-03-074
132G-108-020	NEW-P	90-10-049	132H-108-230	REP-P	90-03-077	132L-108-010	NEW	90-05-005
132G-108-030	NEW-P	90-10-049	132H-108-230	REP-E	90-03-079	132L-108-020	NEW-E	90-03-074
132G-108-040	NEW-P	90-10-049	132H-108-230	REP	90-09-066	132L-108-020	NEW	90-05-005
132G-108-050	NEW-P	90-10-049	132H-108-240	REP-P	90-03-077	132L-108-030	NEW-E	90-03-074
132G-108-060	NEW-P	90-10-049	132H-108-240	REP-E	90-03-079	132L-108-030	NEW	90-05-005
132G-108-070	NEW-P	90-10-049	132H-108-240	REP	90-09-066	132L-108-040	NEW-E	90-03-074
132G-108-080	NEW-P	90-10-049	132H-108-250	REP-P	90-03-077	132L-108-040	NEW	90-05-005
132G-133-020	NEW-P	90-10-050	132H-108-250	REP-E	90-03-079	132L-108-050	NEW-E	90-03-074

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132L-108-050	NEW	90-05-005	132T-104-030	REP	90-03-065	136-12-070	AMD	90-07-074
132L-108-060	NEW-E	90-03-074	132T-104-040	REP	90-03-065	136-12-080	AMD	90-07-074
132L-108-060	NEW	90-05-005	132T-104-060	REP	90-03-065	136-14-010	AMD	90-07-075
132L-108-070	NEW-E	90-03-074	132T-104-070	REP	90-03-065	136-14-020	AMD	90-07-075
132L-108-070	NEW	90-05-005	132T-104-080	REP	90-03-065	136-14-030	AMD	90-07-075
132L-108-080	NEW-E	90-03-074	132T-104-090	REP	90-03-065	136-14-040	AMD	90-07-075
132L-108-080	NEW	90-05-005	132T-104-100	REP	90-03-065	136-14-050	AMD	90-07-075
132L-133-020	NEW-E	90-03-074	132T-104-110	REP	90-03-065	136-14-060	AMD	90-07-075
132L-133-020	NEW	90-05-005	132T-104-120	REP	90-03-065	136-16-010	AMD	90-07-076
132L-280-010	NEW	90-05-004	132T-104-121	REP	90-03-065	136-16-018	AMD	90-07-076
132L-280-015	NEW	90-05-004	132T-104-130	REP	90-03-065	136-16-022	AMD	90-07-076
132L-280-020	NEW	90-05-004	132T-104-200	REP	90-03-065	136-16-042	AMD	90-07-076
132L-280-030	NEW	90-05-004	132T-104-210	REP	90-03-065	136-16-050	AMD	90-07-076
132L-280-040	NEW	90-05-004	132T-104-240	REP	90-03-065	136-36-010	REP	90-07-077
132L-280-050	NEW	90-05-004	132T-104-250	REP	90-03-065	136-36-020	REP	90-07-077
132L-280-060	NEW	90-05-004	132T-104-260	REP	90-03-065	136-36-030	REP	90-07-077
132L-280-070	NEW	90-05-004	132T-104-265	REP	90-03-065	136-36-040	REP	90-07-077
132L-280-080	NEW	90-05-004	132T-104-270	REP	90-03-065	136-300-010	NEW-E	90-11-113
132L-280-090	NEW	90-05-004	132T-104-280	REP	90-03-065	136-300-020	NEW-E	90-11-113
132L-280-100	NEW	90-05-004	132U-03-010	NEW	90-05-043	136-300-030	NEW-E	90-11-113
132L-280-110	NEW	90-05-004	132U-03-020	NEW	90-05-043	136-300-040	NEW-E	90-11-113
132L-280-120	NEW	90-05-004	132U-03-030	NEW	90-05-043	136-310-010	NEW-E	90-11-113
132L-400-010	NEW-E	90-03-073	132U-108-010	NEW	90-05-043	136-310-020	NEW-E	90-11-113
132L-400-010	NEW	90-05-009	132U-108-020	NEW	90-05-043	136-310-030	NEW-E	90-11-113
132L-400-020	NEW	90-05-009	132U-108-021	NEW	90-05-043	136-310-040	NEW-E	90-11-113
132L-400-030	NEW	90-05-009	132U-108-030	NEW	90-05-043	136-310-050	NEW-E	90-11-113
132L-400-040	NEW	90-05-009	132U-116-030	AMD	90-05-043	136-320-010	NEW-E	90-11-113
132N-400-010	NEW-P	90-04-079	132U-400-010	NEW	90-05-043	136-320-020	NEW-E	90-11-113
132N-400-010	NEW-C	90-10-026	132V-400-010	NEW-P	90-03-094	136-320-030	NEW-E	90-11-113
132N-400-020	NEW-P	90-04-079	132V-400-010	NEW	90-07-038	136-330-010	NEW-E	90-11-113
132N-400-020	NEW-C	90-10-026	132V-400-020	NEW-P	90-03-094	136-330-020	NEW-E	90-11-113
132N-400-030	NEW-P	90-04-079	132V-400-020	NEW	90-07-038	136-340-010	NEW-E	90-11-113
132N-400-030	NEW-C	90-10-026	132V-400-030	NEW-P	90-03-094	136-340-020	NEW-E	90-11-113
132N-400-040	NEW-P	90-04-079	132V-400-030	NEW	90-07-038	136-340-030	NEW-E	90-11-113
132N-400-040	NEW-C	90-10-026	132V-400-040	NEW-P	90-03-094	136-340-040	NEW-E	90-11-113
132P-136-040	AMD-P	90-07-058	132V-400-040	NEW	90-07-038	136-340-050	NEW-E	90-11-113
132P-136-040	AMD	90-11-077	132X-60-160	NEW-P	90-10-041	136-350-010	NEW-E	90-11-113
132S-01-010	NEW-P	90-03-082	132X-60-170	NEW-P	90-10-041	136-350-020	NEW-E	90-11-113
132S-01-010	NEW	90-07-006	132X-60-180	NEW-P	90-10-041	139-05-925	NEW-P	90-03-085
132S-01-020	NEW-P	90-03-082	132X-60-190	NEW-P	90-10-041	139-05-925	NEW	90-07-012
132S-01-020	NEW	90-07-006	132Y-108-010	NEW-P	90-02-062	148-100-001	NEW-P	90-10-110
132S-01-030	NEW-P	90-03-082	132Y-108-010	NEW	90-08-022	148-108-010	NEW-P	90-10-111
132S-01-030	NEW	90-07-006	132Y-108-020	NEW-P	90-02-062	148-108-020	NEW-P	90-10-111
132S-01-040	NEW-P	90-03-082	132Y-108-020	NEW	90-08-022	148-108-030	NEW-P	90-10-111
132S-01-040	NEW	90-07-006	132Y-108-030	NEW-P	90-02-062	148-108-040	NEW-P	90-10-111
132S-01-050	NEW-P	90-03-082	132Y-108-030	NEW	90-08-022	148-108-060	NEW-P	90-10-111
132S-01-050	NEW	90-07-006	132Y-108-040	NEW-P	90-02-062	148-108-070	NEW-P	90-10-111
132S-01-060	NEW-P	90-03-082	132Y-108-040	NEW	90-08-022	148-108-080	NEW-P	90-10-111
132S-01-060	NEW	90-07-006	132Y-108-050	NEW-P	90-02-062	148-108-090	NEW-P	90-10-111
132S-01-070	NEW-P	90-03-082	132Y-108-050	NEW	90-08-022	148-108-100	NEW-P	90-10-111
132S-01-070	NEW	90-07-006	132Y-108-060	NEW-P	90-02-062	148-130-010	NEW-P	90-10-112
132S-01-080	NEW-P	90-03-082	132Y-108-060	NEW	90-08-022	148-130-020	NEW-P	90-10-112
132S-01-080	NEW	90-07-006	132Y-108-070	NEW-P	90-02-062	148-130-030	NEW-P	90-10-112
132S-01-090	NEW-P	90-03-082	132Y-108-070	NEW	90-08-022	148-130-035	NEW-P	90-10-112
132S-01-090	NEW	90-07-006	132Y-108-080	NEW-P	90-02-062	148-130-040	NEW-P	90-10-112
132S-05-010	NEW-P	90-03-082	132Y-108-080	NEW	90-08-022	148-130-050	NEW-P	90-10-112
132S-05-010	NEW	90-07-006	132Y-133-020	NEW-P	90-02-063	148-140-010	NEW-P	90-10-113
132S-05-015	NEW-P	90-03-082	136-01-010	AMD	90-07-071	148-140-020	NEW-P	90-10-113
132S-05-015	NEW	90-07-006	136-01-030	AMD	90-07-071	148-140-030	NEW-P	90-10-113
132S-05-020	NEW-P	90-03-082	136-01-040	REP	90-07-071	148-140-040	NEW-P	90-10-113
132S-05-020	NEW	90-07-006	136-04-020	AMD	90-07-072	148-140-050	NEW-P	90-10-113
132S-30-037	NEW-P	90-03-082	136-04-030	AMD	90-07-072	148-140-060	NEW-P	90-10-113
132S-30-037	NEW	90-07-006	136-04-040	AMD	90-07-072	148-140-070	NEW-P	90-10-113
132S-40-130	NEW-P	90-03-082	136-04-060	AMD	90-07-072	148-140-080	NEW-P	90-10-113
132S-40-130	NEW	90-07-006	136-04-080	AMD	90-07-072	148-171-001	NEW-P	90-10-114
132S-40-135	NEW-P	90-03-082	136-04-090	AMD	90-07-072	148-171-010	NEW-P	90-10-114
132S-40-135	NEW	90-07-006	136-04-100	AMD	90-07-072	148-171-015	NEW-P	90-10-114
132S-40-140	NEW-P	90-03-082	136-10-010	AMD	90-07-073	148-171-100	NEW-P	90-10-114
132S-40-140	NEW	90-07-006	136-10-020	AMD	90-07-073	148-171-110	NEW-P	90-10-114
132S-40-145	NEW-P	90-03-082	136-10-030	AMD	90-07-073	148-171-120	NEW-P	90-10-114
132S-40-145	NEW	90-07-006	136-10-040	AMD	90-07-073	148-171-130	NEW-P	90-10-114
132S-40-150	NEW-P	90-03-082	136-10-050	AMD	90-07-073	148-171-140	NEW-P	90-10-114
132S-40-150	NEW	90-07-006	136-10-060	AMD	90-07-073	148-171-150	NEW-P	90-10-114
132S-40-155	NEW-P	90-03-082	136-12-010	AMD	90-07-074	148-171-200	NEW-P	90-10-114
132S-40-155	NEW	90-07-006	136-12-020	AMD	90-07-074	148-171-210	NEW-P	90-10-114
132T-104-010	REP	90-03-065	136-12-030	AMD	90-07-074	148-171-220	NEW-P	90-10-114
132T-104-020	REP	90-03-065	136-12-060	AMD	90-07-074	148-171-230	NEW-P	90-10-114

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
148-171-240	NEW-P	90-10-114	154-40	AMD-P	90-02-086	173-50-110	RE-AD	90-07-017
148-171-400	NEW-P	90-10-114	154-40	AMD	90-05-078	173-50-120	RE-AD	90-07-017
148-171-410	NEW-P	90-10-114	154-40-010	AMD-P	90-02-086	173-50-130	RE-AD	90-07-017
148-171-420	NEW-P	90-10-114	154-40-010	AMD	90-05-078	173-50-140	RE-AD	90-07-017
148-171-430	NEW-P	90-10-114	154-44-010	AMD-P	90-02-086	173-50-150	RE-AD	90-07-017
148-171-500	NEW-P	90-10-114	154-44-010	AMD	90-05-078	173-50-160	RE-AD	90-07-017
148-171-510	NEW-P	90-10-114	154-64-050	AMD-P	90-02-086	173-50-170	RE-AD	90-07-017
148-171-600	NEW-P	90-10-114	154-64-050	AMD	90-05-078	173-50-180	RE-AD	90-07-017
148-171-610	NEW-P	90-10-114	173-06-030	RE-AD	90-07-014	173-50-190	RE-AD	90-07-017
148-171-620	NEW-P	90-10-114	173-18-090	AMD-C	90-02-107	173-50-200	RE-AD	90-07-017
148-171-630	NEW-P	90-10-114	173-18-090	AMD	90-06-068	173-50-210	RE-AD	90-07-017
148-171-640	NEW-P	90-10-114	173-18-090	AMD-E	90-06-069	173-142-010	REP-P	90-11-059
148-171-650	NEW-P	90-10-114	173-18-200	AMD-C	90-02-107	173-142-020	REP-P	90-11-059
148-276-010	NEW-P	90-10-115	173-18-200	AMD	90-06-068	173-142-030	REP-P	90-11-059
148-276-020	NEW-P	90-10-115	173-18-200	AMD-E	90-06-069	173-142-040	REP-P	90-11-059
148-276-030	NEW-P	90-10-115	173-19-1104	AMD	90-02-105	173-142-050	REP-P	90-11-059
148-276-040	NEW-P	90-10-115	173-19-220	AMD-P	90-03-112	173-142-070	REP-P	90-11-059
148-276-050	NEW-P	90-10-115	173-19-220	AMD-C	90-08-122	173-142-080	REP-P	90-11-059
148-276-060	NEW-P	90-10-115	173-19-220	AMD-C	90-07-061	173-142-090	REP-P	90-11-059
148-276-070	NEW-P	90-10-115	173-19-220	AMD	90-11-072	173-142-100	REP-P	90-11-059
148-276-080	NEW-P	90-10-115	173-19-240	RE-AD	90-07-027	173-142-110	REP-P	90-11-059
148-276-090	NEW-P	90-10-115	173-19-2401	RE-AD	90-07-027	173-158	AMD-P	90-11-059
148-276-100	NEW-P	90-10-115	173-19-2505	AMD	90-06-067	173-158-010	AMD-P	90-11-059
148-276-110	NEW-P	90-10-115	173-19-2512	AMD	90-06-106	173-158-020	AMD-P	90-11-059
148-276-120	NEW-P	90-10-115	173-19-2517	AMD-P	90-09-097	173-158-030	RE-AD	90-06-059
148-276-130	NEW-P	90-10-115	173-19-2519	AMD	90-02-101	173-158-030	AMD-P	90-11-059
148-276-140	NEW-P	90-10-115	173-19-2520	AMD-P	90-05-074	173-158-040	AMD-P	90-11-059
148-280-010	NEW-P	90-10-116	173-19-280	AMD-P	90-09-096	173-158-045	NEW-P	90-11-059
148-280-011	NEW-P	90-10-116	173-19-3514	AMD-P	90-03-110	173-158-060	RE-AD	90-06-059
148-280-015	NEW-P	90-10-116	173-19-3514	AMD-C	90-08-122	173-158-060	REP-P	90-11-059
148-280-020	NEW-P	90-10-116	173-19-3514	AMD	90-11-072	173-158-064	NEW-P	90-11-059
148-280-025	NEW-P	90-10-116	173-19-360	AMD-P	90-03-111	173-158-070	AMD-P	90-11-059
148-280-030	NEW-P	90-10-116	173-19-360	AMD-C	90-06-024	173-158-084	NEW-P	90-11-059
148-280-040	NEW-P	90-10-116	173-19-360	RE-AD	90-07-026	173-158-086	NEW-P	90-11-059
148-280-050	NEW-P	90-10-116	173-19-360	AMD-C	90-08-122	173-158-100	REP-P	90-11-059
148-280-055	NEW-P	90-10-116	173-19-360	AMD	90-11-072	173-158-110	REP-P	90-11-059
148-280-060	NEW-P	90-10-116	173-19-3601	AMD-P	90-05-075	173-158-120	AMD-P	90-11-059
148-280-070	NEW-P	90-10-116	173-19-3601	AMD-C	90-08-122	173-160-215	RE-AD	90-07-016
148-325-010	NEW-P	90-10-117	173-19-3601	AMD	90-11-072	173-166	AMD-P	90-02-096
154-04-035	REP-P	90-02-086	173-19-390	RE-AD	90-07-025	173-166	AMD-C	90-05-048
154-04-035	REP	90-05-078	173-19-3910	RE-AD	90-07-028	173-166	AMD-C	90-06-010
154-04-041	NEW-P	90-02-086	173-19-420	AMD-C	90-05-077	173-166	AMD-C	90-08-080
154-04-041	NEW	90-05-078	173-19-420	AMD-C	90-08-122	173-166-010	AMD-P	90-02-096
154-04-110	REP-P	90-02-086	173-19-420	AMD	90-11-072	173-166-020	AMD-P	90-02-096
154-04-110	REP	90-05-078	173-19-4201	AMD-P	90-05-076	173-166-030	AMD-P	90-02-096
154-08-050	AMD-P	90-02-086	173-19-4201	AMD-C	90-08-122	173-166-040	AMD-P	90-02-096
154-08-050	AMD	90-05-078	173-19-4201	AMD	90-11-072	173-166-050	AMD-P	90-02-096
154-12-010	AMD-P	90-02-086	173-19-4202	AMD-P	90-05-076	173-166-060	AMD-P	90-02-096
154-12-010	AMD	90-05-078	173-19-4202	AMD-C	90-08-122	173-166-070	AMD-P	90-02-096
154-12-015	AMD-P	90-02-086	173-19-4202	AMD	90-11-072	173-166-080	NEW-P	90-02-096
154-12-015	AMD	90-05-078	173-19-4203	AMD-P	90-05-076	173-166-090	NEW-P	90-02-096
154-12-030	AMD-P	90-02-086	173-19-4203	AMD-C	90-08-122	173-166-100	NEW-P	90-02-096
154-12-030	AMD	90-05-078	173-19-4203	AMD	90-11-072	173-166-110	NEW-P	90-02-096
154-12-050	AMD-P	90-02-086	173-19-4204	AMD-P	90-05-076	173-166-120	NEW-P	90-02-096
154-12-050	AMD	90-05-078	173-19-4204	AMD-C	90-08-122	173-166-130	NEW-P	90-02-096
154-12-070	AMD-P	90-02-086	173-19-4204	AMD	90-11-072	173-200-010	NEW-P	90-11-074
154-12-070	AMD	90-05-078	173-19-4205	AMD-P	90-05-076	173-200-020	NEW-P	90-11-074
154-12-080	AMD-P	90-02-086	173-19-4205	AMD-C	90-08-122	173-200-030	NEW-P	90-11-074
154-12-080	AMD	90-05-078	173-19-4205	AMD	90-11-072	173-200-040	NEW-P	90-11-074
154-12-085	AMD-P	90-02-086	173-19-4206	AMD-P	90-05-076	173-200-050	NEW-P	90-11-074
154-12-085	AMD	90-05-078	173-19-4206	AMD-C	90-08-122	173-200-060	NEW-P	90-11-074
154-12-086	AMD-P	90-02-086	173-19-4206	AMD	90-11-072	173-200-070	NEW-P	90-11-074
154-12-086	AMD	90-05-078	173-19-4507	AMD	90-07-063	173-200-080	NEW-P	90-11-074
154-12-087	AMD-P	90-02-086	173-32-010	AMD-P	90-11-122	173-200-090	NEW-P	90-11-074
154-12-087	AMD	90-05-078	173-32-020	AMD-P	90-11-122	173-200-100	NEW-P	90-11-074
154-12-090	AMD-P	90-02-086	173-32-030	AMD-P	90-11-122	173-221A-010	NEW-P	90-06-071
154-12-090	AMD	90-05-078	173-32-040	AMD-P	90-11-122	173-221A-020	NEW-P	90-06-071
154-12-107	REP-P	90-02-086	173-50-010	RE-AD	90-07-017	173-221A-030	NEW-P	90-06-071
154-12-107	REP	90-05-078	173-50-020	RE-AD	90-07-017	173-221A-100	NEW-P	90-06-071
154-12-110	AMD-P	90-02-086	173-50-030	RE-AD	90-07-017	173-221A-150	NEW-P	90-06-071
154-12-110	AMD	90-05-078	173-50-040	RE-AD	90-07-017	173-224-015	RE-AD	90-07-015
154-24-010	AMD-P	90-02-086	173-50-050	RE-AD	90-07-017	173-224-020	RE-AD	90-07-015
154-24-010	AMD	90-05-078	173-50-060	RE-AD	90-07-017	173-224-030	RE-AD	90-07-015
154-32-010	AMD-P	90-02-086	173-50-070	RE-AD	90-07-017	173-224-040	RE-AD	90-07-015
154-32-010	AMD	90-05-078	173-50-080	RE-AD	90-07-017	173-224-050	RE-AD	90-07-015
154-32-020	AMD-P	90-02-086	173-50-090	RE-AD	90-07-017	173-224-060	RE-AD	90-07-015
154-32-020	AMD	90-05-078	173-50-100	RE-AD	90-07-017	173-224-070	RE-AD	90-07-015

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-224-080	RE-AD	90-07-015	173-321-050	AMD-P	90-11-123	173-340-300	NEW-P	90-02-098
173-224-090	RE-AD	90-07-015	173-322-010	NEW	90-10-057	173-340-300	NEW	90-08-086
173-224-100	RE-AD	90-07-015	173-322-020	NEW	90-10-057	173-340-310	NEW-W	90-02-097
173-224-110	RE-AD	90-07-015	173-322-030	NEW	90-10-057	173-340-310	NEW-P	90-02-098
173-224-120	RE-AD	90-07-015	173-322-040	NEW	90-10-057	173-340-310	NEW	90-08-086
173-303	PREP	90-06-002	173-322-050	NEW	90-10-057	173-340-320	NEW-W	90-02-097
173-303-281	AMD-P	90-10-085	173-322-060	NEW	90-10-057	173-340-320	NEW-P	90-02-098
173-303-282	NEW-P	90-10-085	173-322-070	NEW	90-10-057	173-340-320	NEW	90-08-086
173-303-355	NEW-P	90-10-085	173-322-080	NEW	90-10-057	173-340-330	NEW-W	90-02-097
173-303-420	REP-P	90-10-085	173-322-090	NEW	90-10-057	173-340-330	NEW-P	90-02-098
173-303-806	AMD-P	90-10-085	173-322-100	NEW	90-10-057	173-340-330	NEW	90-08-086
173-306-010	NEW-P	90-02-088	173-322-110	NEW	90-10-057	173-340-340	NEW-W	90-02-097
173-306-010	NEW	90-10-047	173-322-120	NEW	90-10-057	173-340-340	NEW-P	90-02-098
173-306-050	NEW-P	90-02-088	173-336-010	REP-W	90-02-097	173-340-340	NEW	90-08-086
173-306-050	NEW	90-10-047	173-336-010	REP-P	90-02-098	173-340-350	NEW-W	90-02-097
173-306-100	NEW-P	90-02-088	173-336-010	REP	90-08-120	173-340-350	NEW-P	90-02-098
173-306-100	NEW	90-10-047	173-336-020	REP-W	90-02-097	173-340-350	NEW	90-08-086
173-306-150	NEW-P	90-02-088	173-336-020	REP-P	90-02-098	173-340-360	NEW-W	90-02-097
173-306-150	NEW	90-10-047	173-336-020	REP	90-08-120	173-340-360	NEW-P	90-02-098
173-306-200	NEW-P	90-02-088	173-336-030	REP-W	90-02-097	173-340-360	NEW	90-08-086
173-306-200	NEW	90-10-047	173-336-030	REP-P	90-02-098	173-340-400	NEW-W	90-02-097
173-306-300	NEW-P	90-02-088	173-336-030	REP	90-08-120	173-340-400	NEW-P	90-02-098
173-306-300	NEW	90-10-047	173-338-010	REP-W	90-02-097	173-340-400	NEW	90-08-086
173-306-310	NEW-P	90-02-088	173-338-010	REP-P	90-02-098	173-340-410	NEW-W	90-02-097
173-306-310	NEW	90-10-047	173-338-010	REP	90-08-120	173-340-410	NEW-P	90-02-098
173-306-320	NEW-P	90-02-088	173-338-020	REP-W	90-02-097	173-340-410	NEW	90-08-086
173-306-320	NEW	90-10-047	173-338-020	REP-P	90-02-098	173-340-420	NEW-W	90-02-097
173-306-330	NEW-P	90-02-088	173-338-020	REP	90-08-120	173-340-420	NEW-P	90-02-098
173-306-330	NEW	90-10-047	173-338-030	REP-W	90-02-097	173-340-420	NEW	90-08-086
173-306-340	NEW-P	90-02-088	173-338-030	REP-P	90-02-098	173-340-430	NEW-W	90-02-097
173-306-340	NEW	90-10-047	173-338-030	REP	90-08-120	173-340-430	NEW-P	90-02-098
173-306-345	NEW-P	90-02-088	173-338-040	REP-W	90-02-097	173-340-430	NEW	90-08-086
173-306-345	NEW	90-10-047	173-338-040	REP-P	90-02-098	173-340-500	NEW-W	90-02-097
173-306-350	NEW-P	90-02-088	173-338-040	REP	90-08-120	173-340-500	NEW-P	90-02-098
173-306-350	NEW	90-10-047	173-338-050	REP-W	90-02-097	173-340-500	NEW	90-08-086
173-306-400	NEW-P	90-02-088	173-338-050	REP-P	90-02-098	173-340-510	NEW-W	90-02-097
173-306-400	NEW	90-10-047	173-338-050	REP	90-08-120	173-340-510	NEW-P	90-02-098
173-306-405	NEW-P	90-02-088	173-340	AMD-W	90-02-097	173-340-510	NEW	90-08-086
173-306-405	NEW	90-10-047	173-340	AMD-P	90-02-098	173-340-520	NEW-W	90-02-097
173-306-410	NEW-P	90-02-088	173-340	AMD	90-08-086	173-340-520	NEW-P	90-02-098
173-306-410	NEW	90-10-047	173-340-010	REP-W	90-02-097	173-340-520	NEW	90-08-086
173-306-440	NEW-P	90-02-088	173-340-010	REP-P	90-02-098	173-340-530	NEW-W	90-02-097
173-306-440	NEW	90-10-047	173-340-010	REP	90-08-086	173-340-530	NEW-P	90-02-098
173-306-450	NEW-P	90-02-088	173-340-020	REP-W	90-02-097	173-340-530	NEW	90-08-086
173-306-450	NEW	90-10-047	173-340-020	REP-P	90-02-098	173-340-540	NEW-W	90-02-097
173-306-470	NEW-P	90-02-088	173-340-020	REP	90-08-086	173-340-540	NEW-P	90-02-098
173-306-470	NEW	90-10-047	173-340-030	REP-W	90-02-097	173-340-540	NEW	90-08-086
173-306-480	NEW-P	90-02-088	173-340-030	REP-P	90-02-098	173-340-550	NEW-W	90-02-097
173-306-480	NEW	90-10-047	173-340-030	REP	90-08-086	173-340-550	NEW-P	90-02-098
173-306-490	NEW-P	90-02-088	173-340-040	REP-W	90-02-097	173-340-550	NEW	90-08-086
173-306-490	NEW	90-10-047	173-340-040	REP-P	90-02-098	173-340-560	NEW-W	90-02-097
173-306-495	NEW-P	90-02-088	173-340-040	REP	90-08-086	173-340-560	NEW-P	90-02-098
173-306-495	NEW	90-10-047	173-340-050	REP-W	90-02-097	173-340-560	NEW	90-08-086
173-306-500	NEW-P	90-02-088	173-340-050	REP-P	90-02-098	173-340-600	NEW-W	90-02-097
173-306-500	NEW	90-10-047	173-340-050	REP	90-08-086	173-340-600	NEW-P	90-02-098
173-306-900	NEW-P	90-02-088	173-340-100	NEW-W	90-02-097	173-340-600	NEW	90-08-086
173-306-900	NEW	90-10-047	173-340-100	NEW-P	90-02-098	173-340-610	NEW-W	90-02-097
173-306-9901	NEW-P	90-02-088	173-340-100	NEW	90-08-086	173-340-610	NEW-P	90-02-098
173-306-9901	NEW	90-10-047	173-340-110	NEW-W	90-02-097	173-340-610	NEW	90-08-086
173-309-010	AMD-P	90-11-122	173-340-110	NEW-P	90-02-098	173-340-700	NEW-W	90-02-097
173-309-020	AMD-P	90-11-122	173-340-110	NEW	90-08-086	173-340-700	NEW-P	90-02-098
173-309-030	AMD-P	90-11-122	173-340-120	NEW-W	90-02-097	173-340-700	NEW	90-08-086
173-309-040	AMD-P	90-11-122	173-340-120	NEW-P	90-02-098	173-340-800	NEW-W	90-02-097
173-309-050	AMD-P	90-11-122	173-340-120	NEW	90-08-086	173-340-800	NEW-P	90-02-098
173-309-060	AMD-P	90-11-122	173-340-130	NEW-W	90-02-097	173-340-800	NEW	90-08-086
173-309-070	AMD-P	90-11-122	173-340-130	NEW-P	90-02-098	173-340-810	NEW-W	90-02-097
173-309-080	AMD-P	90-11-122	173-340-130	NEW	90-08-086	173-340-810	NEW-P	90-02-098
173-309-090	AMD-P	90-11-122	173-340-140	NEW-W	90-02-097	173-340-810	NEW	90-08-086
173-312-010	AMD-P	90-11-122	173-340-140	NEW-P	90-02-098	173-340-820	NEW-W	90-02-097
173-312-020	AMD-P	90-11-122	173-340-140	NEW	90-08-086	173-340-820	NEW-P	90-02-098
173-312-030	AMD-P	90-11-122	173-340-200	NEW-W	90-02-097	173-340-820	NEW	90-08-086
173-312-040	AMD-P	90-11-122	173-340-200	NEW-P	90-02-098	173-340-830	NEW-W	90-02-097
173-312-050	AMD-P	90-11-122	173-340-200	NEW	90-08-086	173-340-830	NEW-P	90-02-098
173-315-010	AMD	90-10-058	173-340-210	NEW-W	90-02-097	173-340-830	NEW	90-08-086
173-315-040	AMD	90-10-058	173-340-210	NEW-P	90-02-098	173-340-840	NEW-W	90-02-097
173-315-050	AMD	90-10-058	173-340-210	NEW	90-08-086	173-340-840	NEW-P	90-02-098
173-321-040	AMD-P	90-11-123	173-340-300	NEW-W	90-02-097	173-340-840	NEW	90-08-086

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-340-850	NEW-W	90-02-097	173-405-072	AMD-P	90-05-052	173-434-070	NEW-P	90-06-102
173-340-850	NEW-P	90-02-098	173-405-077	AMD-P	90-05-052	173-434-090	NEW-P	90-06-102
173-340-850	NEW	90-08-086	173-405-078	AMD-P	90-05-052	173-434-100	AMD-P	90-06-102
173-340-860	NEW-W	90-02-097	173-405-086	AMD-P	90-05-052	173-434-110	AMD-P	90-06-102
173-340-860	NEW-P	90-02-098	173-405-087	AMD-P	90-05-052	173-434-120	AMD-P	90-06-102
173-340-860	NEW	90-08-086	173-405-091	AMD-P	90-05-052	173-434-130	AMD-P	90-06-102
173-340-870	NEW-W	90-02-097	173-410-012	AMD-P	90-05-052	173-434-160	AMD-P	90-06-102
173-340-870	NEW-P	90-02-098	173-410-021	AMD-P	90-05-052	173-434-170	AMD-P	90-06-102
173-340-870	NEW	90-08-086	173-410-035	AMD-P	90-05-052	173-434-190	AMD-P	90-06-102
173-340-880	NEW-W	90-02-097	173-410-040	AMD-P	90-05-052	173-434-200	AMD-P	90-06-102
173-340-880	NEW-P	90-02-098	173-410-042	REP-P	90-05-052	173-434-210	AMD-P	90-06-102
173-340-880	NEW	90-08-086	173-410-045	AMD-P	90-05-052	173-440-010	AMD-P	90-06-102
173-340-890	NEW-W	90-02-097	173-410-062	AMD-P	90-05-052	173-440-030	AMD-P	90-06-102
173-340-890	NEW-P	90-02-098	173-410-067	AMD-P	90-05-052	173-440-100	AMD-P	90-06-102
173-340-890	NEW	90-08-086	173-410-071	AMD-P	90-05-052	173-490-010	AMD-P	90-05-052
173-342-010	NEW	90-03-020	173-410-086	AMD-P	90-05-052	173-490-020	AMD-P	90-05-052
173-342-020	NEW	90-03-020	173-410-087	AMD-P	90-05-052	173-490-025	AMD-P	90-05-052
173-342-030	NEW	90-03-020	173-410-100	NEW-P	90-05-052	173-490-030	AMD-P	90-05-052
173-342-040	NEW	90-03-020	173-415-010	AMD-P	90-05-052	173-490-040	AMD-P	90-05-052
173-342-050	NEW	90-03-020	173-415-020	AMD-P	90-05-052	173-490-070	REP-P	90-05-052
173-400-010	AMD-P	90-05-052	173-415-030	AMD-P	90-05-052	173-490-071	REP-P	90-05-052
173-400-020	AMD-P	90-05-052	173-415-040	AMD-P	90-05-052	173-490-080	AMD-P	90-05-052
173-400-030	AMD-P	90-05-052	173-415-041	REP-P	90-05-052	173-490-090	AMD-P	90-05-052
173-400-040	AMD-P	90-05-052	173-415-045	AMD-P	90-05-052	173-490-120	REP-P	90-05-052
173-400-050	AMD-P	90-05-052	173-415-050	AMD-P	90-05-052	173-490-130	REP-P	90-05-052
173-400-060	AMD-P	90-05-052	173-415-051	AMD-P	90-05-052	173-490-135	REP-P	90-05-052
173-400-070	AMD-P	90-05-052	173-415-060	AMD-P	90-05-052	173-490-140	REP-P	90-05-052
173-400-075	AMD-P	90-05-052	173-415-070	AMD-P	90-05-052	173-490-150	REP-P	90-05-052
173-400-100	AMD-P	90-05-052	173-415-080	AMD-P	90-05-052	173-490-200	AMD-P	90-05-052
173-400-105	AMD-P	90-05-052	173-422-020	AMD	90-06-062	173-490-201	AMD-P	90-05-052
173-400-110	AMD-P	90-05-052	173-422-035	NEW	90-06-062	173-490-202	AMD-P	90-05-052
173-400-115	AMD-P	90-05-052	173-422-040	AMD	90-06-062	173-490-203	AMD-P	90-05-052
173-400-120	AMD-P	90-05-052	173-422-060	AMD	90-06-062	173-490-204	AMD-P	90-05-052
173-400-131	NEW-P	90-05-052	173-422-070	AMD	90-06-062	173-490-205	AMD-P	90-05-052
173-400-136	NEW-P	90-05-052	173-422-090	AMD	90-06-062	173-490-207	AMD-P	90-05-052
173-400-141	NEW-P	90-05-052	173-422-100	AMD	90-06-062	173-490-208	AMD-P	90-05-052
173-400-151	NEW-P	90-05-052	173-422-130	AMD	90-06-062	173-495-010	AMD-P	90-06-102
173-400-161	NEW-P	90-05-052	173-422-140	AMD	90-06-062	173-495-020	AMD-P	90-06-102
173-400-171	NEW-P	90-05-052	173-422-145	AMD	90-06-062	173-495-030	AMD-P	90-06-102
173-400-180	NEW-P	90-05-052	173-422-160	AMD	90-06-062	173-495-040	AMD-P	90-06-102
173-400-190	NEW-P	90-05-052	173-422-170	AMD	90-06-062	173-495-045	AMD-P	90-06-102
173-400-200	NEW-P	90-05-052	173-422-190	NEW	90-06-062	173-495-050	AMD-P	90-06-102
173-400-205	NEW-P	90-05-052	173-422-195	NEW	90-06-062	173-495-060	AMD-P	90-06-102
173-400-210	NEW-P	90-05-052	173-425-010	AMD-P	90-06-102	173-495-065	AMD-P	90-06-102
173-400-220	NEW-P	90-05-052	173-425-020	AMD-P	90-06-102	173-495-070	AMD-P	90-06-102
173-400-230	NEW-P	90-05-052	173-425-030	AMD-P	90-06-102	173-495-080	AMD-P	90-06-102
173-400-240	NEW-P	90-05-052	173-425-036	AMD-P	90-06-102	173-495-100	AMD-P	90-06-102
173-400-250	NEW-P	90-05-052	173-425-055	AMD-P	90-06-102	173-495-120	AMD-P	90-06-102
173-400-260	NEW-P	90-05-052	173-425-065	AMD-P	90-06-102	173-802-050	RE-AD	90-06-014
173-403-010	REP-P	90-05-052	173-425-075	AMD-P	90-06-102	174-108	AMD	90-04-011
173-403-020	REP-P	90-05-052	173-425-085	AMD-P	90-06-102	174-108-170	REP	90-04-011
173-403-030	REP-P	90-05-052	173-425-095	AMD-P	90-06-102	174-108-180	REP	90-04-011
173-403-050	REP-P	90-05-052	173-425-100	AMD-P	90-06-102	174-108-190	REP	90-04-011
173-403-060	REP-P	90-05-052	173-425-115	AMD-P	90-06-102	174-108-200	REP	90-04-011
173-403-070	REP-P	90-05-052	173-425-120	AMD-P	90-06-102	174-108-210	REP	90-04-011
173-403-075	REP-P	90-05-052	173-425-130	AMD-P	90-06-102	174-108-220	REP	90-04-011
173-403-080	REP-P	90-05-052	173-425-140	AMD-P	90-06-102	174-108-230	REP	90-04-011
173-403-090	REP-P	90-05-052	173-430-010	AMD-P	90-06-102	174-108-240	REP	90-04-011
173-403-100	REP-P	90-05-052	173-430-020	AMD-P	90-06-102	174-108-250	REP	90-04-011
173-403-110	REP-P	90-05-052	173-430-030	AMD-P	90-06-102	174-108-260	REP	90-04-011
173-403-120	REP-P	90-05-052	173-430-040	AMD-P	90-06-102	174-108-900	REP	90-04-011
173-403-130	REP-P	90-05-052	173-430-050	AMD-P	90-06-102	174-108-90001	REP	90-04-011
173-403-141	REP-P	90-05-052	173-430-060	AMD-P	90-06-102	174-108-90002	REP	90-04-011
173-403-145	REP-P	90-05-052	173-430-070	AMD-P	90-06-102	174-108-910	NEW	90-04-011
173-403-150	REP-P	90-05-052	173-430-080	AMD-P	90-06-102	174-112-130	REP	90-04-011
173-403-160	REP-P	90-05-052	173-433-030	AMD-P	90-06-102	174-112-140	REP	90-04-011
173-403-170	REP-P	90-05-052	173-433-100	AMD-P	90-06-102	174-112-150	REP	90-04-011
173-403-180	REP-P	90-05-052	173-433-110	AMD-P	90-06-102	174-122-010	NEW	90-04-011
173-403-190	REP-P	90-05-052	173-433-120	AMD-P	90-06-102	174-122-020	NEW	90-04-011
173-405-012	AMD-P	90-05-052	173-433-130	AMD-P	90-06-102	174-122-030	NEW	90-04-011
173-405-021	AMD-P	90-05-052	173-433-150	AMD-P	90-06-102	174-122-040	NEW	90-04-011
173-405-033	AMD-P	90-05-052	173-433-170	AMD-P	90-06-102	174-126-010	REP	90-04-011
173-405-035	AMD-P	90-05-052	173-433-200	AMD-P	90-06-102	174-126-020	REP	90-04-011
173-405-040	AMD-P	90-05-052	173-434-010	AMD-P	90-06-102	174-126-030	REP	90-04-011
173-405-041	REP-P	90-05-052	173-434-020	AMD-P	90-06-102	174-128-010	REP	90-04-011
173-405-045	AMD-P	90-05-052	173-434-030	AMD-P	90-06-102	174-128-020	REP	90-04-011
173-405-061	AMD-P	90-05-052	173-434-050	AMD-P	90-06-102	174-128-030	REP	90-04-011

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
174-128-040	REP	90-04-011	174-162-025	REP	90-04-011	180-78-191	AMD	90-02-074
174-128-042	REP	90-04-011	174-162-030	REP	90-04-011	180-78-191	AMD	90-02-104
174-128-044	REP	90-04-011	174-162-035	REP	90-04-011	180-78-192	REP	90-02-074
174-128-046	REP	90-04-011	174-162-040	REP	90-04-011	180-78-192	REP	90-02-104
174-128-050	REP	90-04-011	174-162-045	REP	90-04-011	180-78-193	REP	90-02-074
174-128-060	REP	90-04-011	174-168-010	NEW-W	90-03-037	180-78-193	REP	90-02-104
174-128-062	REP	90-04-011	174-168-010	NEW-P	90-04-028	180-78-194	REP	90-02-074
174-128-064	REP	90-04-011	174-168-010	NEW-C	90-10-001	180-78-194	REP	90-02-104
174-128-066	REP	90-04-011	174-168-020	NEW-W	90-03-037	180-78-195	REP	90-02-074
174-128-070	REP	90-04-011	174-168-020	NEW-P	90-04-028	180-78-195	REP	90-02-104
174-128-080	REP	90-04-011	174-168-020	NEW-C	90-10-001	180-78-197	REP	90-02-074
174-128-090	REP	90-04-011	174-168-030	NEW-P	90-04-028	180-78-197	REP	90-02-104
174-128-990	REP	90-04-011	174-168-030	NEW-C	90-10-001	180-78-198	REP	90-02-074
174-130-010	NEW	90-04-011	174-168-040	NEW-P	90-04-028	180-78-198	REP	90-02-104
174-130-020	NEW	90-04-011	174-168-040	NEW-C	90-10-001	180-78-199	REP	90-02-074
174-131-010	NEW	90-04-011	174-168-050	NEW-P	90-04-028	180-78-199	REP	90-02-104
174-132	AMD	90-04-011	174-168-050	NEW-C	90-10-001	180-79-045	AMD-P	90-08-115
174-132-010	AMD	90-04-011	174-168-060	NEW-P	90-04-028	180-79-049	AMD-P	90-08-115
174-132-020	REP	90-04-011	174-168-060	NEW-C	90-10-001	180-79-060	AMD-P	90-08-115
174-132-030	REP	90-04-011	174-168-070	NEW-P	90-04-028	180-79-065	AMD-P	90-08-115
174-132-040	REP	90-04-011	174-168-070	NEW-C	90-10-001	180-79-075	AMD-P	90-08-115
174-132-050	REP	90-04-011	174-168-080	NEW-P	90-04-028	180-79-080	AMD-P	90-08-115
174-132-060	REP	90-04-011	174-168-080	NEW-C	90-10-001	180-79-230	AMD-E	90-08-111
174-132-070	REP	90-04-011	174-276-010	NEW	90-04-011	180-79-230	AMD-P	90-08-115
174-132-080	REP	90-04-011	174-276-020	NEW	90-04-011	180-79-230	AMD-E	90-09-027
174-132-090	REP	90-04-011	174-276-030	NEW	90-04-011	180-79-245	AMD-P	90-08-115
174-132-100	REP	90-04-011	174-276-040	NEW	90-04-011	180-79-362	AMD-P	90-08-115
174-132-110	REP	90-04-011	174-276-050	NEW	90-04-011	180-79-364	AMD-P	90-08-115
174-132-120	REP	90-04-011	174-276-060	NEW	90-04-011	180-85-045	AMD-P	90-08-114
174-133-010	NEW	90-04-011	174-276-070	NEW	90-04-011	180-85-080	REP-P	90-08-114
174-133-020	NEW	90-04-011	174-276-080	NEW	90-04-011	180-85-083	REP-P	90-08-114
174-135-010	NEW	90-04-011	174-276-090	NEW	90-04-011	180-85-085	AMD-P	90-08-114
174-136-010	REP	90-04-011	174-276-100	NEW	90-04-011	180-85-100	AMD-P	90-08-114
174-136-011	REP	90-04-011	174-276-110	NEW	90-04-011	180-85-105	AMD-P	90-08-114
174-136-012	REP	90-04-011	174-276-120	NEW	90-04-011	180-85-106	NEW-P	90-08-114
174-136-013	REP	90-04-011	174-280-010	NEW	90-04-011	180-85-107	NEW-P	90-08-114
174-136-014	REP	90-04-011	174-280-015	NEW	90-04-011	180-85-108	NEW-P	90-08-114
174-136-015	REP	90-04-011	174-280-020	NEW	90-04-011	180-85-109	NEW-P	90-08-114
174-136-016	REP	90-04-011	174-280-025	NEW	90-04-011	180-85-110	AMD-P	90-08-114
174-136-017	REP	90-04-011	174-280-030	NEW	90-04-011	180-85-115	AMD-P	90-08-114
174-136-018	REP	90-04-011	174-280-035	NEW	90-04-011	180-85-202	REP-P	90-08-114
174-136-019	REP	90-04-011	174-280-040	NEW	90-04-011	180-85-205	AMD-P	90-08-114
174-136-02001	REP	90-04-011	174-280-045	NEW	90-04-011	180-86-003	NEW	90-02-076
174-136-021	REP	90-04-011	174-400-010	NEW	90-05-031	180-86-005	NEW	90-02-076
174-136-022	REP	90-04-011	180-25-025	AMD	90-04-031	180-86-010	NEW	90-02-076
174-136-040	REP-W	90-11-067	180-25-300	REP	90-04-032	180-86-012	NEW	90-02-076
174-136-042	REP-W	90-11-067	180-27-050	AMD	90-04-031	180-86-015	NEW	90-02-076
174-136-060	REP	90-04-011	180-27-058	AMD	90-04-031	180-86-020	NEW	90-02-076
174-136-080	REP	90-04-011	180-27-425	NEW	90-04-031	180-86-030	NEW	90-02-076
174-136-090	REP	90-04-011	180-29-300	REP	90-04-032	180-86-035	NEW	90-02-076
174-136-100	REP	90-04-011	180-75-005	AMD	90-02-073	180-86-040	NEW	90-02-076
174-136-110	REP	90-04-011	180-75-018	REP	90-02-073	180-86-050	NEW	90-02-076
174-136-120	REP	90-04-011	180-75-019	REP	90-02-073	180-86-055	NEW	90-02-076
174-136-130	REP	90-04-011	180-75-020	REP	90-02-073	180-86-065	NEW	90-02-076
174-136-140	REP	90-04-011	180-75-025	REP	90-02-073	180-86-070	NEW	90-02-076
174-136-160	REP	90-04-011	180-75-026	REP	90-02-073	180-86-075	NEW	90-02-076
174-136-170	REP	90-04-011	180-75-027	REP	90-02-073	180-86-085	NEW	90-02-076
174-136-210	REP	90-04-011	180-75-030	REP	90-02-073	180-86-090	NEW	90-02-076
174-136-220	REP	90-04-011	180-75-033	REP	90-02-073	180-86-095	NEW	90-02-076
174-136-230	REP	90-04-011	180-75-034	REP	90-02-073	180-86-097	NEW	90-02-076
174-136-240	REP	90-04-011	180-75-035	REP	90-02-073	180-86-100	NEW	90-02-076
174-136-250	REP	90-04-011	180-75-037	REP	90-02-073	180-86-105	NEW	90-02-076
174-136-300	REP	90-04-011	180-75-038	REP	90-02-073	180-86-110	NEW	90-02-076
174-136-310	REP	90-04-011	180-75-039	REP	90-02-073	180-86-115	NEW	90-02-076
174-136-320	REP	90-04-011	180-75-040	REP	90-02-073	180-86-120	NEW	90-02-076
174-136-330	REP	90-04-011	180-75-042	REP	90-02-073	180-86-130	NEW	90-02-076
174-157-600	REP	90-04-011	180-75-043	REP	90-02-073	180-86-135	NEW	90-02-076
174-157-610	REP	90-04-011	180-75-044	REP	90-02-073	180-86-140	NEW	90-02-076
174-157-620	REP	90-04-011	180-75-045	AMD	90-02-073	180-86-145	NEW	90-02-076
174-157-990	REP	90-04-011	180-75-061	AMD-P	90-08-112	180-86-150	NEW	90-02-076
174-160-010	REP	90-04-011	180-75-065	AMD-P	90-08-112	180-86-155	NEW	90-02-076
174-160-020	REP	90-04-011	180-75-081	AMD	90-02-073	180-86-160	NEW	90-02-076
174-160-030	REP	90-04-011	180-75-084	REP	90-02-073	180-86-165	NEW	90-02-076
174-160-040	REP	90-04-011	180-75-086	REP	90-02-073	180-86-170	NEW	90-02-076
174-162-010	REP	90-04-011	180-75-090	AMD-P	90-08-112	180-86-175	NEW	90-02-076
174-162-015	REP	90-04-011	180-75-199	REP	90-02-073	180-86-180	NEW	90-02-076
174-162-020	REP	90-04-011	180-78-057	AMD-P	90-08-113	180-86-185	NEW	90-02-076

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
180-86-200	NEW	90-02-076	212-17-335	AMD-P	90-04-097	220-52-07300H	NEW-E	90-03-067
180-87-001	NEW	90-02-075	212-17-335	AMD	90-10-006	220-55-010	AMD-P	90-08-008
180-87-003	NEW	90-02-075	220-12-01000B	NEW-E	90-06-058	220-55-01000A	NEW-E	90-07-040
180-87-005	NEW	90-02-075	220-16	AMD-C	90-06-025	220-55-01000A	REP-E	90-08-034
180-87-010	NEW	90-02-075	220-16-410	AMD	90-03-068	220-55-01000B	NEW-E	90-08-034
180-87-015	NEW	90-02-075	220-16-420	NEW	90-03-068	220-55-015	AMD-P	90-08-008
180-87-020	NEW	90-02-075	220-16-430	NEW-C	90-07-002	220-55-086	AMD	90-03-068
180-87-025	NEW	90-02-075	220-16-430	NEW	90-07-003	220-55-150	NEW	90-03-068
180-87-030	NEW	90-02-075	220-16-440	NEW-P	90-02-112	220-56	AMD-C	90-06-025
180-87-035	NEW	90-02-075	220-16-440	NEW	90-06-026	220-56-105	AMD-P	90-02-112
180-87-040	NEW	90-02-075	220-16-450	NEW-P	90-02-112	220-56-105	AMD	90-06-026
180-87-045	NEW	90-02-075	220-16-450	NEW	90-06-026	220-56-115	AMD-P	90-02-112
180-87-050	NEW	90-02-075	220-20	AMD-C	90-06-043	220-56-115	AMD	90-06-026
180-87-055	NEW	90-02-075	220-20-010	AMD-P	90-06-079	220-56-125	AMD-P	90-02-112
180-87-060	NEW	90-02-075	220-20-017	AMD-P	90-08-008	220-56-125	AMD	90-06-026
180-87-065	NEW	90-02-075	220-20-020	AMD-P	90-02-111	220-56-126	AMD-P	90-02-112
180-87-070	NEW	90-02-075	220-20-020	AMD	90-06-045	220-56-126	AMD	90-06-026
180-87-080	NEW	90-02-075	220-20-020	AMD-C	90-07-002	220-56-127	AMD-P	90-02-112
180-87-085	NEW	90-02-075	220-20-020	AMD	90-07-003	220-56-127	AMD	90-06-026
180-87-090	NEW	90-02-075	220-20-025	AMD-P	90-02-111	220-56-128	AMD-P	90-02-112
180-87-095	NEW	90-02-075	220-20-025	AMD	90-06-045	220-56-128	AMD	90-06-026
182-12-115	AMD-P	90-04-087	220-22-020	AMD	90-03-068	220-56-156	AMD-C	90-06-081
192-12-050	AMD	90-08-028	220-22-030	AMD-P	90-09-093	220-56-156	AMD	90-08-001
192-12-350	NEW	90-08-028	220-24-02000L	NEW-E	90-10-033	220-56-160	AMD-P	90-02-112
192-12-355	NEW	90-08-028	220-24-02000L	REP-E	90-11-046	220-56-160	AMD	90-06-026
192-12-360	NEW	90-08-028	220-24-02000M	NEW-E	90-11-046	220-56-165	AMD-P	90-02-112
192-12-365	NEW	90-08-028	220-24-02000M	REP-E	90-11-086	220-56-165	AMD	90-06-026
192-16-004	NEW-E	90-09-057	220-24-02000N	NEW-E	90-11-086	220-56-175	AMD-P	90-02-112
192-16-004	NEW-P	90-11-120	220-28-41303	NEW-E	90-02-065	220-56-175	AMD	90-06-026
192-28-115	AMD-P	90-11-119	220-32-05100X	REP-E	90-04-046	220-56-180	AMD-P	90-02-112
192-28-122	NEW-P	90-11-121	220-32-05100Y	NEW-E	90-04-046	220-56-180	AMD	90-06-026
192-28-130	AMD-P	90-11-119	220-32-05500U	NEW-E	90-10-053	220-56-190	AMD-P	90-02-112
192-28-145	NEW-P	90-11-121	220-32-05700E	NEW-E	90-03-006	220-56-190	AMD	90-06-026
192-28-150	NEW-P	90-11-121	220-32-05900R	NEW-E	90-10-034	220-56-195	AMD-P	90-02-112
196-08-030	REP	90-05-071	220-33-01000L	REP-E	90-05-008	220-56-195	AMD	90-06-026
196-24-090	AMD	90-05-071	220-33-01000M	NEW-E	90-05-008	220-56-197	AMD-P	90-02-112
196-24-092	NEW	90-05-071	220-33-01000M	REP-E	90-05-030	220-56-197	AMD	90-06-026
196-26-020	AMD	90-03-028	220-33-01000N	NEW-E	90-05-030	220-56-205	AMD-P	90-02-112
196-26-020	AMD-E	90-04-010	220-33-03000B	NEW-E	90-11-071	220-56-205	AMD	90-06-026
196-27-020	AMD	90-05-071	220-36-021	AMD-P	90-09-092	220-56-230	NEW-P	90-02-112
204-30-010	NEW-P	90-10-076	220-36-023	AMD-P	90-09-092	220-56-230	NEW	90-06-026
204-30-020	NEW-P	90-10-076	220-36-031	AMD-P	90-09-092	220-56-235	AMD-P	90-02-112
204-30-030	NEW-P	90-10-076	220-40-021	AMD-P	90-09-092	220-56-235	AMD	90-06-026
204-30-040	NEW-P	90-10-076	220-40-026	REP-P	90-09-092	220-56-240	AMD-P	90-02-112
204-30-050	NEW-P	90-10-076	220-40-027	AMD-P	90-09-092	220-56-240	AMD	90-06-026
204-30-060	NEW-P	90-10-076	220-40-031	AMD-P	90-09-092	220-56-2400G	NEW-E	90-08-003
204-30-070	NEW-P	90-10-076	220-44-050	AMD-P	90-06-080	220-56-25000F	NEW-E	90-08-003
204-30-080	NEW-P	90-10-076	220-44-05000B	REP-E	90-04-047	220-56-282	AMD-P	90-02-112
204-36-030	AMD-P	90-04-023	220-44-05000C	NEW-E	90-04-047	220-56-282	AMD	90-06-026
204-36-030	AMD	90-07-034	220-44-05000D	REP-E	90-07-031	220-56-307	AMD-P	90-02-112
204-36-040	AMD-P	90-04-023	220-47-304	NEW-E	90-07-031	220-56-307	AMD	90-06-026
204-36-040	AMD	90-07-034	220-47-307	AMD-P	90-09-093	220-56-310	AMD-P	90-02-112
204-36-050	AMD-P	90-04-023	220-47-311	AMD-P	90-09-093	220-56-310	AMD	90-06-026
204-36-050	AMD	90-07-034	220-47-312	AMD-P	90-09-093	220-56-320	AMD-P	90-02-112
204-36-060	AMD-P	90-04-023	220-47-313	REP-P	90-09-093	220-56-320	AMD	90-06-026
204-36-060	AMD	90-07-034	220-47-319	REP-P	90-09-093	220-56-3200R	NEW-E	90-10-035
204-44-010	AMD	90-06-055	220-47-401	AMD-P	90-09-093	220-56-330	AMD-P	90-02-112
204-44-030	AMD	90-06-055	220-47-402	AMD-P	90-09-093	220-56-330	AMD	90-06-026
204-48-020	AMD-P	90-08-023	220-47-403	REP-P	90-09-093	220-56-350	AMD-P	90-02-112
204-48-020	AMD-	90-11-021	220-47-411	REP-P	90-09-093	220-56-350	AMD	90-06-026
204-88-030	AMD	90-06-056	220-47-412	AMD-P	90-09-093	220-56-35000I	NEW-E	90-06-058
204-990	REP-P	90-08-024	220-47-413	AMD-P	90-09-093	220-56-36000T	NEW-E	90-07-039
204-990	REP	90-11-022	220-47-414	REP-P	90-09-093	220-56-36000T	REP-E	90-10-011
212-17-300	AMD-P	90-04-097	220-47-500	REP-P	90-09-093	220-56-36000U	NEW-E	90-10-011
212-17-300	AMD	90-10-006	220-48-01500D	REP-P	90-09-093	220-56-380	NEW-P	90-09-093
212-17-305	AMD-P	90-04-097	220-49-02000C	NEW-E	90-06-001	220-56-380	AMD-P	90-02-112
212-17-305	AMD	90-10-006	220-49-063	NEW-E	90-10-032	220-56-380	AMD	90-06-026
212-17-310	AMD-P	90-04-097	220-49-063	NEW-C	90-07-002	220-56-38000F	NEW-E	90-03-007
212-17-310	AMD	90-10-006	220-49-064	NEW	90-07-003	220-56-38000G	REP-E	90-03-027
212-17-315	AMD-P	90-04-097	220-49-064	NEW-C	90-07-002	220-56-38000G	NEW-E	90-03-027
212-17-315	AMD	90-10-006	220-49-064	NEW-C	90-07-002	220-56-38000H	REP-E	90-04-041
212-17-317	NEW-P	90-04-097	220-52-03000F	NEW	90-07-003	220-56-38000H	NEW	90-04-041
212-17-317	NEW	90-10-006	220-52-05100D	NEW-E	90-11-012	220-56-400	AMD-P	90-02-112
212-17-325	AMD-P	90-04-097	220-52-05100E	NEW-E	90-10-035	220-56-400	AMD	90-06-026
212-17-325	AMD	90-10-006	220-52-07100E	NEW-E	90-11-030	220-57	AMD-C	90-06-025
212-17-330	AMD-P	90-04-097	220-52-07100E	NEW-E	90-10-051	220-57	AMD-C	90-06-042
212-17-330	AMD	90-10-006	220-52-07100F	REP-E	90-11-060	220-57-140	AMD-P	90-02-112
212-17-330	AMD	90-10-006	220-52-07100F	NEW-E	90-11-060	220-57-140	AMD	90-06-026

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-57-160	AMD-P	90-02-112	230-40-125	NEW	90-05-032	248-08-010	REP	90-06-018
220-57-160	AMD	90-06-026	230-40-125	AMD-E	90-07-019	248-08-020	REP	90-06-018
220-57-16000D	NEW-E	90-08-032	230-40-125	AMD-P	90-07-022	248-08-030	REP	90-06-018
220-57-220	AMD-P	90-02-112	230-40-125	AMD	90-11-058	248-08-040	REP	90-06-018
220-57-220	AMD	90-06-026	230-46-025	NEW-P	90-10-008	248-08-050	REP	90-06-018
220-57-242	NEW-P	90-02-112	230-50-012	AMD-P	90-03-060	248-08-060	REP	90-06-018
220-57-260	AMD-P	90-02-112	230-50-012	AMD-E	90-03-061	248-08-070	REP	90-06-018
220-57-260	AMD	90-06-026	230-50-012	AMD	90-07-018	248-08-075	REP	90-06-018
220-57-270	AMD-P	90-02-112	230-50-560	AMD-E	90-09-073	248-08-080	REP	90-06-018
220-57-270	AMD	90-06-026	230-50-560	AMD-P	90-10-008	248-08-090	REP	90-06-018
220-57-290	AMD-P	90-02-112	230-50-580	AMD-E	90-09-073	248-08-100	REP	90-06-018
220-57-290	AMD	90-06-026	230-50-580	AMD-P	90-10-008	248-08-110	REP	90-06-018
220-57-315	AMD-P	90-02-112	230-60-010	AMD	90-03-064	248-08-120	REP	90-06-018
220-57-31500S	NEW-E	90-07-032	230-60-020	REP	90-03-064	248-08-130	REP	90-06-018
220-57-328	NEW-P	90-02-112	230-60-025	AMD	90-03-064	248-08-140	REP	90-06-018
220-57-465	AMD-P	90-02-112	230-60-100	NEW	90-05-032	248-08-150	REP	90-06-018
220-57-465	AMD	90-06-026	232-12-011	AMD-P	90-04-098	248-08-160	REP	90-06-018
220-57-497	NEW-P	90-02-112	232-12-011	AMD	90-11-065	248-08-170	REP	90-06-018
220-57-497	NEW	90-06-044	232-12-017	AMD-P	90-06-084	248-08-180	REP	90-06-018
220-57-505	AMD-P	90-02-112	232-12-017	AMD	90-10-067	248-08-190	REP	90-06-018
220-57-505	AMD	90-06-026	232-12-019	AMD-P	90-06-085	248-08-200	REP	90-06-018
220-57-50500R	NEW-E	90-07-032	232-12-019	AMD	90-10-068	248-08-210	REP	90-06-018
220-57-515	AMD-P	90-02-112	232-12-047	AMD-P	90-06-091	248-08-220	REP	90-06-018
220-57-51500E	NEW-E	90-07-032	232-12-051	AMD-P	90-06-092	248-08-230	REP	90-06-018
220-57-530	NEW-P	90-02-112	232-12-054	AMD	90-03-092	248-08-240	REP	90-06-018
220-57A	AMD-C	90-06-025	232-12-177	AMD-P	90-06-089	248-08-250	REP	90-06-018
220-57A-080	AMD-P	90-02-112	232-12-177	AMD	90-11-050	248-08-260	REP	90-06-018
220-57A-080	AMD	90-06-026	232-12-184	RE-AD-P	90-06-090	248-08-270	REP	90-06-018
220-57A-180	AMD-P	90-02-112	232-12-184	RE-AD	90-11-049	248-08-280	REP	90-06-018
220-57A-180	AMD	90-06-026	232-12-187	RE-AD-P	90-06-090	248-08-290	REP	90-06-018
220-69-220	AMD	90-03-068	232-12-187	RE-AD	90-11-049	248-08-300	REP	90-06-018
220-69-237	AMD	90-03-068	232-12-191	AMD-P	90-06-088	248-08-310	REP	90-06-018
220-69-237	AMD-P	90-09-050	232-12-191	AMD	90-11-051	248-08-320	REP	90-06-018
220-69-238	AMD	90-03-068	232-12-251	RE-AD-P	90-06-090	248-08-330	REP	90-06-018
220-69-238	AMD-P	90-09-050	232-12-251	RE-AD	90-11-049	248-08-340	REP	90-06-018
220-69-239	NEW-P	90-09-050	232-12-254	RE-AD-P	90-06-090	248-08-350	REP	90-06-018
220-69-23900A	NEW-E	90-09-051	232-12-254	RE-AD	90-11-049	248-08-360	REP	90-06-018
220-69-260	AMD	90-03-068	232-12-297	NEW-P	90-04-099	248-08-370	REP	90-06-018
220-69-264	AMD	90-03-068	232-12-297	NEW	90-11-066	248-08-380	REP	90-06-018
220-140-001	NEW	90-04-026	232-28-022	NEW-P	90-04-100	248-08-390	REP	90-06-018
220-140-010	NEW	90-04-026	232-28-218	REP-P	90-04-100	248-08-400	REP	90-06-018
220-140-020	NEW	90-04-026	232-28-219	NEW-P	90-06-093	248-08-410	AMD	90-06-018
220-140-030	NEW	90-04-026	232-28-220	NEW-P	90-06-094	248-08-413	NEW	90-06-018
222-16-010	AMD-W	90-10-099	232-28-221	NEW-P	90-06-095	248-08-420	REP	90-06-018
222-16-050	AMD-W	90-10-099	232-28-222	NEW-P	90-06-096	248-08-425	NEW	90-06-018
222-16-060	NEW-W	90-10-099	232-28-223	NEW-P	90-06-097	248-08-428	NEW	90-06-018
222-20-040	AMD-W	90-10-099	232-28-61728	NEW	90-02-070	248-08-430	REP	90-06-018
222-20-050	AMD-W	90-10-099	232-28-61729	NEW	90-02-071	248-08-431	NEW	90-06-018
222-46-020	AMD-W	90-10-099	232-28-61730	NEW-E	90-03-072	248-08-434	NEW	90-06-018
222-46-030	AMD-W	90-10-099	232-28-61731	NEW-E	90-08-066	248-08-437	NEW	90-06-018
222-46-040	AMD-W	90-10-099	232-28-61802	NEW-E	90-02-067	248-08-440	AMD	90-06-018
224-12-090	AMD-P	90-03-091	232-28-61802	NEW-P	90-04-101	248-08-446	NEW	90-06-018
230-02-010	AMD	90-03-064	232-28-61802	NEW	90-08-064	248-08-449	NEW	90-06-018
230-02-022	AMD-P	90-05-034	232-28-61803	NEW-E	90-02-068	248-08-450	REP	90-06-018
230-02-022	AMD	90-10-007	232-28-61803	NEW-P	90-04-102	248-08-452	NEW	90-06-018
230-02-030	AMD-P	90-11-057	232-28-61803	NEW	90-08-065	248-08-460	REP	90-06-018
230-04-020	AMD	90-03-064	232-28-61804	NEW-E	90-02-069	248-08-461	NEW	90-06-018
230-04-190	AMD	90-03-064	232-28-61804	NEW-P	90-04-103	248-08-464	NEW	90-06-018
230-04-270	AMD	90-03-064	232-28-61804	NEW	90-08-067	248-08-470	AMD	90-06-018
230-08-120	AMD-P	90-05-034	232-28-61805	NEW-E	90-02-066	248-08-480	REP	90-06-018
230-08-120	AMD	90-10-007	232-28-61805	NEW-P	90-04-104	248-08-490	REP	90-06-018
230-08-125	AMD-P	90-05-034	232-28-61805	NEW	90-08-063	248-08-500	REP	90-06-018
230-08-125	AMD	90-10-007	232-28-61806	NEW-P	90-06-086	248-08-510	REP	90-06-018
230-08-260	AMD-P	90-10-008	232-28-61806	NEW-E	90-09-052	248-08-515	NEW	90-06-018
230-20-064	AMD-P	90-05-034	232-28-61807	NEW-P	90-06-087	248-08-520	REP	90-06-018
230-20-064	AMD	90-10-007	232-28-61807	NEW	90-10-069	248-08-525	NEW	90-06-018
230-20-325	AMD	90-05-032	232-28-712	REP	90-03-083	248-08-530	REP	90-06-018
230-20-325	AMD-W	90-10-098	232-28-713	NEW	90-03-083	248-08-535	NEW	90-06-018
230-20-698	NEW	90-05-033	232-28-811	REP-P	90-04-105	248-08-540	REP	90-06-018
230-30-052	NEW-P	90-05-034	232-28-811	REP	90-11-064	248-08-545	NEW	90-06-018
230-30-052	NEW	90-10-007	232-28-812	NEW-P	90-04-105	248-08-550	REP	90-06-018
230-30-070	AMD	90-05-032	232-28-812	NEW	90-11-064	248-08-560	REP	90-06-018
230-30-070	AMD-E	90-06-020	236-48-198	AMD-P	90-11-011	248-08-565	NEW	90-06-018
230-30-070	AMD-P	90-06-021	246-09-060	NEW-P	90-04-030	248-08-570	REP	90-06-018
230-30-070	AMD	90-11-058	246-09-060	NEW	90-08-003	248-08-575	NEW	90-06-018
230-40-010	AMD	90-05-032	248-06-385	AMD	90-06-019	248-08-580	REP	90-06-018
230-40-120	AMD	90-05-032	248-08-001	REP	90-06-018	248-08-590	REP	90-06-018

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
248-08-700	REP	90-06-018	248-19-880	NEW-W	90-10-083	248-98-095	NEW-P	90-02-072
248-08-705	REP	90-06-018	248-19-882	NEW-P	90-08-103	248-98-095	NEW	90-07-010
248-08-710	REP	90-06-018	248-19-882	NEW-W	90-10-083	248-98-098	NEW-P	90-02-072
248-08-715	REP	90-06-018	248-19-884	NEW-P	90-08-103	248-98-098	NEW	90-07-010
248-08-720	REP	90-06-018	248-19-884	NEW-W	90-10-083	248-98-100	AMD-P	90-02-072
248-08-725	REP	90-06-018	248-19-886	NEW-P	90-08-103	248-98-100	AMD	90-07-010
248-08-730	REP	90-06-018	248-19-886	NEW-W	90-10-083	248-98-102	NEW-P	90-02-072
248-08-735	REP	90-06-018	248-21-005	AMD	90-05-038	248-98-102	NEW	90-07-010
248-08-740	REP	90-06-018	248-22-005	AMD	90-06-019	248-98-104	NEW-P	90-02-072
248-08-750	REP	90-06-018	248-23-010	AMD	90-06-019	248-98-104	NEW	90-07-010
248-08-755	REP	90-06-018	248-25-010	AMD	90-06-019	248-98-110	AMD-P	90-02-072
248-08-760	REP	90-06-018	248-26-020	AMD	90-06-019	248-98-110	AMD	90-07-010
248-08-765	REP	90-06-018	248-27-025	AMD	90-06-019	248-98-120	AMD-P	90-02-072
248-08-770	REP	90-06-018	248-27-035	AMD	90-06-019	248-98-120	AMD	90-07-010
248-08-775	REP	90-06-018	248-27-045	AMD	90-06-019	248-98-130	NEW-P	90-02-072
248-08-780	REP	90-06-018	248-27-055	AMD	90-06-019	248-98-130	NEW	90-07-010
248-08-785	REP	90-06-018	248-29-020	AMD	90-06-019	248-98-135	NEW-P	90-02-072
248-08-790	REP	90-06-018	248-31-025	AMD	90-06-019	248-98-135	NEW	90-07-010
248-08-800	REP	90-06-018	248-31-035	AMD	90-06-019	248-98-998	NEW-P	90-02-072
248-08-805	REP	90-06-018	248-31-045	AMD	90-06-019	248-98-998	NEW	90-07-010
248-08-810	REP	90-06-018	248-31-055	AMD	90-06-019	248-98-999	REP-P	90-02-072
248-08-815	REP	90-06-018	248-33-040	AMD	90-05-038	248-98-999	REP	90-07-010
248-08-820	REP	90-06-018	248-33-060	REP	90-05-038	248-100-016	AMD-P	90-02-095
248-08-825	REP	90-06-018	248-33-080	REP	90-05-038	248-100-016	AMD	90-07-033
248-08-830	REP	90-06-018	248-36-025	AMD	90-06-019	248-100-021	AMD-P	90-06-063
248-08-835	REP	90-06-018	248-36-035	AMD	90-06-019	248-100-021	AMD	90-10-036
248-08-840	REP	90-06-018	248-36-045	AMD	90-06-019	248-100-086	AMD-P	90-06-063
248-08-845	REP	90-06-018	248-36-055	AMD	90-06-019	248-100-086	AMD	90-10-036
248-14-070	AMD-C	90-04-015	248-55-220	AMD	90-06-019	248-100-217	NEW-P	90-06-063
248-14-070	AMD	90-04-071	248-55-230	REP	90-06-019	248-100-217	NEW	90-10-036
248-15-110	AMD	90-06-019	248-55-235	NEW	90-06-019	248-101-020	AMD-E	90-11-038
248-16-031	AMD	90-06-019	248-55-240	AMD	90-06-019	248-101-220	NEW-E	90-11-038
248-17-060	AMD	90-06-019	248-55-250	REP	90-06-019	248-106-001	NEW	90-02-094
248-17-230	AMD	90-06-019	248-55-260	REP	90-06-019	248-106-010	NEW	90-02-094
248-18-010	AMD-P	90-08-099	248-58-085	NEW	90-06-049	248-106-020	NEW	90-02-094
248-18-015	AMD	90-06-019	248-59-030	AMD	90-06-019	248-106-030	NEW-P	90-08-104
248-18-018	AMD-P	90-08-099	248-59-040	REP	90-06-019	248-140-200	AMD	90-05-038
248-18-020	AMD-P	90-08-099	248-59-050	REP	90-06-019	248-144-031	AMD	90-06-049
248-18-221	AMD-P	90-08-099	248-59-060	REP	90-06-019	248-168-010	AMD-P	90-11-063
248-18-245	AMD-P	90-08-099	248-59-070	REP	90-06-019	248-168-015	NEW-P	90-11-063
248-18-510	AMD-P	90-08-099	248-59-080	REP	90-06-019	248-168-020	AMD-P	90-11-063
248-18-520	AMD-P	90-08-099	248-63-025	AMD	90-06-049	248-168-030	AMD-P	90-11-063
248-18-525	AMD-P	90-08-099	248-91-060	AMD	90-06-019	248-168-040	AMD-P	90-11-063
248-18-530	AMD-P	90-08-099	248-97-130	AMD	90-06-049	248-168-050	AMD-P	90-11-063
248-18-534	AMD-P	90-08-099	248-97-135	NEW	90-06-049	248-168-060	AMD-P	90-11-063
248-18-555	AMD-P	90-08-099	248-98-001	AMD-P	90-02-072	248-168-070	NEW-P	90-11-063
248-18-560	AMD-P	90-08-099	248-98-001	AMD	90-07-010	248-170-001	NEW	90-04-082
248-18-565	AMD-P	90-08-099	248-98-003	NEW-P	90-02-072	248-170-020	NEW	90-04-082
248-18-568	AMD-P	90-08-099	248-98-003	NEW	90-07-010	248-170-100	NEW	90-04-082
248-18-640	AMD-P	90-08-099	248-98-005	NEW-P	90-02-072	248-170-130	NEW	90-04-082
248-18-645	AMD-P	90-08-099	248-98-005	NEW	90-07-010	248-170-160	NEW	90-04-082
248-18-650	AMD-P	90-08-099	248-98-010	AMD-P	90-02-072	248-170-200	NEW	90-04-082
248-18-660	AMD-P	90-08-099	248-98-010	AMD	90-07-010	248-170-300	NEW	90-04-082
248-18-665	AMD-P	90-08-099	248-98-015	NEW-P	90-02-072	248-170-320	NEW	90-04-082
248-18-675	AMD-P	90-08-099	248-98-015	NEW	90-07-010	248-180-010	NEW	90-03-052
248-18-680	AMD-P	90-08-099	248-98-020	AMD-P	90-02-072	248-180-020	NEW	90-03-052
248-18-685	AMD-P	90-08-099	248-98-020	AMD	90-07-010	248-320-340	NEW	90-06-018
248-18-690	AMD-P	90-08-099	248-98-025	NEW-P	90-02-072	248-320-350	NEW	90-06-018
248-18-695	AMD-P	90-08-099	248-98-025	NEW	90-07-010	248-320-360	NEW	90-06-018
248-18-705	AMD-P	90-08-099	248-98-030	AMD-P	90-02-072	248-320-370	NEW	90-06-018
248-18-719	AMD-P	90-08-099	248-98-030	AMD	90-07-010	248-320-400	NEW	90-06-018
248-18-99902	AMD-P	90-08-099	248-98-035	NEW-P	90-02-072	248-320-410	NEW	90-06-018
248-19-220	AMD	90-02-093	248-98-035	NEW	90-07-010	248-320-500	NEW	90-06-018
248-19-373	REP-P	90-08-105	248-98-040	AMD-P	90-02-072	248-554-030	AMD-C	90-04-016
248-19-375	REP-P	90-08-105	248-98-040	AMD	90-07-010	248-554-030	AMD	90-04-072
248-19-403	REP-P	90-08-105	248-98-045	NEW-P	90-02-072	250-20-001	AMD	90-04-067
248-19-480	AMD	90-06-019	248-98-045	NEW	90-07-010	250-20-011	AMD	90-04-067
248-19-600	NEW-P	90-10-022	248-98-050	AMD-P	90-02-072	250-20-015	AMD	90-04-067
248-19-800	NEW-P	90-08-102	248-98-050	AMD	90-07-010	250-20-021	AMD	90-04-067
248-19-805	NEW-P	90-08-102	248-98-060	AMD-P	90-02-072	250-20-031	AMD	90-04-067
248-19-806	NEW-P	90-08-102	248-98-060	AMD	90-07-010	250-20-037	NEW	90-04-067
248-19-810	NEW-P	90-08-105	248-98-080	AMD-P	90-02-072	250-20-041	AMD	90-04-067
248-19-811	NEW-P	90-08-105	248-98-080	AMD	90-07-010	250-20-051	AMD	90-04-067
248-19-820	NEW-P	90-08-105	248-98-085	NEW-P	90-02-072	250-20-071	AMD	90-04-067
248-19-840	NEW-P	90-08-105	248-98-085	NEW	90-07-010	250-69-010	NEW-P	90-04-068
248-19-860	NEW-P	90-08-105	248-98-090	AMD-P	90-02-072	250-69-010	NEW	90-09-003
248-19-880	NEW-P	90-08-103	248-98-090	AMD	90-07-010	250-69-020	NEW-P	90-04-068

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
250-69-020	NEW	90-09-003	275-20-080	AMD	90-04-074	275-56-275	AMD	90-03-113
250-69-030	NEW-P	90-04-068	275-26-022	AMD-C	90-04-018	275-56-280	REP	90-03-113
250-69-030	NEW	90-09-003	275-26-022	AMD	90-04-074	275-56-285	AMD	90-03-113
250-69-040	NEW-P	90-04-068	275-27-500	AMD-C	90-04-018	275-56-290	AMD	90-03-113
250-69-040	NEW	90-09-003	275-27-500	AMD	90-04-074	275-56-295	AMD	90-03-113
250-69-050	NEW-P	90-04-068	275-36-310	AMD-C	90-04-018	275-56-300	AMD	90-03-113
250-69-050	NEW	90-09-003	275-36-310	AMD	90-04-074	275-56-305	AMD	90-03-113
250-69-060	NEW-P	90-04-068	275-38-770	AMD-E	90-11-005	275-56-310	REP	90-03-113
250-69-060	NEW	90-09-003	275-38-770	AMD-P	90-11-007	275-56-315	REP	90-03-113
250-69-070	NEW-P	90-04-068	275-38-860	AMD-E	90-11-005	275-56-320	REP	90-03-113
250-69-070	NEW	90-09-003	275-38-860	AMD-P	90-11-007	275-56-325	REP	90-03-113
250-69-080	NEW-P	90-04-068	275-38-906	AMD-E	90-11-005	275-56-330	REP	90-03-113
250-69-080	NEW	90-09-003	275-38-906	AMD-P	90-11-007	275-56-335	AMD	90-03-113
250-69-090	NEW-P	90-04-068	275-38-960	AMD-C	90-04-018	275-56-340	AMD	90-03-113
250-69-090	NEW	90-09-003	275-38-960	AMD	90-04-074	275-56-345	REP	90-03-113
250-69-100	NEW-P	90-04-068	275-56-005	AMD	90-03-113	275-56-350	REP	90-03-113
250-69-100	NEW	90-09-003	275-56-010	AMD	90-03-113	275-56-355	AMD	90-03-113
250-69-110	NEW-P	90-04-068	275-56-015	AMD	90-03-113	275-56-360	REP	90-03-113
250-69-110	NEW	90-09-003	275-56-016	NEW	90-03-113	275-56-365	AMD	90-03-113
250-70-010	NEW-P	90-11-130	275-56-017	NEW	90-03-113	275-56-370	REP	90-03-113
250-70-020	NEW-P	90-11-130	275-56-020	AMD	90-03-113	275-56-375	REP	90-03-113
250-70-030	NEW-P	90-11-130	275-56-025	AMD	90-03-113	275-56-380	REP	90-03-113
250-70-040	NEW-P	90-11-130	275-56-030	REP	90-03-113	275-56-385	AMD	90-03-113
250-70-050	NEW-P	90-11-130	275-56-035	AMD	90-03-113	275-56-390	REP	90-03-113
250-70-060	NEW-P	90-11-130	275-56-040	AMD	90-03-113	275-56-395	REP	90-03-113
250-70-070	NEW-P	90-11-130	275-56-042	NEW	90-03-113	275-56-400	AMD	90-03-113
250-70-080	NEW-P	90-11-130	275-56-043	NEW	90-03-113	275-56-405	REP	90-03-113
250-70-090	NEW-P	90-11-130	275-56-050	AMD	90-03-113	275-56-410	REP	90-03-113
250-70-100	NEW-P	90-11-130	275-56-055	AMD	90-03-113	275-56-415	REP	90-03-113
250-71-010	NEW-E	90-10-002	275-56-060	AMD	90-03-113	275-56-420	REP	90-03-113
250-71-010	NEW-P	90-11-108	275-56-065	AMD	90-03-113	275-56-425	AMD	90-03-113
250-71-015	NEW-E	90-10-002	275-56-070	AMD	90-03-113	275-56-430	REP	90-03-113
250-71-015	NEW-P	90-11-108	275-56-075	AMD	90-03-113	275-56-435	REP	90-03-113
250-71-020	NEW-E	90-10-002	275-56-080	AMD	90-03-113	275-56-440	REP	90-03-113
250-71-020	NEW-P	90-11-108	275-56-085	AMD	90-03-113	275-56-445	AMD	90-03-113
250-71-025	NEW-E	90-10-002	275-56-087	NEW	90-03-113	275-56-450	REP	90-03-113
250-71-025	NEW-P	90-11-108	275-56-088	NEW	90-03-113	275-56-465	NEW	90-03-113
250-71-030	NEW-E	90-10-002	275-56-089	NEW	90-03-113	275-56-475	NEW	90-03-113
250-71-030	NEW-P	90-11-108	275-56-090	AMD	90-03-113	275-56-485	NEW	90-03-113
250-71-035	NEW-E	90-10-002	275-56-095	AMD	90-03-113	275-56-495	NEW	90-03-113
250-71-035	NEW-P	90-11-108	275-56-095	AMD-C	90-04-019	275-56-505	NEW	90-03-113
250-71-040	NEW-E	90-10-002	275-56-095	AMD-W	90-04-069	275-56-515	NEW	90-03-113
250-71-040	NEW-P	90-11-108	275-56-100	AMD	90-03-113	284-12-010	REP	90-04-060
250-71-045	NEW-E	90-10-002	275-56-105	AMD	90-03-113	284-12-030	REP	90-04-060
250-71-045	NEW-P	90-11-108	275-56-110	AMD	90-03-113	284-12-040	REP	90-04-060
250-71-050	NEW-E	90-10-002	275-56-115	AMD	90-03-113	284-12-080	AMD	90-04-042
250-71-050	NEW-P	90-11-108	275-56-120	REP	90-03-113	284-17-121	NEW	90-04-060
250-71-055	NEW-E	90-10-002	275-56-125	REP	90-03-113	284-17-122	NEW	90-04-060
250-71-055	NEW-P	90-11-108	275-56-130	REP	90-03-113	284-17-123	NEW	90-04-060
250-71-060	NEW-E	90-10-002	275-56-135	AMD	90-03-113	284-24-015	AMD-P	90-10-056
250-71-060	NEW-P	90-11-108	275-56-140	REP	90-03-113	284-24-055	NEW-P	90-10-056
250-71-065	NEW-E	90-10-002	275-56-145	REP	90-03-113	284-24-060	AMD-P	90-10-056
250-71-065	NEW-P	90-11-108	275-56-150	AMD	90-03-113	284-24-100	AMD-P	90-10-056
250-71-070	NEW-E	90-10-002	275-56-155	REP	90-03-113	284-55-010	REP-P	90-04-089
250-71-070	NEW-P	90-11-108	275-56-160	REP	90-03-113	284-55-020	REP-P	90-04-089
250-71-075	NEW-E	90-10-002	275-56-165	REP	90-03-113	284-55-030	REP-P	90-04-089
250-71-075	NEW-P	90-11-108	275-56-170	AMD	90-03-113	284-55-035	REP-P	90-04-089
251-01-180	AMD-P	90-09-075	275-56-175	AMD	90-03-113	284-55-040	REP-P	90-04-089
251-04-040	AMD	90-06-023	275-56-180	AMD	90-03-113	284-55-045	REP-P	90-04-089
251-09-085	NEW-W	90-06-082	275-56-185	AMD	90-03-113	284-55-050	REP-P	90-04-089
251-09-090	AMD-C	90-06-083	275-56-190	REP	90-03-113	284-55-060	REP-P	90-04-089
251-09-090	AMD	90-10-044	275-56-195	AMD	90-03-113	284-55-065	REP-P	90-04-089
251-09-092	NEW-C	90-06-083	275-56-200	AMD	90-03-113	284-55-067	REP-P	90-04-089
251-09-092	NEW	90-10-044	275-56-205	AMD	90-03-113	284-55-070	REP-P	90-04-089
251-09-094	NEW-C	90-06-083	275-56-210	AMD	90-03-113	284-55-080	REP-P	90-04-089
251-09-094	NEW	90-10-044	275-56-215	AMD	90-03-113	284-55-090	REP-P	90-04-089
251-12-073	AMD-P	90-09-076	275-56-220	AMD	90-03-113	284-55-095	REP-P	90-04-089
251-12-085	AMD-P	90-09-074	275-56-225	AMD	90-03-113	284-55-115	REP-P	90-04-089
251-12-099	NEW-P	90-09-074	275-56-230	AMD	90-03-113	284-55-120	REP-P	90-04-089
251-22-165	AMD-P	90-09-075	275-56-235	AMD	90-03-113	284-55-125	REP-P	90-04-089
260-36-190	NEW-E	90-09-010	275-56-240	AMD	90-03-113	284-55-150	REP-P	90-04-089
260-36-200	NEW-E	90-09-010	275-56-245	AMD	90-03-113	284-55-155	REP-P	90-04-089
275-16-055	AMD-C	90-04-019	275-56-250	REP	90-03-113	284-55-160	REP-P	90-04-089
275-16-055	AMD	90-04-075	275-56-255	REP	90-03-113	284-55-165	REP-P	90-04-089
275-19-050	AMD-C	90-04-017	275-56-260	AMD	90-03-113	284-55-172	REP-P	90-04-089
275-19-050	AMD	90-04-073	275-56-265	REP	90-03-113	284-55-177	REP-P	90-04-089
275-20-080	AMD-C	90-04-018	275-56-270	REP	90-03-113	284-55-180	REP-P	90-04-089

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
284-55-185	REP-P	90-04-089	292-08-020	NEW	90-10-059
284-55-190	REP-P	90-04-089	292-08-030	NEW-P	90-03-095
284-55-205	REP-P	90-04-089	292-08-030	NEW-E	90-08-077
284-55-210	REP-P	90-04-089	292-08-030	NEW	90-10-059
284-66-010	NEW-P	90-04-089	292-08-040	NEW-P	90-03-095
284-66-010	NEW	90-07-059	292-08-040	NEW-E	90-08-077
284-66-020	NEW-P	90-04-089	292-08-040	NEW	90-10-059
284-66-020	NEW	90-07-059	292-08-050	NEW-P	90-03-095
284-66-030	NEW-P	90-04-089	292-08-050	NEW-E	90-08-077
284-66-030	NEW	90-07-059	292-08-050	NEW	90-10-059
284-66-040	NEW-P	90-04-089	292-12-010	NEW-P	90-03-095
284-66-040	NEW	90-07-059	292-12-010	NEW-E	90-08-077
284-66-050	NEW-P	90-04-089	292-12-010	NEW	90-10-059
284-66-050	NEW	90-07-059	292-12-020	NEW-P	90-03-095
284-66-060	NEW-P	90-04-089	292-12-020	NEW-E	90-08-077
284-66-060	NEW	90-07-059	292-12-020	NEW	90-10-059
284-66-070	NEW-P	90-04-089	292-12-030	NEW-P	90-03-095
284-66-070	NEW	90-07-059	292-12-030	NEW-E	90-08-077
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284-66-090	NEW	90-07-059	292-12-040	NEW	90-10-059
284-66-100	NEW-P	90-04-089	292-12-050	NEW-P	90-03-095
284-66-100	NEW	90-07-059	292-12-050	NEW-E	90-08-077
284-66-110	NEW-P	90-04-089	292-12-050	NEW	90-10-059
284-66-110	NEW	90-07-059	292-12-060	NEW-P	90-03-095
284-66-120	NEW-P	90-04-089	292-12-060	NEW-E	90-08-077
284-66-120	NEW	90-07-059	292-12-060	NEW	90-10-059
284-66-130	NEW-P	90-04-089	292-12-070	NEW-P	90-03-095
284-66-130	NEW	90-07-059	292-12-070	NEW-E	90-08-077
284-66-140	NEW-P	90-04-089	292-12-070	NEW	90-10-059
284-66-140	NEW	90-07-059	292-12-080	NEW-P	90-03-095
284-66-150	NEW-P	90-04-089	292-12-080	NEW-E	90-08-077
284-66-150	NEW	90-07-059	292-12-080	NEW	90-10-059
284-66-160	NEW-P	90-04-089	292-12-090	NEW-P	90-03-095
284-66-160	NEW	90-07-059	292-12-090	NEW-E	90-08-077
284-66-170	NEW-P	90-04-089	292-12-090	NEW	90-10-059
284-66-170	NEW	90-07-059	292-12-110	NEW-P	90-03-095
284-66-180	NEW-P	90-04-089	292-12-110	NEW-E	90-08-077
284-66-180	NEW	90-07-059	292-12-110	NEW	90-10-059
284-66-190	NEW-P	90-04-089	292-12-120	NEW-P	90-03-095
284-66-190	NEW	90-07-059	292-12-120	NEW-E	90-08-077
284-66-200	NEW-P	90-04-089	292-12-120	NEW	90-10-059
284-66-200	NEW	90-07-059	292-12-130	NEW-P	90-03-095
284-66-210	NEW-P	90-04-089	292-12-130	NEW-E	90-08-077
284-66-210	NEW	90-07-059	292-12-130	NEW	90-10-059
284-66-220	NEW-P	90-04-089	292-12-140	NEW-P	90-03-095
284-66-220	NEW	90-07-059	292-12-140	NEW-E	90-08-077
284-66-230	NEW-P	90-04-089	292-12-140	NEW	90-10-059
284-66-230	NEW	90-07-059	292-12-150	NEW-P	90-03-095
284-66-240	NEW-P	90-04-089	292-12-150	NEW-E	90-08-077
284-66-240	NEW	90-07-059	292-12-150	NEW	90-10-059
284-66-250	NEW-P	90-04-089	292-12-160	NEW-P	90-03-095
284-66-250	NEW	90-07-059	292-12-160	NEW-E	90-08-077
284-66-260	NEW-P	90-04-089	292-12-160	NEW	90-10-059
284-66-260	NEW	90-07-059	292-12-170	NEW-P	90-03-095
284-66-270	NEW-P	90-04-089	292-12-170	NEW-E	90-08-077
284-66-270	NEW	90-07-059	292-12-170	NEW	90-10-059
284-66-300	NEW-P	90-04-089	292-12-180	NEW-P	90-03-095
284-66-300	NEW	90-07-059	292-12-180	NEW-E	90-08-077
284-66-310	NEW-P	90-04-089	292-12-180	NEW	90-10-059
284-66-310	NEW	90-07-059	296-04-001	AMD-P	90-06-103
284-66-320	NEW-P	90-04-089	296-04-001	AMD-S	90-07-084
284-66-320	NEW	90-07-059	296-04-040	AMD	90-10-021
284-66-330	NEW-P	90-04-089	296-04-042	NEW-P	90-06-104
284-66-330	NEW	90-07-059	296-04-042	NEW-S	90-07-085
284-66-340	NEW-P	90-04-089	296-04-160	AMD-P	90-06-103
284-66-340	NEW	90-07-059	296-04-160	AMD-S	90-07-084
284-66-350	NEW-P	90-04-089	296-04-270	AMD	90-10-020
284-66-350	NEW	90-07-059	296-04-340	AMD	90-10-019
284-66-400	NEW-P	90-04-089	296-04-350	AMD	90-10-019
284-66-400	NEW	90-07-059	296-04-370	AMD	90-10-019
292-08-010	NEW-P	90-03-095	296-06-010	AMD-P	90-02-089
292-08-010	NEW-E	90-08-077	296-06-010	AMD	90-07-004
292-08-010	NEW	90-10-059	296-06-020	AMD-P	90-02-089
292-08-020	NEW-P	90-03-095	296-06-020	AMD	90-07-004
292-08-020	NEW-E	90-08-077	296-06-030	AMD-P	90-02-089
296-06-030	AMD	90-07-004			
296-06-040	AMD-P	90-02-089			
296-06-040	AMD	90-07-004			
296-06-080	AMD-P	90-02-089			
296-06-080	AMD	90-07-004			
296-06-090	AMD-P	90-02-089			
296-06-090	AMD	90-07-004			
296-06-100	AMD-P	90-02-089			
296-06-100	AMD	90-07-004			
296-06-110	AMD-P	90-02-089			
296-06-110	AMD	90-07-004			
296-06-120	AMD-P	90-02-089			
296-06-120	AMD	90-07-004			
296-06-130	AMD-P	90-02-089			
296-06-130	AMD	90-07-004			
296-06-140	AMD-P	90-02-089			
296-06-140	AMD	90-07-004			
296-06-150	AMD-P	90-02-089			
296-06-150	AMD	90-07-004			
296-06-170	AMD-P	90-02-089			
296-06-170	AMD	90-07-004			
296-06-990	REP-P	90-02-089			
296-06-990	REP	90-07-004			
296-06-99001	REP-P	90-02-089			
296-06-99001	REP	90-07-004			
296-14-400	AMD	90-04-007			
296-15-020	AMD-P	90-09-071			
296-15-070	AMD-P	90-09-072			
296-17-350	AMD-P	90-08-092			
296-17-350	AMD-C	90-11-099			
296-17-45002	AMD-P	90-08-092			
296-17-45002	AMD-C	90-11-099			
296-17-45003	AMD-P	90-08-092			
296-17-45003	AMD-C	90-11-099			
296-17-50904	AMD-P	90-08-092			
296-17-50904	AMD-C	90-11-099			
296-17-519	AMD-P	90-08-092			
296-17-519	AMD-C	90-11-099			
296-17-532	AMD-P	90-08-092			
296-17-532	AMD-C	90-11-099			
296-17-57602	AMD-P	90-08-092			
296-17-57602	AMD-C	90-11-099			
296-17-590	AMD-P	90-08-092			
296-17-590	AMD-C	90-11-099			
296-17-592	AMD-P	90-08-092			
296-17-592	AMD-C	90-11-099			
296-17-59202	NEW-P	90-08-092			
296-17-59202	NEW-C	90-11-099			
296-17-631	AMD-P	90-08-092			
296-17-631	AMD-C	90-11-099			
296-17-634	AMD-P	90-08-092			
296-17-634	AMD-C	90-11-099			
296-17-679	AMD-P	90-08-092			
296-17-679	AMD-C	90-11-099			
296-17-870	AMD-P	90-08-092			
296-17-870	AMD-C	90-11-099			
296-17-87308	AMD-P	90-08-092			
296-17-87308	AMD-C	90-11-099			
296-17-885	AMD-P	90-08-092			
296-17-885	AMD-C	90-11-099			
296-17-895	AMD-P	90-08-092			
296-17-895	AMD-C	90-11-099			
296-18A-440	AMD-P	90-09-072			
296-18A-450	AMD-P	90-09-072			
296-18A-480	AMD-P	90-09-072			
296-18A-500	AMD-P	90-09-072			
296-18A-510	AMD-P	90-09-072			
296-18A-515	NEW-P	90-09-072			
296-18A-520	AMD-P	90-09-072			
296-20-010	AMD	90-04-057			
296-20-01002	AMD	90-04-057			
296-20-01002	AMD-P	90-09-072			
296-20-015	AMD	90-04-057			
296-20-02001	AMD	90-04-057			
296-20-02010	AMD	90-04-057			
296-20-022	AMD	90-04-057			
296-20-024	AMD	90-04-057			

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
296-20-03001	AMD	90-04-057	296-62-07517	AMD-P	90-03-093	308-12-326	AMD	90-03-032
296-20-045	AMD	90-04-057	296-62-07517	AMD	90-09-026	308-13-150	AMD	90-03-031
296-20-075	AMD	90-04-057	296-62-07521	AMD	90-03-029	308-13-150	AMD-P	90-11-061
296-20-1103	AMD-P	90-09-072	296-62-07531	AMD-P	90-03-093	308-14-080	NEW-P	90-05-058
296-20-124	AMD	90-04-007	296-62-07531	AMD	90-09-026	308-14-080	NEW	90-10-009
296-20-680	AMD	90-04-007	296-62-07540	AMD	90-03-029	308-14-090	NEW-P	90-05-058
296-23A-150	AMD	90-04-057	296-62-07544	AMD	90-03-029	308-14-090	NEW	90-10-009
296-23A-170	AMD	90-04-057	296-62-3110	AMD-P	90-03-093	308-14-100	NEW-P	90-05-058
296-24-020	AMD	90-03-029	296-62-3110	AMD	90-09-026	308-14-100	NEW	90-10-009
296-24-07501	AMD-W	90-11-041	296-99-015	AMD	90-03-029	308-14-110	NEW-P	90-05-058
296-24-07801	AMD-W	90-11-041	296-99-050	AMD	90-03-029	308-14-110	NEW	90-10-009
296-24-086	AMD-W	90-11-041	296-104-015	AMD-P	90-04-065	308-14-200	NEW-P	90-05-058
296-24-102	NEW	90-03-029	296-104-015	AMD	90-07-082	308-14-200	NEW	90-10-009
296-24-10203	NEW	90-03-029	296-104-195	NEW	90-04-009	308-20-107	AMD-P	90-03-018
296-24-12009	AMD	90-03-029	296-104-200	AMD	90-04-009	308-20-107	AMD	90-07-030
296-24-15001	AMD	90-03-029	296-116-075	AMD-P	90-10-060	308-20-140	AMD-P	90-03-018
296-24-16507	AMD	90-03-029	296-116-120	AMD-C	90-08-094	308-20-140	AMD	90-07-030
296-24-16515	AMD	90-03-029	296-116-120	AMD-W	90-09-016	308-20-155	AMD-P	90-03-018
296-24-16517	AMD	90-03-029	296-116-120	AMD-P	90-09-030	308-20-155	AMD	90-07-030
296-24-20503	AMD	90-03-029	296-116-130	REP-P	90-08-076	308-20-210	AMD-P	90-03-018
296-24-20700	AMD-P	90-03-093	296-116-185	AMD-P	90-03-096	308-20-210	AMD	90-07-030
296-24-20700	AMD	90-09-026	296-116-185	AMD	90-09-013	308-25-037	NEW-P	90-09-062
296-24-550	AMD	90-03-029	296-116-300	AMD-P	90-03-097	308-25-038	NEW-P	90-09-062
296-24-58513	AMD	90-03-029	296-116-300	AMD	90-08-095	308-25-065	AMD	90-04-094
296-24-75009	AMD	90-03-029	296-127-016	REP-E	90-08-061	308-25-290	NEW-P	90-10-037
296-24-76503	AMD	90-03-029	296-127-040	AMD-E	90-09-047	308-25-310	NEW-P	90-10-037
296-24-78007	AMD	90-03-029	296-127-045	AMD-E	90-09-047	308-25-320	NEW-P	90-10-037
296-24-81003	AMD	90-03-029	296-127-400	NEW-E	90-06-008	308-25-330	NEW-P	90-10-037
296-24-81005	AMD	90-03-029	296-127-410	NEW-E	90-06-008	308-29-045	AMD-P	90-03-107
296-24-82503	AMD	90-03-029	296-127-420	NEW-E	90-06-008	308-29-045	AMD	90-06-052
296-24-870	AMD-P	90-03-093	296-127-430	NEW-E	90-06-008	308-30-030	AMD-P	90-03-107
296-24-870	AMD	90-09-026	296-127-440	NEW-E	90-06-008	308-30-040	AMD-P	90-03-107
296-24-87001	AMD-P	90-03-093	296-127-450	NEW-E	90-06-008	308-30-050	AMD-P	90-03-107
296-24-87001	AMD	90-09-026	296-127-460	NEW-E	90-06-008	308-30-060	AMD-P	90-03-107
296-24-87003	REP-P	90-03-093	296-127-470	NEW-E	90-06-008	308-30-070	AMD-P	90-03-107
296-24-87003	REP	90-09-026	296-131	AMD-C	90-08-093	308-30-080	AMD-P	90-03-107
296-24-87005	REP-P	90-03-093	296-131-001	AMD-P	90-07-078	308-30-090	AMD-P	90-03-107
296-24-87005	REP	90-09-026	296-131-005	NEW-P	90-07-078	308-30-100	AMD-P	90-03-107
296-24-87007	REP-P	90-03-093	296-131-020	NEW-P	90-07-078	308-30-100	AMD	90-06-052
296-24-87007	REP	90-09-026	296-131-100	NEW-P	90-07-078	308-31-055	AMD-P	90-11-096
296-24-87009	AMD-P	90-03-093	296-131-105	NEW-P	90-07-078	308-31-055	AMD-E	90-11-097
296-24-87009	AMD	90-09-026	296-131-110	NEW-P	90-07-078	308-31-210	NEW-P	90-06-064
296-24-87011	NEW-P	90-03-093	296-131-115	NEW-P	90-07-078	308-31-220	NEW-P	90-06-064
296-24-87011	NEW	90-09-026	296-131-120	NEW-P	90-07-078	308-31-230	NEW-P	90-06-064
296-24-87013	NEW-P	90-03-093	296-131-125	NEW-P	90-07-078	308-31-240	NEW-P	90-06-064
296-24-87013	NEW	90-09-026	296-131-126	NEW-P	90-07-078	308-31-250	NEW-P	90-06-064
296-24-87015	NEW-P	90-03-093	296-131-130	NEW-P	90-07-078	308-31-260	NEW-P	90-06-064
296-24-87015	NEW	90-09-026	296-131-135	NEW-P	90-07-078	308-31-270	NEW-P	90-06-064
296-24-87017	NEW-P	90-03-093	296-131-140	NEW-P	90-07-078	308-31-280	NEW-P	90-06-064
296-24-87017	NEW	90-09-026	296-155-200	AMD-W	90-11-041	308-32-090	AMD-P	90-03-107
296-24-87019	NEW-P	90-03-093	296-155-225	AMD-P	90-03-093	308-32-090	AMD	90-06-052
296-24-87019	NEW	90-09-026	296-155-227	NEW-P	90-03-093	308-33-105	AMD-P	90-03-107
296-24-87031	NEW-P	90-03-093	296-155-480	AMD-P	90-03-093	308-33-105	AMD	90-06-052
296-24-87031	NEW	90-09-026	296-155-480	AMD	90-09-026	308-34-170	AMD	90-04-094
296-24-87033	NEW-P	90-03-093	296-155-485	AMD	90-03-029	308-34-170	AMD-E	90-08-100
296-24-87033	NEW	90-09-026	296-155-48533	AMD	90-03-029	308-34-170	AMD-P	90-08-101
296-24-87035	NEW-P	90-03-093	296-155-505	AMD	90-03-029	308-39-100	AMD-P	90-06-065
296-24-87035	NEW	90-09-026	296-155-675	AMD	90-03-029	308-39-110	AMD-P	90-06-065
296-24-87037	NEW-P	90-03-093	296-155-680	AMD	90-03-029	308-39-120	REP-P	90-06-065
296-24-87037	NEW	90-09-026	296-155-690	AMD	90-03-029	308-39-125	NEW-P	90-06-065
296-52-417	AMD	90-03-029	296-155-692	REP	90-03-029	308-39-130	NEW-P	90-06-065
296-52-419	AMD	90-03-029	296-155-694	AMD	90-03-029	308-39-140	NEW-P	90-06-065
296-52-461	AMD	90-03-029	296-155-697	AMD	90-03-029	308-39-150	NEW-P	90-06-065
296-52-473	REP	90-03-029	296-155-725	AMD	90-03-029	308-39-160	NEW-P	90-06-065
296-52-477	AMD	90-03-029	296-155-730	AMD	90-03-029	308-39-170	NEW-P	90-06-065
296-52-481	AMD	90-03-029	296-306	AMD-C	90-05-002	308-39-180	NEW-P	90-06-065
296-52-509	AMD	90-03-029	296-306-060	AMD-W	90-11-041	308-39-190	NEW-P	90-06-065
296-52-510	NEW	90-03-029	296-306-400	NEW	90-11-023	308-39-200	NEW-P	90-06-065
296-54-569	AMD-P	90-03-093	296-306-40003	NEW	90-11-023	308-39-210	NEW-P	90-06-065
296-54-569	AMD	90-09-026	296-306-40005	NEW	90-11-023	308-39-220	NEW-P	90-06-101
296-62-07007	REP-P	90-03-093	296-350-030	AMD-P	90-03-093	308-40-107	NEW-P	90-04-085
296-62-07007	REP	90-09-026	296-350-030	AMD	90-09-026	308-40-107	NEW	90-08-011
296-62-07107	AMD-P	90-03-093	308-11-030	AMD-P	90-03-107	308-40-115	NEW-P	90-07-067
296-62-07107	AMD	90-09-026	308-11-030	AMD	90-06-052	308-40-115	NEW	90-11-083
296-62-07314	AMD	90-03-029	308-12-031	AMD-P	90-06-066	308-40-125	AMD-E	90-04-083
296-62-07507	AMD	90-03-029	308-12-031	AMD	90-11-062	308-40-125	AMD	90-04-094
296-62-07515	AMD	90-03-029	308-12-320	PREP	90-05-041	308-40-130	REP	90-05-039

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
308-40-135	NEW	90-05-039	308-93-050	AMD	90-08-018	308-124H-038	REP-C	90-05-072
308-40-150	NEW-P	90-07-068	308-93-140	AMD	90-08-018	308-124H-038	REP	90-10-010
308-40-151	NEW-P	90-07-068	308-93-660	NEW	90-08-018	308-124H-040	REP-P	90-02-102
308-40-152	NEW-P	90-07-068	308-115-405	AMD	90-04-094	308-124H-040	REP-C	90-05-072
308-42-045	AMD-P	90-04-095	308-117-500	AMD	90-04-094	308-124H-040	REP	90-10-010
308-42-060	AMD-P	90-04-095	308-120-165	AMD	90-04-059	308-124H-041	NEW-P	90-02-102
308-42-145	AMD-P	90-04-095	308-120-275	AMD	90-04-094	308-124H-041	NEW-C	90-05-072
308-48-800	AMD-P	90-04-110	308-120-620	NEW	90-04-059	308-124H-041	NEW	90-10-010
308-48-800	AMD	90-07-024	308-121-110	NEW-P	90-10-084	308-124H-043	REP-P	90-02-102
308-50-295	AMD-W	90-03-069	308-121-120	NEW-P	90-10-084	308-124H-043	REP-C	90-05-072
308-50-295	AMD-P	90-08-107	308-121-130	NEW-P	90-10-084	308-124H-043	REP	90-10-010
308-50-310	AMD-W	90-03-069	308-121-140	NEW-P	90-10-084	308-124H-045	REP-P	90-02-102
308-50-310	AMD-P	90-08-107	308-121-145	NEW-P	90-10-084	308-124H-045	REP-C	90-05-072
308-50-440	AMD	90-04-094	308-121-150	NEW-P	90-10-084	308-124H-045	REP	90-10-010
308-51-120	AMD-P	90-07-069	308-121-155	NEW-P	90-10-084	308-124H-050	REP-P	90-02-102
308-51-130	AMD-P	90-07-069	308-121-160	NEW-P	90-10-084	308-124H-050	REP-C	90-05-072
308-52-100	AMD	90-05-001	308-121-165	NEW-P	90-10-084	308-124H-050	REP	90-10-010
308-52-590	AMD-E	90-04-093	308-121-170	NEW-P	90-10-084	308-124H-051	NEW-P	90-02-102
308-52-590	AMD-E	90-06-100	308-121-175	NEW-P	90-10-084	308-124H-051	NEW-C	90-05-072
308-52-590	AMD-P	90-08-009	308-121-180	NEW-P	90-10-084	308-124H-051	NEW	90-10-010
308-52-690	AMD-E	90-09-007	308-122-275	AMD	90-04-094	308-124H-055	REP-P	90-02-102
308-52-690	AMD-E	90-11-044	308-122-500	AMD-E	90-05-016	308-124H-055	REP-C	90-05-072
308-53-075	AMD-P	90-08-106	308-122-500	AMD-P	90-05-040	308-124H-055	REP	90-10-010
308-53-075	AMD	90-11-080	308-122-500	AMD-W	90-10-100	308-124H-060	REP-P	90-02-102
308-53-084	AMD-P	90-08-106	308-122-503	REP	90-05-015	308-124H-060	REP-C	90-05-072
308-53-084	AMD	90-11-080	308-122-503	REP-E	90-05-017	308-124H-060	REP	90-10-010
308-53-085	AMD-P	90-08-106	308-122-550	REP	90-05-015	308-124H-061	NEW-P	90-02-102
308-53-085	AMD	90-11-080	308-122-550	REP-E	90-05-017	308-124H-061	NEW-C	90-05-072
308-54-315	AMD	90-04-094	308-122-555	REP	90-05-015	308-124H-061	NEW	90-10-010
308-56A-420	AMD-P	90-06-022	308-122-555	REP-E	90-05-017	308-124H-062	NEW-P	90-02-102
308-56A-420	AMD	90-10-013	308-122-560	REP	90-05-015	308-124H-062	NEW-C	90-05-072
308-56A-500	NEW-P	90-06-015	308-122-560	REP-E	90-05-017	308-124H-062	NEW	90-10-010
308-56A-500	NEW-E	90-06-016	308-122-565	REP	90-05-015	308-124H-065	REP-P	90-02-102
308-56A-500	NEW	90-11-091	308-122-565	REP-E	90-05-017	308-124H-065	REP-C	90-05-072
308-56A-505	NEW-P	90-06-015	308-122-570	REP	90-05-015	308-124H-065	REP	90-10-010
308-56A-505	NEW-E	90-06-016	308-122-570	REP-E	90-05-017	308-124H-070	REP-P	90-02-102
308-56A-505	NEW	90-11-091	308-122-575	REP	90-05-015	308-124H-070	REP-C	90-05-072
308-56A-510	NEW-P	90-06-015	308-122-575	REP-E	90-05-017	308-124H-070	REP	90-10-010
308-56A-510	NEW-E	90-06-016	308-122-580	REP	90-05-015	308-124H-210	NEW-C	90-05-072
308-56A-510	NEW	90-11-091	308-122-580	REP-E	90-05-017	308-124H-210	NEW	90-10-010
308-56A-515	NEW-P	90-06-015	308-124C-020	AMD-P	90-10-075	308-124H-220	NEW-C	90-05-072
308-56A-515	NEW-E	90-06-016	308-124C-020	AMD-W	90-11-008	308-124H-220	NEW	90-10-010
308-56A-515	NEW	90-11-091	308-124C-020	AMD-P	90-11-098	308-124H-230	NEW-C	90-05-072
308-56A-520	NEW-P	90-06-015	308-124E-014	AMD-P	90-02-103	308-124H-230	NEW	90-10-010
308-56A-520	NEW-E	90-06-016	308-124E-014	AMD-C	90-05-073	308-124H-240	NEW-C	90-05-072
308-56A-520	NEW	90-11-091	308-124E-014	AMD	90-09-014	308-124H-240	NEW	90-10-010
308-66-150	AMD-P	90-04-048	308-124H	AMD-P	90-02-102	308-124H-240	NEW	90-10-010
308-66-152	NEW-P	90-04-048	308-124H	AMD-C	90-05-072	308-124H-250	NEW-C	90-05-072
308-66-190	AMD-P	90-06-022	308-124H	AMD	90-10-010	308-124H-250	NEW	90-10-010
308-66-190	AMD	90-10-013	308-124H	AMD	90-10-010	308-124H-260	NEW-C	90-05-072
308-67-010	NEW	90-03-022	308-124H-011	NEW-P	90-02-102	308-124H-260	NEW	90-10-010
308-72-509	NEW-P	90-08-116	308-124H-011	NEW-C	90-05-072	308-124H-270	NEW-C	90-05-072
308-72-520	AMD-P	90-08-116	308-124H-011	NEW	90-10-010	308-124H-270	NEW	90-10-010
308-72-540	AMD-P	90-08-116	308-124H-020	REP-P	90-02-102	308-124H-280	NEW-C	90-05-072
308-72-542	NEW-P	90-08-116	308-124H-020	REP-C	90-05-072	308-124H-280	NEW	90-10-010
308-72-570	AMD-P	90-08-116	308-124H-020	REP	90-10-010	308-124H-290	NEW-C	90-05-072
308-72-690	AMD-P	90-08-116	308-124H-021	NEW-P	90-02-102	308-124H-290	NEW	90-10-010
308-77-034	AMD-P	90-08-117	308-124H-021	NEW-C	90-05-072	308-124H-300	NEW-C	90-05-072
308-77-040	AMD-P	90-08-117	308-124H-021	NEW	90-10-010	308-124H-300	NEW	90-10-010
308-77-120	AMD-P	90-08-117	308-124H-025	NEW-P	90-02-102	308-124H-310	NEW-C	90-05-072
308-77-125	NEW-E	90-08-060	308-124H-025	NEW-C	90-05-072	308-124H-310	NEW	90-10-010
308-77-125	NEW-P	90-08-119	308-124H-025	NEW	90-10-010	308-124H-320	NEW-C	90-05-072
308-77-165	NEW-P	90-08-117	308-124H-030	REP-P	90-02-102	308-124H-320	NEW	90-10-010
308-78-010	AMD-P	90-08-118	308-124H-030	REP-C	90-05-072	308-124H-320	NEW	90-10-010
308-78-030	AMD-P	90-08-118	308-124H-030	REP	90-10-010	308-124H-330	NEW-C	90-05-072
308-78-040	AMD-P	90-08-118	308-124H-030	REP-C	90-05-072	308-124H-330	NEW	90-10-010
308-78-070	AMD-P	90-08-118	308-124H-033	REP	90-10-010	308-124H-340	NEW-C	90-05-072
308-91-010	AMD-P	90-10-091	308-124H-033	REP-P	90-02-102	308-124H-340	NEW	90-10-010
308-91-030	AMD-P	90-10-091	308-124H-035	REP-C	90-05-072	308-124H-340	NEW	90-10-010
308-91-040	AMD-P	90-10-091	308-124H-035	REP	90-10-010	308-124H-510	NEW-C	90-05-072
308-91-050	AMD-P	90-10-091	308-124H-035	AMD-P	90-02-102	308-124H-510	NEW	90-10-010
308-91-060	AMD-P	90-10-091	308-124H-035	AMD-C	90-05-072	308-124H-520	NEW-C	90-05-072
308-91-070	AMD-P	90-10-091	308-124H-035	AMD	90-10-010	308-124H-520	NEW	90-10-010
308-91-080	AMD-P	90-10-091	308-124H-036	AMD-P	90-02-102	308-124H-530	NEW-C	90-05-072
308-91-090	AMD-P	90-10-091	308-124H-036	AMD-C	90-05-072	308-124H-530	NEW	90-10-010
308-91-160	REP-P	90-10-091	308-124H-036	AMD	90-10-010	308-124H-540	NEW-C	90-05-072
308-93-010	AMD	90-08-018	308-124H-037	AMD-P	90-02-102	308-124H-540	NEW	90-10-010
			308-124H-037	AMD-C	90-05-072	308-124H-550	NEW-C	90-05-072
			308-124H-037	AMD	90-10-010	308-124H-550	NEW	90-10-010
			308-124H-038	REP-P	90-02-102	308-124H-560	NEW-C	90-05-072

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
308-124H-560	NEW	90-10-010	308-173-220	NEW-P	90-10-084	315-11-541	NEW	90-06-060
308-124H-570	NEW-C	90-05-072	308-173-230	NEW-P	90-10-084	315-11-542	NEW-P	90-03-109
308-124H-570	NEW	90-10-010	308-173-240	NEW-P	90-10-084	315-11-542	NEW	90-06-060
308-124H-580	NEW-C	90-05-072	308-173-245	NEW-P	90-10-084	315-11-550	NEW-P	90-07-086
308-124H-580	NEW	90-10-010	308-173-250	NEW-P	90-10-084	315-11-550	NEW	90-11-040
308-124H-800	NEW-P	90-10-075	308-173-255	NEW-P	90-10-084	315-11-551	NEW-P	90-07-086
308-124H-800	NEW-W	90-11-008	308-173-260	NEW-P	90-10-084	315-11-551	NEW	90-11-040
308-124H-800	NEW-P	90-11-098	308-173-265	NEW-P	90-10-084	315-11-552	NEW-P	90-07-086
308-124I-010	NEW-P	90-02-102	308-173-270	NEW-P	90-10-084	315-11-552	NEW	90-11-040
308-124I-020	NEW-P	90-02-102	308-173-275	NEW-P	90-10-084	315-11-560	NEW-P	90-11-127
308-124I-030	NEW-P	90-02-102	308-173-280	NEW-P	90-10-084	315-11-561	NEW-P	90-11-127
308-124I-040	NEW-P	90-02-102	308-175-140	AMD	90-04-094	315-11-562	NEW-P	90-11-127
308-124I-050	NEW-P	90-02-102	308-175-200	AMD-E	90-06-004	315-11-570	NEW-P	90-11-127
308-124I-060	NEW-P	90-02-102	308-175-200	AMD-P	90-11-019	315-11-571	NEW-P	90-11-127
308-124I-070	NEW-P	90-02-102	308-177-110	AMD	90-04-094	315-11-572	NEW-P	90-11-127
308-124I-080	NEW-P	90-02-102	308-180-120	AMD-P	90-05-053	315-33-010	NEW-P	90-03-109
308-124I-090	NEW-P	90-02-102	308-180-120	AMD	90-11-093	315-33-010	NEW	90-06-060
308-124I-100	NEW-P	90-02-102	308-180-150	AMD-P	90-08-002	315-33-020	NEW-P	90-03-109
308-124I-110	NEW-P	90-02-102	308-180-210	AMD-P	90-08-002	315-33-020	NEW	90-06-060
308-124I-120	NEW-P	90-02-102	308-180-250	AMD-P	90-08-002	315-33-030	NEW-P	90-03-109
308-124I-130	NEW-P	90-02-102	308-180-260	AMD-P	90-04-094	315-33-030	NEW	90-06-060
308-124I-140	NEW-P	90-02-102	308-180-260	AMD-P	90-08-009	315-33-040	NEW-P	90-03-109
308-124J-010	NEW-P	90-02-102	308-190-010	AMD	90-04-094	315-33-040	NEW	90-06-060
308-124J-020	NEW-P	90-02-102	308-190-010	AMD-P	90-08-009	315-33-050	NEW-P	90-03-109
308-124J-030	NEW-P	90-02-102	308-310-010	AMD	90-04-094	315-33-050	NEW	90-06-060
308-124J-040	NEW-P	90-02-102	308-320-010	NEW	90-02-060	315-33-060	NEW-P	90-03-109
308-124J-050	NEW-P	90-02-102	308-320-010	NEW-E	90-02-061	315-33-060	NEW	90-06-060
308-124J-060	NEW-P	90-02-102	308-320-020	NEW	90-02-060	315-33-070	NEW-P	90-03-109
308-124J-070	NEW-P	90-02-102	308-320-020	NEW-E	90-02-061	315-33-070	NEW	90-06-060
308-124J-080	NEW-P	90-02-102	308-320-030	NEW	90-02-060	316-55-001	AMD-P	90-03-039
308-127-010	REP-P	90-04-088	308-320-030	NEW-E	90-02-061	316-55-001	AMD	90-06-047
308-127-010	REP	90-07-023	308-320-040	NEW	90-02-060	316-55-005	NEW-P	90-03-039
308-127-020	REP-P	90-04-088	308-320-040	NEW-E	90-02-061	316-55-005	NEW	90-06-047
308-127-020	REP	90-07-023	308-320-050	NEW	90-02-060	316-55-010	AMD-P	90-03-039
308-127-030	REP-P	90-04-088	308-320-050	NEW-E	90-02-061	316-55-010	AMD	90-06-047
308-127-030	REP	90-07-023	308-320-060	NEW	90-02-060	316-55-020	AMD-P	90-03-039
308-127-035	NEW-P	90-04-088	308-320-060	NEW-E	90-02-061	316-55-020	AMD	90-06-047
308-127-035	NEW	90-07-023	308-320-070	NEW	90-02-060	316-55-030	AMD-P	90-03-039
308-127-040	AMD-P	90-04-088	308-320-070	NEW-E	90-02-061	316-55-030	AMD	90-06-047
308-127-040	AMD	90-07-023	308-320-080	NEW	90-02-060	316-55-050	AMD-P	90-03-039
308-127-100	REP-P	90-04-088	308-320-080	NEW-E	90-02-061	316-55-050	AMD	90-06-047
308-127-100	REP	90-07-023	308-320-090	NEW	90-02-060	316-55-070	AMD-P	90-03-039
308-127-105	NEW-P	90-04-088	308-320-090	NEW-E	90-02-061	316-55-070	AMD	90-06-047
308-127-105	NEW	90-07-023	308-320-100	NEW-W	90-11-068	316-55-090	RE-AD-P	90-03-039
308-127-110	AMD-P	90-04-088	308-400-042	AMD	90-04-051	316-55-090	RE-AD	90-06-047
308-127-110	AMD	90-07-023	308-400-095	AMD	90-04-051	316-55-110	AMD-P	90-03-039
308-127-120	AMD-P	90-04-088	314-12-135	NEW-P	90-10-088	316-55-110	AMD	90-06-047
308-127-120	AMD	90-07-023	314-12-175	AMD-P	90-10-087	316-55-120	NEW-P	90-03-039
308-127-130	AMD-P	90-04-088	314-16-170	AMD-P	90-03-088	316-55-120	NEW	90-06-047
308-127-130	AMD	90-07-023	314-20-020	AMD-P	90-10-090	316-55-130	RE-AD-P	90-03-039
308-127-140	AMD-P	90-04-088	314-20-025	NEW-P	90-03-089	316-55-130	RE-AD	90-06-047
308-127-140	AMD	90-07-023	314-40-020	AMD-P	90-10-089	316-55-150	RE-AD-P	90-03-039
308-127-155	REP-P	90-04-088	314-60-040	AMD	90-02-109	316-55-150	RE-AD	90-06-047
308-127-155	REP	90-07-023	315-04-132	AMD-P	90-07-086	316-55-160	AMD-P	90-03-039
308-127-160	NEW-P	90-04-088	315-04-132	AMD	90-11-040	316-55-160	AMD	90-06-047
308-127-160	NEW	90-07-023	315-06-080	AMD-P	90-07-086	316-55-170	RE-AD-P	90-03-039
308-127-200	AMD-P	90-04-088	315-06-080	AMD	90-11-040	316-55-170	RE-AD	90-06-047
308-127-200	AMD	90-07-023	315-08-010	NEW-P	90-07-086	316-55-500	AMD-P	90-03-039
308-127-210	AMD-P	90-04-088	315-08-010	NEW	90-11-040	316-55-500	AMD	90-06-047
308-127-210	AMD	90-07-023	315-08-020	NEW-P	90-07-086	316-55-505	AMD-P	90-03-039
308-127-220	REP-P	90-04-088	315-08-020	NEW	90-11-040	316-55-505	AMD	90-06-047
308-127-220	REP	90-07-023	315-08-030	NEW-P	90-07-086	316-55-510	RE-AD-P	90-03-039
308-127-225	NEW-P	90-04-088	315-08-030	NEW	90-11-040	316-55-510	RE-AD	90-06-047
308-127-225	NEW	90-07-023	315-08-040	NEW-P	90-07-086	316-55-515	AMD-P	90-03-039
308-127-300	AMD-P	90-04-088	315-08-040	NEW	90-11-040	316-55-515	AMD	90-06-047
308-127-300	AMD	90-07-023	315-11-480	AMD	90-03-023	316-55-517	NEW-P	90-03-039
308-128B-060	REP	90-03-098	315-11-490	AMD	90-03-023	316-55-517	NEW	90-06-047
308-128B-080	AMD	90-03-099	315-11-491	AMD	90-03-023	316-55-520	REP-P	90-03-039
308-138-080	AMD	90-04-094	315-11-530	NEW-P	90-03-109	316-55-520	REP	90-06-047
308-152-030	AMD	90-04-094	315-11-530	NEW	90-06-060	316-55-525	AMD-P	90-03-039
308-152-030	AMD-P	90-08-009	315-11-531	NEW-P	90-03-109	316-55-525	AMD	90-06-047
308-171-001	AMD-P	90-04-096	315-11-531	NEW	90-06-060	316-55-600	RE-AD-P	90-03-039
308-171-010	AMD-P	90-04-096	315-11-532	NEW-P	90-03-109	316-55-600	RE-AD	90-06-047
308-171-020	AMD-P	90-04-096	315-11-532	NEW	90-06-060	316-55-700	NEW-P	90-03-039
308-171-041	NEW-P	90-04-096	315-11-540	NEW-P	90-03-109	316-55-700	NEW	90-06-047
308-173-130	AMD	90-04-094	315-11-540	NEW	90-06-060	316-55-710	NEW-P	90-03-039
308-173-210	NEW-P	90-10-084	315-11-541	NEW-P	90-03-109	316-55-710	NEW	90-06-047

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
316-55-730	NEW-P	90-03-039	352-36-040	REP	90-10-024	352-37-190	NEW-P	90-04-106
316-55-730	NEW	90-06-047	352-36-050	REP-P	90-06-109	352-37-190	NEW-E	90-06-006
316-85-001	NEW-P	90-03-040	352-36-050	REP	90-10-024	352-37-190	NEW	90-07-050
316-85-001	NEW	90-06-046	352-36-060	REP-P	90-06-109	352-37-200	NEW-P	90-04-106
316-85-010	NEW-P	90-03-040	352-36-060	REP	90-10-024	352-37-200	NEW-E	90-06-006
316-85-010	NEW	90-06-046	352-36-070	REP-P	90-06-109	352-37-200	NEW	90-07-050
316-85-020	NEW-P	90-03-040	352-36-070	REP	90-10-024	352-37-210	NEW-P	90-04-106
316-85-020	NEW	90-06-046	352-36-080	REP-P	90-06-109	352-37-210	NEW-E	90-06-006
316-85-030	NEW-P	90-03-040	352-36-080	REP	90-10-024	352-37-210	NEW	90-07-050
316-85-030	NEW	90-06-046	352-36-090	REP-P	90-06-109	352-64-020	AMD	90-04-064
316-85-040	NEW-P	90-03-040	352-36-090	REP	90-10-024	352-64-030	AMD	90-04-064
316-85-040	NEW	90-06-046	352-36-100	REP-P	90-06-109	352-64-040	AMD	90-04-064
316-85-050	NEW-P	90-03-040	352-36-100	REP	90-10-024	352-64-050	AMD	90-04-064
316-85-050	NEW	90-06-046	352-36-110	REP-P	90-06-109	352-64-060	AMD	90-04-064
316-85-060	NEW-P	90-03-040	352-36-110	REP	90-10-024	352-64-070	AMD	90-04-064
316-85-060	NEW	90-06-046	352-36-115	REP-P	90-06-109	352-64-080	AMD	90-04-064
316-85-070	NEW-P	90-03-040	352-36-115	REP	90-10-024	352-65-010	NEW-P	90-09-070
316-85-070	NEW	90-06-046	352-36-120	REP-P	90-06-109	352-65-020	NEW-P	90-09-070
316-85-080	NEW-P	90-03-040	352-36-120	REP	90-10-024	352-65-030	NEW-P	90-09-070
316-85-080	NEW	90-06-046	352-36-130	REP-P	90-06-109	352-65-040	NEW-P	90-09-070
316-85-090	NEW-P	90-03-040	352-36-130	REP	90-10-024	352-65-050	NEW-P	90-09-070
316-85-090	NEW	90-06-046	352-36-140	REP-P	90-06-109	352-65-060	NEW-P	90-09-070
316-85-100	NEW-P	90-03-040	352-36-140	REP	90-10-024	352-66-010	NEW-P	90-04-107
316-85-100	NEW	90-06-046	352-37-010	NEW-P	90-04-106	352-66-010	NEW	90-07-051
326-30-030	AMD	90-06-040	352-37-010	NEW-E	90-06-006	352-66-020	NEW-P	90-04-107
326-30-03902	NEW	90-06-041	352-37-010	NEW	90-07-050	352-66-020	NEW	90-07-051
332-30-166	AMD	90-02-085	352-37-020	NEW-P	90-04-106	352-66-030	NEW-P	90-04-107
332-130-030	AMD-P	90-03-066	352-37-020	NEW-E	90-06-006	352-66-030	NEW	90-07-051
332-130-030	AMD	90-06-028	352-37-020	NEW	90-07-050	352-66-040	NEW-P	90-04-107
332-130-070	AMD-P	90-03-066	352-37-030	NEW-P	90-04-106	352-66-040	NEW	90-07-051
332-130-070	AMD	90-06-028	352-37-030	NEW-E	90-06-006	352-66-050	NEW-P	90-04-107
332-130-080	AMD-P	90-03-066	352-37-030	NEW	90-07-050	352-66-050	NEW	90-07-051
332-130-080	AMD	90-06-028	352-37-040	NEW-P	90-04-106	352-66-060	NEW-P	90-04-107
332-130-090	AMD-P	90-03-066	352-37-040	NEW-E	90-06-006	352-66-060	NEW	90-07-051
332-130-090	AMD	90-06-028	352-37-040	NEW	90-07-050	352-66-070	NEW-P	90-04-107
352-12-020	AMD-P	90-04-108	352-37-050	NEW-P	90-04-106	352-66-070	NEW	90-07-051
352-12-020	AMD	90-07-062	352-37-050	NEW-E	90-06-006	352-66-080	NEW-P	90-04-107
352-12-020	AMD-E	90-08-121	352-37-050	NEW	90-07-050	352-66-080	NEW	90-07-051
352-12-030	AMD-P	90-04-108	352-37-060	NEW-P	90-04-106	352-66-090	NEW-P	90-04-107
352-12-030	AMD	90-07-062	352-37-060	NEW-E	90-06-006	352-66-090	NEW	90-07-051
352-12-030	AMD-E	90-08-121	352-37-060	NEW	90-07-050	352-66-100	NEW-P	90-04-107
352-20-010	AMD-P	90-04-108	352-37-070	NEW-P	90-04-106	352-66-100	NEW	90-07-051
352-20-010	AMD	90-07-062	352-37-070	NEW-E	90-06-006	352-66-110	NEW-P	90-04-107
352-20-010	AMD-E	90-08-121	352-37-070	NEW	90-07-050	352-66-110	NEW	90-07-051
352-20-050	AMD-P	90-04-108	352-37-080	NEW-P	90-04-106	352-66-120	NEW-P	90-04-107
352-20-050	AMD	90-07-062	352-37-080	NEW-E	90-06-006	352-66-120	NEW	90-07-051
352-20-050	AMD-E	90-08-121	352-37-080	NEW	90-07-050	352-75-010	NEW-P	90-06-110
352-32-010	AMD-P	90-04-108	352-37-090	NEW-P	90-04-106	352-75-010	NEW	90-10-052
352-32-010	AMD-W	90-07-064	352-37-090	NEW-E	90-06-006	352-75-020	NEW-P	90-06-110
352-32-045	AMD-P	90-04-108	352-37-090	NEW	90-07-050	352-75-020	NEW	90-10-052
352-32-045	AMD	90-07-062	352-37-100	NEW-P	90-04-106	352-75-030	NEW-P	90-06-110
352-32-045	AMD-E	90-08-121	352-37-100	NEW-E	90-06-006	352-75-030	NEW	90-10-052
352-32-050	AMD-P	90-04-108	352-37-100	NEW	90-07-050	352-75-040	NEW-P	90-06-110
352-32-050	AMD	90-07-062	352-37-110	NEW-P	90-04-106	352-75-040	NEW	90-10-052
352-32-050	AMD-E	90-08-121	352-37-110	NEW-E	90-06-006	352-75-050	NEW-P	90-06-110
352-32-235	AMD	90-04-025	352-37-110	NEW	90-07-050	352-75-050	NEW	90-10-052
352-32-250	AMD-P	90-04-108	352-37-120	NEW-P	90-04-106	352-75-060	NEW-P	90-06-110
352-32-250	AMD	90-07-062	352-37-120	NEW-E	90-06-006	352-75-060	NEW	90-10-052
352-32-250	AMD-E	90-08-121	352-37-120	NEW	90-07-050	352-75-070	NEW-P	90-06-110
352-32-25001	AMD-P	90-04-108	352-37-130	NEW-P	90-04-106	352-75-070	NEW	90-10-052
352-32-25001	AMD	90-07-062	352-37-130	NEW-E	90-06-006	352-75-080	NEW-P	90-06-110
352-32-25001	AMD-E	90-08-121	352-37-130	NEW	90-07-050	352-75-080	NEW	90-10-052
352-32-251	AMD	90-04-024	352-37-140	NEW-P	90-04-106	352-75-090	NEW-P	90-06-110
352-32-252	AMD-P	90-04-108	352-37-140	NEW-E	90-06-006	352-75-090	NEW	90-10-052
352-32-252	AMD	90-07-062	352-37-140	NEW	90-07-050	356-05-063	NEW-P	90-11-112
352-32-252	AMD-E	90-08-121	352-37-150	NEW-P	90-04-106	356-05-210	AMD	90-03-044
352-32-270	AMD-P	90-06-108	352-37-150	NEW-E	90-06-006	356-06-020	AMD-P	90-08-074
352-32-270	AMD	90-10-023	352-37-150	NEW	90-07-050	356-06-055	AMD-P	90-08-074
352-36-010	REP-P	90-06-109	352-37-160	NEW-P	90-04-106	356-06-080	AMD-P	90-08-075
352-36-010	REP	90-10-024	352-37-160	NEW-E	90-06-006	356-07-030	AMD-C	90-03-048
352-36-020	REP-P	90-06-109	352-37-160	NEW	90-07-050	356-07-030	AMD	90-07-056
352-36-020	REP	90-10-024	352-37-170	NEW-P	90-04-106	356-14-240	AMD-P	90-03-102
352-36-025	REP-P	90-06-109	352-37-170	NEW-E	90-06-006	356-14-240	AMD-C	90-07-054
352-36-025	REP	90-10-024	352-37-170	NEW	90-07-050	356-14-240	AMD-C	90-10-015
352-36-030	REP-P	90-06-109	352-37-180	NEW-P	90-04-106	356-14-240	AMD-W	90-11-043
352-36-030	REP	90-10-024	352-37-180	NEW-E	90-06-006	356-15-060	AMD-P	90-03-102
352-36-040	REP-P	90-06-109	352-37-180	NEW	90-07-050	356-15-060	AMD-C	90-07-054

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
356-15-060	AMD-C	90-10-015	356-34-180	REP-C	90-07-053	360-16A-060	NEW	90-03-055
356-15-100	AMD-P	90-11-112	356-34-180	REP-E	90-10-017	360-16A-070	NEW	90-03-055
356-15-125	AMD-P	90-03-102	356-34-180	REP	90-10-018	360-16A-080	NEW	90-03-055
356-15-125	AMD-C	90-07-054	356-34-190	REP-P	90-03-101	360-16A-090	NEW	90-03-055
356-15-125	AMD-C	90-10-015	356-34-190	REP-C	90-07-053	360-16A-100	NEW	90-03-055
356-15-130	AMD-P	90-10-039	356-34-190	REP-E	90-10-017	365-110-020	AMD-P	90-03-017
356-15-130	AMD-E	90-11-042	356-34-190	REP	90-10-018	365-110-020	AMD	90-09-008
356-22-010	AMD-C	90-03-047	356-34-200	REP-P	90-03-101	365-110-030	REP-P	90-03-017
356-22-010	AMD	90-05-029	356-34-200	REP-C	90-07-053	365-110-030	REP	90-09-008
356-22-070	AMD-P	90-08-072	356-34-200	REP-E	90-10-017	365-110-035	AMD-P	90-03-017
356-22-11001	REP-C	90-03-047	356-34-200	REP	90-10-018	365-110-035	AMD	90-09-008
356-22-11001	REP	90-05-029	356-34-210	REP-P	90-03-101	365-110-040	REP-P	90-03-017
356-22-111	NEW-C	90-03-047	356-34-210	REP-C	90-07-053	365-110-040	REP	90-09-008
356-22-111	NEW	90-05-029	356-34-210	REP-E	90-10-017	365-110-050	REP-P	90-03-017
356-22-120	AMD-C	90-03-047	356-34-210	REP	90-10-018	365-110-050	REP	90-09-008
356-22-120	AMD	90-05-029	356-34-220	REP-P	90-03-101	365-110-060	REP-P	90-03-017
356-26-060	AMD-P	90-08-075	356-34-220	REP-C	90-07-053	365-110-060	REP	90-09-008
356-30-145	AMD-C	90-03-045	356-34-220	REP-E	90-10-017	365-110-060	REP-P	90-03-017
356-30-145	AMD-C	90-05-027	356-34-220	REP	90-10-018	365-110-080	REP	90-09-008
356-30-145	AMD-C	90-07-055	356-34-230	REP-P	90-03-101	374-20-010	NEW-P	90-10-093
356-30-145	AMD-C	90-10-016	356-34-230	REP-C	90-07-053	374-20-020	NEW-P	90-10-093
356-30-145	AMD-W	90-11-043	356-34-230	REP-E	90-10-017	374-20-030	NEW-P	90-10-093
356-30-180	AMD-C	90-03-045	356-34-230	REP	90-10-018	374-20-040	NEW-P	90-10-093
356-30-180	AMD-C	90-05-027	356-37-010	NEW-P	90-03-101	374-20-050	NEW-P	90-10-093
356-30-180	AMD-C	90-07-055	356-37-010	NEW	90-07-057	374-20-060	NEW-P	90-10-093
356-30-180	AMD-W	90-11-043	356-37-020	NEW-P	90-03-101	374-20-070	NEW-P	90-10-093
356-30-190	AMD-C	90-03-045	356-37-020	NEW	90-07-057	374-20-080	NEW-P	90-10-093
356-30-190	AMD-C	90-05-027	356-37-030	NEW-P	90-03-101	374-20-090	NEW-P	90-10-093
356-30-190	AMD-C	90-07-055	356-37-030	NEW	90-07-057	374-20-100	NEW-P	90-10-093
356-30-190	AMD-W	90-11-043	356-37-040	NEW-P	90-03-101	374-30-010	NEW-P	90-10-094
356-30-280	AMD-C	90-03-045	356-37-040	NEW	90-07-057	374-30-020	NEW-P	90-10-094
356-30-280	AMD-C	90-05-027	356-37-050	NEW-P	90-03-101	374-30-030	NEW-P	90-10-094
356-30-280	AMD-C	90-07-055	356-37-050	NEW	90-07-057	374-30-040	NEW-P	90-10-094
356-30-280	AMD-W	90-11-043	356-37-060	NEW-P	90-03-101	374-30-050	NEW-P	90-10-094
356-30-320	AMD-C	90-03-045	356-37-060	NEW	90-07-057	374-30-060	NEW-P	90-10-094
356-30-320	AMD	90-05-028	356-37-070	NEW-P	90-03-101	388-08-00201	REP-C	90-04-020
356-34-110	REP-P	90-03-101	356-37-070	NEW	90-07-057	388-08-00201	REP	90-04-076
356-34-110	REP-C	90-07-053	356-37-080	NEW-P	90-03-101	388-08-00401	REP-C	90-04-020
356-34-110	REP-E	90-10-017	356-37-080	NEW	90-07-057	388-08-00401	REP	90-04-076
356-34-110	REP	90-10-018	356-37-090	NEW-P	90-03-101	388-08-006	REP-C	90-04-020
356-34-113	REP-P	90-03-101	356-37-090	NEW	90-07-057	388-08-006	REP	90-04-076
356-34-113	REP-C	90-07-053	356-37-100	NEW-P	90-03-101	388-08-00601	REP-C	90-04-020
356-34-113	REP-E	90-10-017	356-37-100	NEW	90-07-057	388-08-00601	REP	90-04-076
356-34-113	REP	90-10-018	356-37-110	NEW-P	90-03-101	388-08-010	REP-C	90-04-020
356-34-115	REP-P	90-03-101	356-37-110	NEW	90-07-057	388-08-010	REP	90-04-076
356-34-115	REP-C	90-07-053	356-37-120	NEW-P	90-03-101	388-08-405	REP-C	90-04-020
356-34-115	REP-E	90-10-017	356-37-120	NEW	90-07-057	388-08-405	REP	90-04-076
356-34-115	REP	90-10-018	356-37-130	NEW-P	90-03-101	388-08-406	REP-C	90-04-020
356-34-117	REP-P	90-03-101	356-37-130	NEW	90-07-057	388-08-406	REP	90-04-076
356-34-117	REP-C	90-07-053	356-37-140	NEW-P	90-03-101	388-08-409	REP-C	90-04-020
356-34-117	REP-E	90-10-017	356-37-140	NEW	90-07-057	388-08-409	REP	90-04-076
356-34-117	REP	90-10-018	356-37-150	NEW-P	90-03-101	388-08-410	NEW-C	90-04-020
356-34-118	REP-P	90-03-101	356-37-150	NEW	90-07-057	388-08-410	NEW	90-04-076
356-34-118	REP-C	90-07-053	356-42-055	AMD-P	90-03-104	388-08-410	AMD-P	90-09-095
356-34-118	REP-E	90-10-017	356-42-055	AMD	90-08-020	388-08-413	AMD-C	90-04-020
356-34-118	REP	90-10-018	356-42-056	NEW-P	90-03-103	388-08-413	AMD	90-04-076
356-34-119	REP-P	90-03-101	356-46-060	AMD-P	90-07-052	388-08-416	REP-C	90-04-020
356-34-119	REP-C	90-07-053	356-46-135	NEW-P	90-08-071	388-08-416	REP	90-04-076
356-34-119	REP-E	90-10-017	356-46-140	NEW-P	90-08-071	388-08-425	NEW-C	90-04-020
356-34-119	REP	90-10-018	356-46-145	NEW-P	90-08-071	388-08-425	NEW	90-04-076
356-34-130	REP-P	90-03-101	356-47-030	AMD-P	90-08-073	388-08-428	NEW-C	90-04-020
356-34-130	REP-C	90-07-053	356-47-090	AMD-P	90-08-070	388-08-428	NEW	90-04-076
356-34-130	REP-E	90-10-017	360-10-050	AMD-P	90-03-053	388-08-431	NEW-C	90-04-020
356-34-130	REP	90-10-018	360-10-050	AMD-W	90-11-069	388-08-431	NEW	90-04-076
356-34-140	REP-P	90-03-101	360-10-050	AMD	90-11-079	388-08-434	NEW-C	90-04-020
356-34-140	REP-C	90-07-053	360-15-010	NEW	90-03-054	388-08-434	NEW	90-04-076
356-34-140	REP-E	90-10-017	360-15-020	NEW	90-03-054	388-08-435	REP-C	90-04-020
356-34-140	REP	90-10-018	360-15-030	NEW	90-03-054	388-08-435	REP	90-04-076
356-34-160	REP-P	90-03-101	360-15-040	NEW	90-03-054	388-08-437	NEW-C	90-04-020
356-34-160	REP-C	90-07-053	360-15-050	NEW	90-03-054	388-08-437	NEW	90-04-076
356-34-160	REP-E	90-10-017	360-15-060	NEW	90-03-054	388-08-440	NEW-C	90-04-020
356-34-160	REP	90-10-018	360-15-070	NEW	90-03-054	388-08-440	NEW	90-04-076
356-34-170	REP-P	90-03-101	360-16A-010	NEW	90-03-055	388-08-446	NEW-C	90-04-020
356-34-170	REP-C	90-07-053	360-16A-020	NEW	90-03-055	388-08-446	NEW	90-04-076
356-34-170	REP-E	90-10-017	360-16A-030	NEW	90-03-055	388-08-449	NEW-C	90-04-020
356-34-170	REP	90-10-018	360-16A-040	NEW	90-03-055	388-08-449	NEW	90-04-076
356-34-180	REP-P	90-03-101	360-16A-050	NEW-W	90-11-070	388-08-452	NEW-C	90-04-020

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-08-452	NEW	90-04-076	388-14-390	AMD-C	90-04-021	388-49-410	AMD-P	90-07-079
388-08-461	NEW-C	90-04-020	388-14-390	AMD	90-04-077	388-49-410	AMD	90-11-004
388-08-461	NEW	90-04-076	388-14-415	AMD-C	90-04-021	388-49-470	AMD-P	90-08-041
388-08-464	NEW-C	90-04-020	388-14-415	AMD	90-04-077	388-49-470	AMD-E	90-08-058
388-08-464	NEW	90-04-076	388-15-207	AMD-P	90-11-124	388-49-470	AMD-W	90-11-013
388-08-470	NEW-C	90-04-020	388-15-208	AMD-P	90-11-124	388-49-500	AMD-P	90-09-078
388-08-470	NEW	90-04-076	388-15-209	AMD-P	90-11-124	388-49-560	RESCIND	90-03-008
388-08-482	NEW-P	90-09-095	388-15-212	AMD-P	90-11-124	388-49-560	AMD-C	90-03-050
388-08-482	NEW-W	90-10-028	388-15-213	AMD-P	90-11-124	388-49-560	AMD-C	90-06-030
388-08-485	NEW-P	90-09-095	388-15-214	AMD-P	90-11-124	388-49-560	AMD-E	90-11-015
388-08-485	NEW-W	90-10-028	388-15-215	AMD-P	90-11-124	388-49-590	AMD-P	90-07-080
388-08-488	NEW-P	90-09-095	388-15-216	AMD-P	90-11-124	388-49-590	AMD	90-10-064
388-08-488	NEW-W	90-10-028	388-15-217	AMD-P	90-11-124	388-49-600	AMD-P	90-06-098
388-08-491	NEW-P	90-09-095	388-15-610	AMD-P	90-11-006	388-49-600	AMD	90-09-036
388-08-491	NEW-W	90-10-028	388-15-620	AMD-P	90-11-006	388-51-300	NEW-P	90-03-100
388-08-515	NEW-C	90-04-020	388-15-630	AMD-P	90-11-006	388-51-300	NEW	90-06-032
388-08-515	NEW	90-04-076	388-15-820	AMD-E	90-02-079	388-70-590	AMD-C	90-04-016
388-08-525	NEW-C	90-04-020	388-15-820	AMD-P	90-02-084	388-70-590	AMD	90-04-072
388-08-525	NEW	90-04-076	388-15-820	AMD	90-06-038	388-73-036	AMD-C	90-04-016
388-08-535	NEW-C	90-04-020	388-15-870	AMD-E	90-02-079	388-73-036	AMD	90-04-072
388-08-535	NEW	90-04-076	388-15-870	AMD-P	90-02-084	388-76-010	AMD	90-03-051
388-08-540	REP-C	90-04-020	388-15-870	AMD	90-06-038	388-76-020	AMD	90-03-051
388-08-540	REP	90-04-076	388-15-880	AMD-E	90-02-079	388-76-030	AMD	90-03-051
388-08-545	NEW-C	90-04-020	388-15-880	AMD-P	90-02-084	388-76-040	AMD	90-03-051
388-08-545	NEW	90-04-076	388-15-880	AMD	90-06-038	388-76-040	NEW	90-03-051
388-08-550	REP-C	90-04-020	388-17-100	AMD-C	90-04-022	388-76-050	AMD	90-03-051
388-08-550	REP	90-04-076	388-17-100	AMD	90-04-070	388-76-060	AMD	90-03-051
388-08-555	NEW-C	90-04-020	388-17-500	AMD-C	90-04-022	388-76-070	AMD	90-03-051
388-08-555	NEW	90-04-076	388-17-500	AMD	90-04-070	388-76-085	NEW	90-03-051
388-08-560	REP-C	90-04-020	388-17-510	AMD-C	90-04-022	388-76-087	NEW	90-03-051
388-08-560	REP	90-04-076	388-17-510	AMD	90-04-070	388-76-090	AMD	90-03-051
388-08-565	NEW-C	90-04-020	388-19-005	AMD-P	90-10-065	388-76-095	NEW-C	90-04-015
388-08-565	NEW	90-04-076	388-19-015	AMD-P	90-10-065	388-76-095	NEW	90-04-071
388-08-575	NEW-C	90-04-020	388-19-020	AMD-P	90-10-065	388-76-100	AMD	90-03-051
388-08-575	NEW	90-04-076	388-19-025	AMD-P	90-10-065	388-76-110	NEW	90-03-051
388-08-580	REP-C	90-04-020	388-19-030	AMD-P	90-10-065	388-76-130	AMD	90-03-051
388-08-580	REP	90-04-076	388-19-035	AMD-P	90-10-065	388-76-140	AMD	90-03-051
388-08-590	REP-C	90-04-020	388-19-045	AMD-P	90-10-065	388-76-155	NEW	90-03-051
388-08-590	REP	90-04-076	388-24-050	AMD-P	90-09-079	388-76-160	AMD	90-03-051
388-09-010	REP-C	90-04-020	388-24-070	AMD-P	90-09-054	388-76-170	AMD	90-03-051
388-09-010	REP	90-05-020	388-24-074	AMD-P	90-09-054	388-76-180	AMD	90-03-051
388-09-020	REP-C	90-04-020	388-24-074	AMD-E	90-09-055	388-76-185	NEW	90-03-051
388-09-020	REP	90-05-020	388-24-111	AMD-P	90-09-054	388-76-190	AMD	90-03-051
388-09-030	REP-C	90-04-020	388-28-575	AMD-E	90-07-037	388-76-200	AMD	90-03-051
388-09-030	REP	90-05-020	388-28-575	AMD-P	90-07-081	388-76-220	AMD	90-03-051
388-09-040	REP-C	90-04-020	388-28-575	AMD	90-11-003	388-76-240	AMD	90-03-051
388-09-040	REP	90-05-020	388-29	AMD-C	90-05-024	388-76-250	AMD	90-03-051
388-11-100	AMD-C	90-04-021	388-29-001	AMD	90-06-035	388-76-260	AMD	90-03-051
388-11-100	AMD	90-04-077	388-29-100	AMD	90-06-035	388-76-280	AMD	90-03-051
388-11-105	REP-C	90-04-021	388-29-100	AMD-P	90-11-081	388-76-290	AMD	90-03-051
388-11-105	REP	90-04-077	388-29-100	AMD-E	90-11-082	388-76-300	AMD	90-03-051
388-11-180	AMD-C	90-04-021	388-29-110	AMD	90-06-035	388-76-310	AMD	90-03-051
388-11-180	AMD	90-04-077	388-29-112	AMD	90-06-035	388-76-340	AMD	90-03-051
388-11-185	REP-C	90-04-021	388-29-160	AMD	90-06-035	388-76-350	AMD	90-03-051
388-11-185	REP	90-04-077	388-29-200	AMD	90-06-035	388-76-360	AMD	90-03-051
388-13-050	AMD-C	90-04-021	388-29-220	AMD	90-06-035	388-76-370	AMD	90-03-051
388-13-050	AMD	90-04-077	388-29-230	AMD	90-06-035	388-76-380	AMD	90-03-051
388-13-060	AMD-C	90-04-021	388-29-260	REP	90-06-035	388-76-390	AMD	90-03-051
388-13-060	AMD	90-04-077	388-29-280	AMD	90-06-035	388-76-400	AMD	90-03-051
388-13-070	AMD-C	90-04-021	388-29-295	AMD	90-06-035	388-76-410	AMD	90-03-051
388-13-070	AMD	90-04-077	388-33-376	AMD-P	90-06-099	388-76-420	AMD	90-03-051
388-13-080	REP-C	90-04-021	388-33-376	AMD	90-09-035	388-76-430	AMD	90-03-051
388-13-080	REP	90-04-077	388-33-382	AMD-P	90-06-099	388-76-435	NEW	90-03-051
388-13-110	AMD-C	90-04-021	388-33-382	AMD	90-09-035	388-76-440	AMD	90-03-051
388-13-110	AMD	90-04-077	388-42-150	AMD-E	90-05-021	388-76-450	AMD	90-03-051
388-13-120	AMD-C	90-04-021	388-42-150	AMD-W	90-05-023	388-76-460	AMD	90-03-051
388-13-120	AMD	90-04-077	388-42-150	AMD-P	90-05-025	388-76-465	AMD	90-03-051
388-14-200	AMD	90-05-022	388-42-150	AMD	90-10-031	388-76-475	NEW	90-03-051
388-14-260	AMD-C	90-04-021	388-49-020	AMD-P	90-09-081	388-76-480	AMD	90-03-051
388-14-260	AMD	90-04-077	388-49-070	AMD-P	90-09-080	388-76-490	AMD	90-03-051
388-14-270	AMD-P	90-03-041	388-49-080	AMD-E	90-09-089	388-76-520	AMD	90-03-051
388-14-270	AMD-E	90-03-042	388-49-080	AMD-P	90-09-083	388-76-530	AMD	90-03-051
388-14-270	AMD-C	90-04-021	388-49-180	AMD-P	90-09-086	388-77-005	AMD-E	90-09-088
388-14-270	AMD-W	90-04-069	388-49-190	AMD-P	90-10-066	388-77-005	AMD-P	90-09-085
388-14-270	AMD-E	90-11-048	388-49-190	AMD-W	90-11-014	388-77-006	NEW-E	90-09-088
388-14-385	AMD-C	90-04-021	388-49-190	AMD-P	90-11-016	388-77-006	NEW-P	90-09-085
388-14-385	AMD	90-04-077	388-49-410	AMD-E	90-07-036	388-77-200	AMD-E	90-09-088

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-77-200	AMD-P	90-09-085	388-96-774	AMD	90-09-061	391-25-230	RE-AD	90-06-072
388-77-256	NEW-E	90-09-088	388-96-904	AMD-C	90-04-015	391-25-250	RE-AD	90-06-072
388-77-256	NEW-P	90-09-085	388-96-904	AMD	90-04-071	391-25-252	RE-AD	90-06-072
388-77-515	AMD-P	90-09-084	388-98-003	NEW-P	90-02-099	391-25-253	RE-AD	90-06-072
388-81-043	AMD-P	90-09-082	388-98-003	NEW-E	90-02-100	391-25-270	RE-AD	90-06-072
388-82-010	AMD	90-04-013	388-98-003	NEW	90-06-031	391-25-290	RE-AD	90-06-072
388-82-115	AMD	90-06-033	388-98-810	NEW-P	90-08-108	391-25-299	RE-AD	90-06-072
388-82-140	AMD-P	90-08-045	388-99-010	AMD	90-04-033	391-25-310	RE-AD	90-06-072
388-82-140	AMD-E	90-08-050	388-99-020	AMD	90-06-034	391-25-350	AMD	90-06-072
388-83-013	AMD	90-04-012	388-99-030	AMD	90-04-034	391-25-370	RE-AD	90-06-072
388-83-028	REP-P	90-08-048	388-99-030	AMD-E	90-04-035	391-25-390	RE-AD	90-06-072
388-83-028	REP-E	90-08-052	388-100-010	AMD-P	90-08-038	391-25-391	RE-AD	90-06-072
388-83-029	NEW-P	90-08-048	388-100-010	AMD-E	90-08-049	391-25-410	RE-AD	90-06-072
388-83-029	NEW-E	90-08-052	388-320	AMD-C	90-04-020	391-25-412	RE-AD	90-06-072
388-83-032	AMD-P	90-08-044	388-320	AMD	90-04-076	391-25-413	RE-AD	90-06-072
388-83-032	AMD-E	90-08-056	388-320-185	NEW-P	90-09-095	391-25-430	RE-AD	90-06-072
388-83-033	AMD-P	90-08-047	388-320-340	NEW-C	90-04-020	391-25-450	RE-AD	90-06-072
388-83-033	AMD-E	90-08-051	388-320-340	NEW	90-04-076	391-25-470	RE-AD	90-06-072
388-83-130	AMD-P	90-08-048	388-320-350	NEW-C	90-04-020	391-25-490	RE-AD	90-06-072
388-83-130	AMD-E	90-08-052	388-320-350	NEW	90-04-076	391-25-510	RE-AD	90-06-072
388-83-200	AMD-P	90-08-046	388-320-360	NEW-C	90-04-020	391-25-530	RE-AD	90-06-072
388-83-200	AMD-E	90-08-057	388-320-360	NEW	90-04-076	391-25-531	RE-AD	90-06-072
388-83-210	AMD-P	90-08-046	388-320-370	NEW-C	90-04-020	391-25-550	RE-AD	90-06-072
388-83-210	AMD-E	90-08-057	388-320-370	NEW	90-04-076	391-25-570	RE-AD	90-06-072
388-85-105	AMD-P	90-08-039	388-320-400	NEW-C	90-04-020	391-25-590	RE-AD	90-06-072
388-85-105	AMD-E	90-08-053	388-320-400	NEW	90-04-076	391-25-610	RE-AD	90-06-072
388-86-005	AMD-P	90-08-109	388-320-410	NEW-C	90-04-020	391-25-630	RE-AD	90-06-072
388-86-005	AMD-E	90-08-110	388-320-410	NEW	90-04-076	391-25-650	RE-AD	90-06-072
388-86-00901	AMD	90-04-014	388-320-500	NEW-C	90-04-020	391-25-670	RE-AD	90-06-072
388-86-021	AMD-P	90-08-042	388-320-500	NEW	90-04-076	391-35-001	AMD	90-06-073
388-86-027	AMD-P	90-08-037	391-08-001	AMD	90-06-070	391-35-002	RE-AD	90-06-073
388-86-027	AMD-E	90-08-055	391-08-003	RE-AD	90-06-070	391-35-010	RE-AD	90-06-073
388-86-085	AMD-P	90-09-087	391-08-007	RE-AD	90-06-070	391-35-020	RE-AD	90-06-073
388-87-011	AMD-P	90-08-040	391-08-010	RE-AD	90-06-070	391-35-030	RE-AD	90-06-073
388-87-011	AMD-E	90-08-054	391-08-020	RE-AD	90-06-070	391-35-050	RE-AD	90-06-073
388-87-060	AMD-P	90-08-040	391-08-030	RE-AD	90-06-070	391-35-070	RE-AD	90-06-073
388-87-060	AMD-E	90-08-054	391-08-040	RE-AD	90-06-070	391-35-080	NEW	90-06-073
388-92-015	AMD	90-06-036	391-08-100	RE-AD	90-06-070	391-35-090	RE-AD	90-06-073
388-95-320	AMD-E	90-09-040	391-08-110	REP	90-06-070	391-35-099	RE-AD	90-06-073
388-95-320	AMD-P	90-09-041	391-08-120	AMD	90-06-070	391-35-110	RE-AD	90-06-073
388-95-337	AMD-W	90-06-029	391-08-160	REP	90-06-070	391-35-130	RE-AD	90-06-073
388-95-337	AMD-P	90-08-043	391-08-180	AMD	90-06-070	391-35-170	AMD	90-06-073
388-95-337	AMD-E	90-08-059	391-08-200	REP	90-06-070	391-35-190	RE-AD	90-06-073
388-95-360	AMD-W	90-06-029	391-08-210	REP	90-06-070	391-35-210	RE-AD	90-06-073
388-95-360	AMD-P	90-08-043	391-08-230	RE-AD	90-06-070	391-35-230	RE-AD	90-06-073
388-95-360	AMD-E	90-08-059	391-08-300	AMD	90-06-070	391-35-250	RE-AD	90-06-073
388-95-400	AMD	90-06-037	391-08-310	AMD	90-06-070	391-45-001	AMD	90-06-074
388-96-010	AMD-P	90-05-014	391-08-315	NEW	90-06-070	391-45-002	RE-AD	90-06-074
388-96-010	AMD	90-09-061	391-08-500	REP	90-06-070	391-45-010	RE-AD	90-06-074
388-96-204	AMD-P	90-05-014	391-08-510	REP	90-06-070	391-45-019	RE-AD	90-06-074
388-96-204	AMD	90-09-061	391-08-600	REP	90-06-070	391-45-030	RE-AD	90-06-074
388-96-559	AMD-E	90-05-013	391-08-610	RE-AD	90-06-070	391-45-050	RE-AD	90-06-074
388-96-559	AMD-P	90-05-014	391-08-630	AMD	90-06-070	391-45-070	RE-AD	90-06-074
388-96-559	AMD	90-09-061	391-08-800	RE-AD	90-06-070	391-45-090	RE-AD	90-06-074
388-96-561	AMD-P	90-05-014	391-08-810	RE-AD	90-06-070	391-45-110	RE-AD	90-06-074
388-96-561	AMD	90-09-061	391-08-820	AMD	90-06-070	391-45-130	RE-AD	90-06-074
388-96-585	AMD-E	90-05-013	391-08-900	REP	90-06-070	391-45-170	AMD	90-06-074
388-96-585	AMD-P	90-05-014	391-08-910	REP	90-06-070	391-45-190	RE-AD	90-06-074
388-96-585	AMD	90-09-061	391-08-920	REP	90-06-070	391-45-210	RE-AD	90-06-074
388-96-713	AMD-P	90-05-014	391-08-930	REP	90-06-070	391-45-230	RE-AD	90-06-074
388-96-713	AMD	90-09-061	391-25-001	AMD	90-06-072	391-45-250	RE-AD	90-06-074
388-96-719	AMD-P	90-05-014	391-25-002	RE-AD	90-06-072	391-45-260	AMD	90-06-074
388-96-719	AMD	90-09-061	391-25-010	RE-AD	90-06-072	391-45-270	AMD	90-06-074
388-96-745	AMD-P	90-05-014	391-25-012	RE-AD	90-06-072	391-45-290	RE-AD	90-06-074
388-96-745	AMD	90-09-061	391-25-030	RE-AD	90-06-072	391-45-310	RE-AD	90-06-074
388-96-754	AMD-E	90-05-013	391-25-050	RE-AD	90-06-072	391-45-330	RE-AD	90-06-074
388-96-754	AMD-P	90-05-014	391-25-070	RE-AD	90-06-072	391-45-350	RE-AD	90-06-074
388-96-754	AMD	90-09-061	391-25-090	RE-AD	90-06-072	391-45-370	RE-AD	90-06-074
388-96-763	AMD-P	90-05-014	391-25-092	RE-AD	90-06-072	391-45-390	RE-AD	90-06-074
388-96-763	AMD	90-09-061	391-25-110	RE-AD	90-06-072	391-45-410	RE-AD	90-06-074
388-96-768	AMD-P	90-05-014	391-25-130	RE-AD	90-06-072	391-45-430	RE-AD	90-06-074
388-96-768	AMD	90-09-061	391-25-140	RE-AD	90-06-072	391-45-431	RE-AD	90-06-074
388-96-771	AMD-P	90-05-014	391-25-150	RE-AD	90-06-072	391-45-550	RE-AD	90-06-074
388-96-771	AMD	90-09-061	391-25-170	RE-AD	90-06-072	391-45-552	RE-AD	90-06-074
388-96-773	REP-P	90-05-014	391-25-190	RE-AD	90-06-072	391-95-001	AMD	90-06-075
388-96-773	REP	90-09-061	391-25-210	RE-AD	90-06-072	391-95-010	RE-AD	90-06-075
388-96-774	AMD-P	90-05-014	391-25-220	NEW	90-06-072	391-95-030	RE-AD	90-06-075

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
392-142-010	AMD	90-02-077	392-171-310	AMD-P	90-11-128
392-142-015	REP	90-02-077	392-171-315	AMD-P	90-11-039
392-142-020	REP	90-02-077	392-171-322	NEW-P	90-11-039
392-142-025	REP	90-02-077	392-171-361	AMD-P	90-11-128
392-142-030	REP	90-02-077	392-171-371	AMD-P	90-11-039
392-142-035	REP	90-02-077	392-171-491	AMD-P	90-11-128
392-142-040	REP	90-02-077	392-171-711	AMD-P	90-11-128
392-142-045	REP	90-02-077	392-171-800	NEW-P	90-04-045
392-142-050	REP	90-02-077	392-171-800	NEW	90-10-096
392-142-055	REP	90-02-077	392-171-805	NEW-P	90-04-045
392-142-060	REP	90-02-077	392-171-805	NEW	90-10-096
392-142-065	REP	90-02-077	392-171-810	NEW-P	90-04-045
392-142-070	REP	90-02-077	392-171-810	NEW	90-10-096
392-142-075	NEW	90-02-077	392-171-815	NEW-P	90-04-045
392-142-080	NEW	90-02-077	392-171-815	NEW	90-10-096
392-142-085	NEW	90-02-077	392-171-820	NEW-P	90-04-045
392-142-090	NEW	90-02-077	392-171-820	NEW	90-10-096
392-142-095	NEW	90-02-077	392-171-825	NEW-P	90-04-045
392-142-100	NEW	90-02-077	392-171-825	NEW	90-10-096
392-142-105	NEW	90-02-077	392-171-830	NEW-P	90-04-045
392-142-110	NEW	90-02-077	392-171-830	NEW	90-10-096
392-142-115	NEW	90-02-077	392-173-003	AMD-P	90-11-128
392-142-120	NEW	90-02-077	392-182-005	AMD-P	90-11-128
392-142-125	NEW	90-02-077	392-182-010	AMD-P	90-11-128
392-142-130	NEW	90-02-077	392-183-005	NEW-P	90-05-036
392-142-135	NEW	90-02-077	392-183-010	NEW-P	90-05-036
392-142-140	NEW	90-02-077	392-183-015	NEW-P	90-05-036
392-142-145	NEW	90-02-077	392-183-020	NEW-P	90-05-036
392-142-150	NEW	90-02-077	392-183-025	NEW-P	90-05-036
392-142-155	NEW	90-02-077	392-183-030	NEW-P	90-05-036
392-142-160	NEW	90-02-077	392-183A-005	NEW	90-09-039
392-142-165	NEW	90-02-077	392-183A-010	NEW	90-09-039
392-142-170	NEW	90-02-077	392-183A-015	NEW	90-09-039
392-142-175	NEW	90-02-077	392-183A-020	NEW	90-09-039
392-142-180	NEW	90-02-077	392-183A-025	NEW	90-09-039
392-142-185	NEW	90-02-077	392-183A-030	NEW	90-09-039
392-142-190	NEW	90-02-077	392-184-003	AMD-P	90-11-128
392-142-195	NEW	90-02-077	392-185-003	AMD-P	90-11-128
392-142-200	NEW	90-02-077	392-185-005	AMD-P	90-11-128
392-142-205	NEW	90-02-077	392-185-010	AMD-P	90-11-128
392-142-210	NEW	90-02-077	392-185-060	AMD-P	90-11-128
392-142-215	NEW	90-02-077	392-185-100	AMD-P	90-11-128
392-142-220	NEW	90-02-077	392-185-120	AMD-P	90-11-128
392-142-225	NEW	90-02-077	392-190-005	AMD-P	90-11-128
392-142-230	NEW	90-02-077	392-190-055	AMD-P	90-11-128
392-142-235	NEW	90-02-077	392-191-001	AMD	90-02-078
392-142-240	NEW	90-02-077	392-191-005	AMD	90-02-078
392-142-245	NEW	90-02-077	392-191-010	AMD	90-02-078
392-142-250	NEW	90-02-077	392-191-020	AMD	90-02-078
392-142-255	NEW	90-02-077	392-191-025	NEW	90-02-078
392-142-260	NEW	90-02-077	392-191-030	NEW	90-02-078
392-142-265	NEW	90-02-077	392-191-035	NEW	90-02-078
392-142-270	NEW	90-02-077	392-191-040	NEW	90-02-078
392-153-010	AMD-P	90-11-128	392-191-045	NEW	90-02-078
392-153-020	AMD-P	90-11-128	392-191-060	NEW	90-02-078
392-160-003	AMD-P	90-11-128	392-191-065	NEW	90-02-078
392-162-047	AMD-P	90-11-128	392-191-070	NEW	90-02-078
392-163-100	AMD-P	90-11-128	392-191-075	NEW	90-02-078
392-164-100	AMD-P	90-11-128	392-191-080	NEW	90-02-078
392-164-225	AMD-P	90-11-128	392-191-085	NEW	90-02-078
392-165-100	AMD-P	90-11-128	392-191-090	NEW	90-02-078
392-166-115	AMD-P	90-11-128	392-191-095	NEW	90-02-078
392-168-105	AMD-P	90-11-128	392-193-005	AMD-P	90-11-128
392-168-125	AMD-P	90-07-044	392-193-020	AMD-P	90-11-128
392-168-125	AMD	90-11-029	392-193-055	AMD-P	90-11-128
392-168-135	AMD-P	90-07-044	392-195-003	AMD-P	90-11-128
392-168-135	AMD	90-11-029	392-196-005	AMD-P	90-11-128
392-168-140	AMD-P	90-07-044	392-196-011	AMD-P	90-11-128
392-168-140	AMD	90-11-029	392-196-020	AMD-P	90-11-128
392-168-160	AMD-P	90-07-044	392-196-030	AMD-P	90-11-088
392-168-160	AMD	90-11-029	392-196-030	AMD-P	90-11-128
392-168-170	AMD-P	90-07-044	392-196-037	NEW-P	90-11-088
392-168-170	AMD	90-11-029	392-196-040	AMD-P	90-11-088
392-170-005	AMD-P	90-11-128	392-196-045	AMD-P	90-11-088
392-171-295	AMD-P	90-11-128	392-196-051	REP-P	90-11-088
392-171-300	AMD-P	90-11-128	392-196-052	REP-P	90-11-088
392-171-310	AMD-P	90-11-039	392-196-066	AMD-P	90-11-088
392-196-070	REP-P	90-11-088			
392-196-072	REP-P	90-11-088			
392-196-075	REP-P	90-11-088			
392-196-080	AMD-P	90-11-088			
392-196-080	AMD-P	90-11-128			
392-196-085	AMD-P	90-11-088			
392-196-100	AMD-P	90-11-088			
392-200-003	AMD-P	90-11-128			
392-200-015	AMD-P	90-11-128			
392-202-003	AMD-P	90-11-128			
392-210-005	AMD-P	90-11-128			
392-310-010	AMD-P	90-11-128			
392-315-005	AMD-P	90-11-128			
392-315-075	AMD-P	90-11-128			
392-315-080	AMD-P	90-11-128			
392-315-130	AMD-P	90-11-128			
402-70-010	AMD-P	90-06-106			
402-70-020	AMD-P	90-06-106			
402-70-030	AMD-P	90-06-106			
402-70-040	NEW-P	90-06-106			
402-70-045	NEW-P	90-06-106			
402-70-050	AMD-P	90-06-106			
402-70-055	NEW-P	90-06-106			
402-70-060	NEW-P	90-06-106			
402-70-062	NEW-P	90-06-106			
402-70-064	NEW-P	90-06-106			
402-70-066	NEW-P	90-06-106			
402-70-068	NEW-P	90-06-106			
402-70-070	AMD-P	90-06-106			
402-70-073	NEW-P	90-06-106			
402-70-073	NEW	90-11-126			
402-70-077	NEW-P	90-06-106			
402-70-080	AMD-P	90-06-106			
402-70-085	NEW-P	90-06-106			
402-70-090	AMD-P	90-06-106			
415-113-010	NEW-E	90-11-129			
415-113-020	NEW-E	90-11-129			
415-113-030	NEW-E	90-11-129			
415-113-040	NEW-E	90-11-129			
415-113-050	NEW-E	90-11-129			
440-44-028	NEW	90-03-049			
440-44-030	AMD-P	90-11-092			
440-44-050	REP-P	90-06-106			
440-44-057	REP-P	90-06-106			
440-44-058	REP-P	90-06-106			
440-44-059	REP-P	90-06-106			
440-44-060	REP-P	90-06-106			
440-44-061	REP-P	90-06-106			
440-44-061	REP	90-11-126			
440-44-062	REP-P	90-06-106			
446-10-090	AMD-P	90-04-027			
446-10-090	AMD	90-10-097			
456-09-110	AMD-P	90-08-007			
456-09-110	AMD	90-11-105			
456-09-150	AMD-P	90-08-007			
456-09-150	AMD	90-11-105			
456-09-210	AMD-P	90-08-007			
456-09-210	AMD	90-11-105			
456-09-230	AMD-P	90-08-007			
456-09-230	AMD	90-11-105			
456-09-310	AMD-P	90-08-007			
456-09-310	AMD	90-11-105			
456-09-315	AMD-P	90-08-007			
456-09-315	AMD	90-11-105			
456-09-320	AMD-P	90-08-007			
456-09-320	AMD-W	90-08-096			
456-09-320	AMD-P	90-08-097			
456-09-320	AMD	90-11-104			
456-09-325	AMD-P	90-08-007			
456-09-325	AMD	90-11-105			
456-09-430	AMD-P	90-08-007			
456-09-430	AMD	90-11-105			
456-09-440	AMD-P	90-08-007			
456-09-440	AMD	90-11-105			
456-09-520	AMD-P	90-08-007			
456-09-520	AMD	90-11-105			
456-09-530	AMD-P	90-08-007			

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
456-09-530	AMD	90-11-105	458-14-031	NEW-W	90-11-032
456-09-655	AMD-P	90-08-007	458-14-040	REP-W	90-11-032
456-09-655	AMD	90-11-105	458-14-042	NEW-W	90-11-032
456-09-730	AMD-P	90-08-007	458-14-045	REP-W	90-11-032
456-09-730	AMD	90-11-105	458-14-050	REP-W	90-11-032
456-09-732	NEW-P	90-08-007	458-14-052	REP-W	90-11-032
456-09-732	NEW	90-11-105	458-14-055	REP-W	90-11-032
456-09-740	AMD-P	90-08-007	458-14-060	REP-W	90-11-032
456-09-740	AMD	90-11-105	458-14-062	REP-W	90-11-032
456-09-742	NEW-P	90-08-007	458-14-065	REP-W	90-11-032
456-09-742	NEW	90-11-105	458-14-070	REP-W	90-11-032
456-09-760	AMD-P	90-08-007	458-14-075	REP-W	90-11-032
456-09-760	AMD	90-11-105	458-14-080	REP-W	90-11-032
456-09-762	NEW-P	90-08-007	458-14-085	REP-W	90-11-032
456-09-762	NEW	90-11-105	458-14-086	REP-W	90-11-032
456-09-925	AMD-P	90-08-007	458-14-090	REP-W	90-11-032
456-09-925	AMD	90-11-105	458-14-091	REP-W	90-11-032
456-09-930	AMD-P	90-08-007	458-14-092	REP-W	90-11-032
456-09-930	AMD	90-11-105	458-14-094	REP-W	90-11-032
456-09-935	AMD-P	90-08-007	458-14-098	REP-W	90-11-032
456-09-935	AMD	90-11-105	458-14-100	REP-W	90-11-032
456-09-940	AMD-P	90-08-007	458-14-110	REP-W	90-11-032
456-09-940	AMD	90-11-105	458-14-115	REP-W	90-11-032
456-09-945	AMD-P	90-08-007	458-14-120	REP-W	90-11-032
456-09-945	AMD	90-11-105	458-14-121	REP-W	90-11-032
456-09-955	AMD-P	90-08-007	458-14-122	REP-W	90-11-032
456-09-955	AMD	90-11-105	458-14-125	REP-W	90-11-032
456-09-960	NEW-P	90-08-007	458-14-126	REP-W	90-11-032
456-09-960	NEW	90-11-105	458-14-130	REP-W	90-11-032
456-10-110	AMD-P	90-08-006	458-14-135	REP-W	90-11-032
456-10-110	AMD	90-11-106	458-14-140	REP-W	90-11-032
456-10-160	AMD-P	90-08-006	458-14-145	REP-W	90-11-032
456-10-160	AMD	90-11-106	458-14-150	REP-W	90-11-032
456-10-310	AMD-P	90-08-006	458-14-152	REP-W	90-11-032
456-10-310	AMD	90-11-106	458-14-155	REP-W	90-11-032
456-10-315	AMD-P	90-08-006	458-14-160	NEW-W	90-11-032
456-10-315	AMD	90-11-106	458-16-265	NEW-P	90-03-059
456-10-320	AMD-P	90-08-006	458-16-265	NEW	90-06-048
456-10-320	AMD-W	90-08-096	458-20-107	AMD-E	90-06-077
456-10-320	AMD-P	90-08-098	458-20-107	AMD-P	90-07-087
456-10-320	AMD	90-11-103	458-20-107	AMD	90-10-080
456-10-325	AMD-P	90-08-006	458-20-185	AMD	90-04-038
456-10-325	AMD	90-11-106	458-20-186	AMD	90-04-039
456-10-430	AMD-P	90-08-006	458-20-197	AMD-P	90-07-089
456-10-430	AMD	90-11-106	458-20-197	AMD	90-10-082
456-10-440	AMD-P	90-08-006	458-20-22801	NEW	90-05-044
456-10-440	AMD	90-11-106	458-20-256	NEW	90-04-058
456-10-545	AMD-P	90-08-006	458-20-257	NEW-E	90-06-078
456-10-545	AMD	90-11-106	458-20-257	NEW-P	90-07-088
456-10-730	AMD-P	90-08-006	458-20-257	NEW	90-10-081
456-10-730	AMD	90-11-106	458-30-260	AMD	90-02-080
456-10-735	AMD-P	90-08-006	458-30-261	REP	90-02-080
456-10-735	AMD	90-11-106	458-30-262	NEW	90-02-080
456-10-740	AMD-P	90-08-006	458-40-610	AMD-P	90-10-079
456-10-740	AMD	90-11-106	458-40-636	AMD-P	90-10-079
456-10-755	AMD-P	90-08-006	458-40-640	AMD-P	90-10-079
456-10-755	AMD	90-11-106	458-40-660	AMD-P	90-10-079
456-12-030	AMD-P	90-08-005	458-40-670	AMD-P	90-10-079
456-12-030	AMD	90-11-107	460-20A-400	AMD-P	90-05-051
456-12-090	AMD-P	90-08-005	460-20A-400	AMD	90-09-058
456-12-140	AMD-P	90-08-005	460-24A-040	NEW-P	90-06-061
456-12-140	AMD	90-11-107	460-24A-050	AMD	90-05-003
458-14-005	NEW-W	90-11-032	460-24A-205	AMD-P	90-06-061
458-14-009	NEW-W	90-11-032	460-44A-060	REP-P	90-02-087
458-14-010	REP-W	90-11-032	460-44A-060	REP-S	90-05-061
458-14-014	NEW-W	90-11-032	460-44A-060	REP	90-09-059
458-14-015	NEW-W	90-11-032	460-44A-065	REP-P	90-02-087
458-14-016	NEW-W	90-11-032	460-44A-065	REP-S	90-05-061
458-14-017	NEW-W	90-11-032	460-44A-065	REP	90-09-059
458-14-019	NEW-W	90-11-032	460-44A-070	REP-P	90-02-087
458-14-020	REP-W	90-11-032	460-44A-070	REP-S	90-05-061
458-14-021	NEW-W	90-11-032	460-44A-070	REP	90-09-059
458-14-023	NEW-W	90-11-032	460-44A-500	AMD-P	90-02-087
458-14-025	NEW-W	90-11-032	460-44A-500	AMD-S	90-05-061
458-14-027	NEW-W	90-11-032	460-44A-500	AMD	90-09-059
458-14-029	NEW-W	90-11-032	460-44A-501	AMD-P	90-02-087
458-14-030	REP-W	90-11-032	460-44A-501	AMD-S	90-05-061
460-44A-501	AMD	90-09-059	460-44A-501	AMD-S	90-05-061
460-44A-502	AMD-P	90-02-087	460-44A-502	AMD-P	90-02-087
460-44A-502	AMD-S	90-05-061	460-44A-502	AMD	90-09-059
460-44A-502	AMD	90-09-059	460-44A-503	AMD-P	90-02-087
460-44A-503	AMD-P	90-02-087	460-44A-503	AMD-S	90-05-061
460-44A-503	AMD-S	90-05-061	460-44A-503	AMD	90-09-059
460-44A-503	AMD	90-09-059	460-44A-504	NEW-P	90-02-087
460-44A-504	NEW-P	90-02-087	460-44A-504	NEW-S	90-05-061
460-44A-504	NEW-S	90-05-061	460-44A-504	NEW	90-09-059
460-44A-504	NEW	90-09-059	460-44A-508	AMD-P	90-02-087
460-44A-508	AMD-P	90-02-087	460-44A-508	AMD-S	90-05-061
460-44A-508	AMD-S	90-05-061	460-44A-508	AMD	90-09-059
460-44A-508	AMD	90-09-059	460-46A	AMD-P	90-02-087
460-46A	AMD-P	90-02-087	460-46A	AMD-S	90-05-061
460-46A	AMD-S	90-05-061	460-46A	AMD	90-09-059
460-46A	AMD	90-09-059	460-46A-010	AMD-P	90-02-087
460-46A-010	AMD-P	90-02-087	460-46A-010	AMD-S	90-05-061
460-46A-010	AMD-S	90-05-061	460-46A-010	AMD	90-09-059
460-46A-010	AMD	90-09-059	460-46A-020	AMD-P	90-02-087
460-46A-020	AMD-P	90-02-087	460-46A-020	AMD-S	90-05-061
460-46A-020	AMD-S	90-05-061	460-46A-020	AMD	90-09-059
460-46A-020	AMD	90-09-059	460-46A-025	AMD-P	90-02-087
460-46A-025	AMD-P	90-02-087	460-46A-025	AMD-S	90-05-061
460-46A-025	AMD-S	90-05-061	460-46A-025	AMD	90-09-059
460-46A-025	AMD	90-09-059	460-46A-040	AMD-P	90-02-087
460-46A-040	AMD-P	90-02-087	460-46A-040	AMD-S	90-05-061
460-46A-040	AMD-S	90-05-061	460-46A-040	AMD	90-09-059
460-46A-040	AMD	90-09-059	460-46A-090	AMD-P	90-02-087
460-46A-090	AMD-P	90-02-087	460-46A-090	AMD-S	90-05-061
460-46A-090	AMD-S	90-05-061	460-46A-090	AMD	90-09-059
460-46A-090	AMD	90-09-059	460-46A-095	AMD-P	90-02-087
460-46A-095	AMD-P	90-02-087	460-46A-095	AMD-S	90-05-061
460-46A-095	AMD-S	90-05-061	460-46A-095	AMD	90-09-059
460-46A-095	AMD	90-09-059	460-46A-095	AMD	90-09-059
460-46A-100	AMD-P	90-02-087	460-46A-100	AMD-S	90-05-061
460-46A-100	AMD-S	90-05-061	460-46A-100	AMD	90-09-059
460-46A-100	AMD	90-09-059	460-46A-105	AMD-P	90-02-087
460-46A-105	AMD-P	90-02-087	460-46A-105	AMD-S	90-05-061
460-46A-105	AMD-S	90-05-061	460-46A-105	AMD	90-09-059
460-46A-105	AMD	90-09-059	460-46A-110	AMD-P	90-02-087
460-46A-110	AMD-P	90-02-087	460-46A-110	AMD-S	90-05-061
460-46A-110	AMD-S	90-05-061	460-46A-110	AMD	90-09-059
460-46A-110	AMD	90-09-059	460-46A-145	AMD-P	90-02-087
460-46A-145	AMD-P	90-02-087	460-46A-145	AMD-S	90-05-061
460-46A-145	AMD-S	90-05-061	460-46A-145	AMD	90-09-059
460-46A-145	AMD	90-09-059	460-46A-150	AMD-P	90-02-087
460-46A-150	AMD-P	90-02-087	460-46A-150	AMD-S	90-05-061
460-46A-150	AMD-S	90-05-061	460-46A-150	AMD	90-09-059
460-46A-150	AMD	90-09-059	460-46A-155	AMD-P	90-02-087
460-46A-155	AMD-P	90-02-087	460-46A-155	AMD-S	90-05-061
460-46A-155	AMD-S	90-05-061	460-46A-155	AMD	90-09-059
460-46A-155	AMD	90-09-059	460-46A-160	AMD-P	90-02-087
460-46A-160	AMD-P	90-02-087	460-46A-160	AMD-S	90-05-061
460-46A-160	AMD-S	90-05-061	460-46A-160	AMD	90-09-059
460-46A-160	AMD	90-09-059	460-46A-165	AMD-P	90-02-087
460-46A-165	AMD-P	90-02-087	460-46A-165	AMD-S	90-05-061
460-46A-165	AMD-S	90-05-061	460-46A-165	AMD	90-09-059
460-46A-165	AMD	90-09-059	460-90A-005	AMD-P	90-03-106
460-90A-005	AMD-P	90-03-106	460-90A-005	AMD	90-06-051
460-90A-005	AMD	90-06-051	460-90A-015	AMD-P	90-03-106
460-90A-015	AMD-P	90-03-106	460-90A-017	AMD-P	90-03-106
460-90A-017	AMD-P	90-03-106	460-90A-018	AMD	90-06-051
460-90A-018	AMD	90-06-051	460-90A-018	AMD-P	90-03-106
460-90A-018	AMD-P	90-03-106	460-90A-032	AMD	90-06-051
460-90A-032	AMD	90-06-051	460-90A-032	AMD	90-06-051
460-90A-032	AMD	90-06-051	460-90A-035	AMD-P	90-03-106
460-90A-035	AMD-P	90-03-106	460-90A-035	AMD	90-06-051
460-90A-035	AMD	90-06-051	460-90A-055	AMD-P	90-03-106
460-90A-055	AMD-P	90-03-106	460-90A-090	AMD-P	90-03-106
460-90A-090	AMD-P	90-03-106	460-90A-090	AMD	90-06-051
460-90A-090	AMD	90-06-051	460-90A-105	REP-P	90-03-106
460-90A-105	REP-P	90-03-106	460-90A-115	AMD-P	90-03-106
460-90A-115	AMD-P	90-03-106	460-90A-115	AMD	90-06-051
460-90A-115	AMD	90-06-051	460-90A-122	AMD-P	90-03-106
460-90A-122	AMD-P	90-03-106	460-90A-122	AMD	90-06-051
460-90A-122	AMD	90-06-051			

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
480-30-030	AMD-P	90-10-077	490-500-560	AMD-P	90-07-035	504-15-810	NEW	90-11-078
480-30-050	AMD-P	90-10-077	490-500-560	AMD	90-11-114	504-15-830	NEW-S	90-05-060
480-30-060	AMD-P	90-10-077	490-500-570	AMD-P	90-07-035	504-15-830	NEW	90-11-078
480-30-070	AMD-P	90-10-077	490-500-570	AMD	90-11-114	504-15-860	NEW-S	90-05-060
480-30-097	NEW	90-06-017	490-500-600	NEW-P	90-07-035	504-15-860	NEW	90-11-078
480-30-100	AMD	90-06-017	490-500-600	NEW	90-11-114	504-15-900	NEW-S	90-05-060
480-30-100	AMD-E	90-09-034	490-500-605	NEW-P	90-07-035	504-15-900	NEW	90-11-078
480-30-100	AMD-P	90-09-094	490-500-605	NEW	90-11-114	504-15-920	NEW-S	90-05-060
480-30-100	AMD-P	90-10-077	490-500-610	NEW-P	90-07-035	504-15-920	NEW	90-11-078
480-30-110	AMD-P	90-10-077	490-500-610	NEW	90-11-114	504-15-940	NEW-S	90-05-060
480-40-010	AMD-P	90-10-077	490-500-615	NEW-P	90-07-035	504-15-940	NEW	90-11-078
480-40-020	AMD-P	90-10-077	490-500-615	NEW	90-11-114	504-17-010	REP-S	90-05-060
480-40-030	AMD-P	90-10-077	490-500-620	NEW-P	90-07-035	504-17-010	REP	90-11-078
480-40-040	AMD-P	90-10-077	490-500-620	NEW	90-11-114	504-17-020	REP-S	90-05-060
480-40-050	AMD-P	90-10-077	490-500-625	NEW-P	90-07-035	504-17-020	REP	90-11-078
480-40-060	AMD-P	90-10-077	490-500-625	NEW	90-11-114	504-17-030	REP-S	90-05-060
480-40-065	NEW	90-06-017	504-15-010	NEW-S	90-05-060	504-17-030	REP	90-11-078
480-40-070	AMD-P	90-10-077	504-15-010	NEW	90-11-078	504-17-040	REP-S	90-05-060
480-40-075	AMD-P	90-10-077	504-15-020	NEW-S	90-05-060	504-17-040	REP	90-11-078
480-40-100	NEW	90-06-017	504-15-020	NEW	90-11-078	504-17-050	REP-S	90-05-060
480-40-110	AMD-P	90-10-077	504-15-030	NEW-S	90-05-060	504-17-050	REP	90-11-078
480-40-120	AMD-P	90-10-077	504-15-030	NEW	90-11-078	504-17-060	REP-S	90-05-060
480-40-130	AMD-P	90-10-077	504-15-040	NEW-S	90-05-060	504-17-060	REP	90-11-078
480-70-325	NEW	90-06-017	504-15-040	NEW	90-11-078	504-17-070	REP-S	90-05-060
480-70-335	NEW	90-06-017	504-15-050	NEW-S	90-05-060	504-17-070	REP	90-11-078
480-70-990	AMD-P	90-03-009	504-15-050	NEW	90-11-078	504-17-080	REP-S	90-05-060
480-70-990	AMD	90-09-015	504-15-060	NEW-S	90-05-060	504-17-080	REP	90-11-078
480-110-021	AMD-P	90-10-078	504-15-060	NEW	90-11-078	504-17-090	REP-S	90-05-060
480-110-026	AMD-P	90-10-078	504-15-080	NEW-S	90-05-060	504-17-090	REP	90-11-078
480-110-028	NEW-P	90-10-078	504-15-080	NEW	90-11-078	504-17-100	REP-S	90-05-060
480-110-046	AMD-P	90-10-078	504-15-100	NEW-S	90-05-060	504-17-100	REP	90-11-078
480-110-066	AMD-P	90-10-078	504-15-100	NEW	90-11-078	504-17-110	REP-S	90-05-060
480-110-066	AMD-W	90-04-056	504-15-200	NEW-S	90-05-060	504-17-110	REP	90-11-078
480-110-081	AMD-W	90-04-056	504-15-200	NEW	90-11-078	504-17-120	REP-S	90-05-060
480-120-081	AMD-W	90-04-055	504-15-210	NEW-S	90-05-060	504-17-120	REP	90-11-078
480-120-138	AMD	90-08-010	504-15-210	NEW	90-11-078	504-17-130	REP-S	90-05-060
480-149-060	AMD-P	90-10-077	504-15-220	NEW-S	90-05-060	504-17-130	REP	90-11-078
480-149-070	REP-P	90-10-077	504-15-220	NEW	90-11-078	504-17-140	REP-S	90-05-060
480-149-120	AMD-P	90-10-077	504-15-250	NEW-S	90-05-060	504-17-140	REP	90-11-078
490-500-005	AMD-P	90-07-035	504-15-250	NEW	90-11-078	504-17-150	REP-S	90-05-060
490-500-005	AMD	90-11-114	504-15-300	NEW-S	90-05-060	504-17-150	REP	90-11-078
490-500-145	AMD-P	90-07-035	504-15-300	NEW	90-11-078	504-17-160	REP-S	90-05-060
490-500-145	AMD	90-11-114	504-15-350	NEW-S	90-05-060	504-17-160	REP	90-11-078
490-500-257	AMD-P	90-07-035	504-15-350	NEW	90-11-078	504-17-170	REP-S	90-05-060
490-500-257	AMD	90-11-114	504-15-360	NEW-S	90-05-060	504-17-170	REP	90-11-078
490-500-260	AMD-P	90-07-035	504-15-360	NEW	90-11-078	504-17-180	REP-S	90-05-060
490-500-260	AMD	90-11-114	504-15-410	NEW-S	90-05-060	504-17-180	REP	90-11-078
490-500-270	AMD-P	90-07-035	504-15-410	NEW	90-11-078	504-17-185	REP-S	90-05-060
490-500-270	AMD	90-11-114	504-15-420	NEW-S	90-05-060	504-17-185	REP	90-11-078
490-500-275	AMD-P	90-07-035	504-15-420	NEW	90-11-078	504-17-195	REP-S	90-05-060
490-500-275	AMD	90-11-114	504-15-430	NEW-S	90-05-060	504-17-195	REP	90-11-078
490-500-280	AMD-P	90-07-035	504-15-430	NEW	90-11-078	504-17-200	REP-S	90-05-060
490-500-280	AMD	90-11-114	504-15-440	NEW-S	90-05-060	504-17-200	REP	90-11-078
490-500-340	NEW-P	90-07-035	504-15-440	NEW	90-11-078	504-17-215	REP-S	90-05-060
490-500-340	NEW	90-11-114	504-15-450	NEW-S	90-05-060	504-17-215	REP	90-11-078
490-500-350	AMD-P	90-07-035	504-15-450	NEW	90-11-078	504-17-220	REP-S	90-05-060
490-500-350	AMD	90-11-114	504-15-460	NEW-S	90-05-060	504-17-220	REP	90-11-078
490-500-387	REP-P	90-07-035	504-15-460	NEW	90-11-078	504-17-235	REP-S	90-05-060
490-500-387	REP	90-11-114	504-15-470	NEW-S	90-05-060	504-17-235	REP	90-11-078
490-500-390	AMD-P	90-07-035	504-15-470	NEW	90-11-078	504-17-240	REP-S	90-05-060
490-500-390	AMD	90-11-114	504-15-510	NEW-S	90-05-060	504-17-240	REP	90-11-078
490-500-405	AMD-P	90-07-035	504-15-510	NEW	90-11-078	504-17-250	REP-S	90-05-060
490-500-405	AMD	90-11-114	504-15-520	NEW-S	90-05-060	504-17-250	REP	90-11-078
490-500-415	AMD-P	90-07-035	504-15-520	NEW	90-11-078	504-17-900	REP-S	90-05-060
490-500-415	AMD	90-11-114	504-15-540	NEW-S	90-05-060	504-17-900	REP	90-11-078
490-500-417	NEW-P	90-07-035	504-15-540	NEW	90-11-078	504-17-910	REP-S	90-05-060
490-500-417	NEW	90-11-114	504-15-560	NEW-S	90-05-060	504-17-910	REP	90-11-078
490-500-418	NEW-P	90-07-035	504-15-560	NEW	90-11-078	504-17-930	REP-S	90-05-060
490-500-418	NEW	90-11-114	504-15-580	NEW-S	90-05-060	504-17-930	REP	90-11-078
490-500-420	AMD-P	90-07-035	504-15-580	NEW	90-11-078	508-60-005	REP-P	90-11-059
490-500-420	AMD	90-11-114	504-15-600	NEW-S	90-05-060	508-60-008	REP-P	90-11-059
490-500-430	AMD-P	90-07-035	504-15-600	NEW	90-11-078	508-60-010	REP-P	90-11-059
490-500-430	AMD	90-11-114	504-15-650	NEW-S	90-05-060	508-60-020	REP-P	90-11-059
490-500-435	AMD-P	90-07-035	504-15-650	NEW	90-11-078	508-60-030	REP-P	90-11-059
490-500-435	AMD	90-11-114	504-15-750	NEW-S	90-05-060	508-60-040	REP-P	90-11-059
490-500-525	AMD-P	90-07-035	504-15-750	NEW	90-11-078	508-60-050	REP-P	90-11-059
490-500-525	AMD	90-11-114	504-15-810	NEW-S	90-05-060	508-60-060	REP-P	90-11-059

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #		
508-60-070	REP-P	90-11-059	516-26-090	AMD	90-10-042
508-60-080	REP-P	90-11-059	516-26-100	AMD	90-10-042
516-04-010	AMD	90-10-042	516-36	AMD	90-10-042
516-08-002	REP	90-10-042	516-36-001	AMD	90-10-042
516-08-005	REP	90-10-042	516-36-020	AMD	90-10-042
516-08-010	REP	90-10-042	516-36-030	AMD	90-10-042
516-08-070	REP	90-10-042	516-36-040	AMD	90-10-042
516-08-080	REP	90-10-042	516-37	AMD	90-10-042
516-08-090	REP	90-10-042	516-37-001	AMD	90-10-042
516-08-100	REP	90-10-042	516-37-005	AMD	90-10-042
516-08-110	REP	90-10-042	516-37-010	AMD	90-10-042
516-08-120	REP	90-10-042	516-37-011	AMD	90-10-042
516-08-130	REP	90-10-042	516-37-100	AMD	90-10-042
516-08-140	REP	90-10-042	516-38	AMD	90-10-042
516-08-150	REP	90-10-042	516-38-050	AMD	90-10-042
516-08-170	REP	90-10-042	516-38-051	AMD	90-10-042
516-08-190	REP	90-10-042	516-38-110	AMD	90-10-042
516-08-230	REP	90-10-042	516-38-115	AMD	90-10-042
516-08-240	REP	90-10-042	516-38-116	AMD	90-10-042
516-08-250	REP	90-10-042	516-38-117	AMD	90-10-042
516-08-260	REP	90-10-042	516-52-001	AMD-E	90-10-012
516-08-270	REP	90-10-042	516-52-020	NEW-E	90-10-012
516-08-280	REP	90-10-042	516-56	AMD	90-10-042
516-08-290	REP	90-10-042	516-56-001	AMD	90-10-042
516-08-300	REP	90-10-042	516-56-002	AMD	90-10-042
516-08-310	REP	90-10-042	516-56-010	AMD	90-10-042
516-08-320	REP	90-10-042	516-56-011	AMD	90-10-042
516-08-330	REP	90-10-042	516-56-012	AMD	90-10-042
516-08-340	REP	90-10-042	516-56-021	AMD	90-10-042
516-08-350	REP	90-10-042	516-56-023	AMD	90-10-042
516-08-360	REP	90-10-042	516-56-030	AMD	90-10-042
516-08-370	REP	90-10-042	516-56-050	AMD	90-10-042
516-08-380	REP	90-10-042	516-56-060	AMD	90-10-042
516-08-390	REP	90-10-042	516-56-070	AMD	90-10-042
516-08-400	REP	90-10-042	516-60-001	AMD	90-10-042
516-08-420	REP	90-10-042	516-60-002	AMD	90-10-042
516-08-430	REP	90-10-042	516-60-003	AMD	90-10-042
516-08-440	REP	90-10-042	516-60-004	AMD	90-10-042
516-08-450	REP	90-10-042	516-60-005	AMD	90-10-042
516-08-460	REP	90-10-042	516-60-006	AMD	90-10-042
516-08-470	REP	90-10-042	516-60-007	AMD	90-10-042
516-08-480	REP	90-10-042	516-60-015	AMD	90-10-042
516-08-490	REP	90-10-042	516-60-016	AMD	90-10-042
516-08-500	REP	90-10-042	516-60-017	AMD	90-10-042
516-08-510	REP	90-10-042	516-60-030	AMD	90-10-042
516-08-520	REP	90-10-042	516-108-010	NEW	90-10-042
516-08-530	REP	90-10-042	516-108-020	NEW	90-10-042
516-08-540	REP	90-10-042	516-108-030	NEW	90-10-042
516-08-550	REP	90-10-042	516-108-040	NEW	90-10-042
516-08-560	REP	90-10-042	516-108-050	NEW	90-10-042
516-08-570	REP	90-10-042	516-108-060	NEW	90-10-042
516-08-600	REP	90-10-042	516-108-070	NEW	90-10-042
516-08-610	REP	90-10-042	516-108-080	NEW	90-10-042
516-08-620	REP	90-10-042	516-108-090	NEW	90-10-042
516-08-630	REP	90-10-042	516-133-020	NEW	90-10-042
516-11-010	AMD	90-10-042	516-400-010	NEW	90-10-042
516-11-030	REP	90-10-042			
516-11-040	AMD	90-10-042			
516-11-050	REP	90-10-042			
516-11-060	AMD	90-10-042			
516-11-070	AMD	90-10-042			
516-11-080	AMD	90-10-042			
516-11-090	AMD	90-10-042			
516-11-100	AMD	90-10-042			
516-11-110	AMD	90-10-042			
516-13-020	AMD	90-10-042			
516-22-134	AMD	90-10-042			
516-22-146	AMD	90-10-042			
516-22-150	AMD	90-10-042			
516-24-001	AMD	90-10-042			
516-24-050	AMD	90-10-042			
516-24-060	AMD	90-10-042			
516-24-115	AMD	90-10-042			
516-24-120	REP	90-10-042			
516-24-130	AMD	90-10-042			
516-26-010	AMD	90-10-042			
516-26-020	AMD	90-10-042			

Subject/Agency Index

(Citations in **bold type** refer to material in this issue)

ACCOUNTANCY, BOARD OF		AGRICULTURE, DEPARTMENT OF—cont.	
Rules coordinator	90-08-026	Scrapie, indemnification for sheep or goats destroyed for exposure to	90-05-049 90-07-066 90-10-045
ADMINISTRATIVE HEARINGS, OFFICE OF		Seeds	
Rules coordinator	90-10-003	certification standards and fees	90-09-064 90-02-059 90-03-026 90-04-003 90-03-026 90-09-064
AFRICAN AMERICAN AFFAIRS, COMMISSION ON		labeling requirements	
Meetings	90-10-071	mandatory arbitration rules	90-03-026 90-04-003 90-03-026 90-09-064
AGRICULTURE, DEPARTMENT OF		noxious weed seeds	
Agricultural marketing and fair practices	90-01-038 90-01-039 90-08-069	vegetable seeds, standards, schedule of charges, and assessment fees	90-09-064
Apples		Sheep, scrapie, indemnification for animals destroyed for exposure to	90-05-049 90-07-066 90-10-045
inspection fees	90-03-034 90-05-065 90-09-031	Slaughtering establishments	
standards for apples marketed in Washington	90-01-113 90-03-035 90-03-036 90-05-066 90-05-067 90-09-032 90-10-086 90-11-009	custom farm slaughtering, special slaughter conditions	90-07-065 90-10-046
Asparagus commission		Strawberry commission	
establishment of, withdrawal	90-05-068	assessment rates and collection	90-05-059 90-11-001 90-11-026 90-02-021
Bean seed quarantine	90-03-090 90-06-105 90-09-056	Yogurt, frozen standards	
Blueberry quarantine rules		APPRENTICESHIP AND TRAINING COUNCIL	
Goats, scrapie, indemnity for animals destroyed for exposure to	90-05-049 90-07-066 90-10-045 90-06-050 90-10-043	(See LABOR AND INDUSTRIES, DEPARTMENT OF)	
Grape nursery stock certification		ARTS COMMISSION	
Herbicide use rules in eastern Washington, solicitation of preproposal comment	90-05-054	Meetings	90-01-034
Herbicides, restrictions, exemption for 2,4-D	90-08-017	ASIAN AMERICAN AFFAIRS, COMMISSION ON	
Japanese beetle quarantine	90-11-100	Meetings	90-01-056 90-04-062
Marketing and fair practices, agricultural products	90-01-038 90-01-039 90-02-020	ATTORNEY GENERAL'S OFFICE	
Milk inspection, quality standards		Motor vehicles	
Noxious weed list, additions, deletions, and changes	90-01-004	new vehicle warranties, arbitration procedures amended and motorcycles included	90-11-034
Organic food certification	90-08-090	Motorcycles	
Organic food, transition to organic producer certification	90-02-001	arbitration fee collection upon sale or lease of motorcycles with engine displacements of 750 or more cubic centimeters	90-11-033 90-11-034
Pesticide applicators and applications		arbitration, inclusion of motorcycles with engine displacements of 750 or more cubic centimeters	90-11-034
notice to registered with department as hypersensitive to pesticides	90-01-146 90-02-005 90-06-012 90-07-042	Opinions	
record-keeping requirements, pesticide applicators	90-01-147 90-06-014 90-11-024	AIDS education (1990, No. 1)	90-03-025
restrictions, exemption for 2,4-D	90-08-017	municipal corporations, authority to tax municipal utility operations (1990, No. 3)	90-10-061
restrictions on use in Benton, Franklin, and Walla Walla counties	90-04-109 90-08-062 90-09-011 90-11-025 90-11-125	wetlands regulation, extent of department of ecology rule-making authority (1989, No. 21)	90-02-007
Potatoes		wildlife department, appointment of director, governor's authority (1990, No. 2)	90-07-007 90-11-109
assessment rates	90-01-074 90-09-068 90-11-089	Rules coordinator	
Purple loosestrife (lythrum) quarantine		BANKING, DIVISION OF	
Rapeseed	90-03-071	(See GENERAL ADMINISTRATION, DEPARTMENT OF)	
production districts	90-07-013 90-05-069	BASIC HEALTH PLAN	
Rules coordinator		Meetings	90-11-052
		Rules coordinator	90-09-053
		BELLEVUE COMMUNITY COLLEGE	
		Meetings	90-03-033
		Organization/operation information	90-03-076 90-03-080 90-09-065 90-03-077 90-03-079 90-09-066
		Practice and procedure	

Subject/Agency Index
(Citations in bold type refer to material in this issue)

BELLEVUE COMMUNITY COLLEGE—cont.		CENTRAL WASHINGTON UNIVERSITY	
Student athletic participation	90-03-078	Meetings	90-01-084
	90-03-081	Parking	90-01-006
	90-09-067	Rules coordinator	90-09-063
BIG BEND COMMUNITY COLLEGE		CENTRALIA COLLEGE	
Academic transcripts	90-02-018	Meetings	90-05-042
Bookstore operations	90-02-019		90-07-048
Classified employees, reduction in force	90-02-018		90-09-060
Classified staff, development and training	90-02-018	Practice and procedure	90-03-074
Designated authority	90-02-019		90-05-005
Elections	90-02-018	Student athletic participation loss of eligibility	90-03-073
Environmental Policies Act	90-02-018		90-05-009
Facilities, equipment, and supplies, use of	90-02-019	Student records, confidentiality	90-05-004
Family Educational Rights and Act of 1974	90-02-019	CHIROPRACTIC DISCIPLINARY BOARD (See HEALTH, DEPARTMENT OF)	
Food service	90-02-018	CLARK COLLEGE	
Library operation	90-02-019	Athletes, ineligibility, use of legend drugs, procedure	90-04-079
Off-campus housing	90-02-018		90-10-026
Organization and operations information	90-02-016	Meetings	90-01-083
Personnel files	90-02-019	CLEMENCY AND PARDONS BOARD	
Practice and procedure	90-02-016	Meetings	90-05-026
Residence housing	90-02-019		90-05-057
Student athletes, suspension for unlawful drug use, procedure	90-02-017	CODE REVISER	
Student rights and responsibilities	90-02-019	Rules coordinator	90-01-016
Swimming pool and diving	90-02-018	COLUMBIA BASIN COLLEGE	
Tenure, collective bargaining related to	90-02-018	Practice and procedure	90-03-082
Traffic	90-02-019		90-07-006
		Rules coordinator	90-03-082
BLIND, DEPARTMENT OF SERVICES FOR THE		COLUMBIA RIVER GORGE COMMISSION	
Administrative reviews and fair hearings	90-11-047	Administrative rules	90-03-058
BLIND, WASHINGTON STATE SCHOOL FOR THE			90-08-089
Agency description	90-10-101		90-11-084
Environmental Policy Act (SEPA) rules	90-10-109		90-11-085
Family Educational Rights and Privacy Act	90-10-108	Major development actions review and approval	90-03-058
Nonresident tuition	90-10-104		90-08-089
Practice and procedure	90-10-102		90-11-084
Public records	90-10-107		
Rules coordinator	90-10-055	New residential development review and approval	90-03-058
Special education programs	90-10-106		90-11-084
Student conduct code	90-10-103	COMMUNITY COLLEGE EDUCATION, BOARD FOR	
Use of school facilities	90-10-105	Community college presidents, compensation	90-09-069
BOILER RULES, BOARD OF (See LABOR AND INDUSTRIES, DEPARTMENT OF)		Retirement plan accumulations, self-direct investment option	90-04-066
BUILDING CODE COUNCIL		COMMUNITY DEVELOPMENT, DEPARTMENT OF	
Amendments, local and statewide, consideration policies and procedures	90-02-002	Archaeological excavation and removal permits application to privately owned land	90-01-090
	90-02-003		90-01-091
	90-02-108	Building code building permit surcharges and fees	90-03-017
Barrier-free facilities	90-02-002		90-09-008
	90-02-003	Fire protection policy board meetings	90-08-019
	90-02-110	Fireworks	
Building permit exemption guidelines, solicitation of preproposal comment	90-02-025	public displays, safety standards	90-04-097
Energy code	90-02-002		90-10-006
	90-02-003	Hazardous materials advisory committee meetings	90-10-038
	90-02-110	Public works board meetings	90-06-039
	90-05-064		90-11-056
	90-11-020	Weatherization assistance program state plan, public hearing notice	90-01-064
Historic building code, solicitation of preproposal comments	90-01-125	CONSERVATION COMMISSION	
Meetings	90-01-089	Rules coordinator	90-08-027
	90-10-073		
	90-11-095		
Permit exemption guidelines	90-07-083		
Uniform building, additions, deletions, and exceptions	90-02-110		
Water conservation performance standards	90-02-110		
CENTENNIAL COMMISSION			
Ceasing of operations, due date for claims	90-05-070		

Subject/Agency Index

(Citations in **bold type** refer to material in this issue)

CONVENTION AND TRADE CENTER		EASTERN WASHINGTON UNIVERSITY—cont.	
Meetings	90-02-012	Rules coordinator	90-05-011
	90-03-030		90-09-017
	90-04-052	ECOLOGY, DEPARTMENT OF	
	90-06-076	Air pollution	
	90-07-070	grasses grown for seed,	
	90-08-031	burning of	90-06-102
	90-11-010	open burning	90-06-102
COUNTY ROAD ADMINISTRATION BOARD		sensitive areas	90-06-102
County arterial preservation program		solid fuel burning device standards	90-06-102
and account	90-11-113	solid waste incinerator facilities	90-06-102
County legislative authority, substitution		sources	90-01-099
of term for term, county commissioners,			90-05-052
in rules	90-01-026	toxic pollutants, solicitation	
	90-01-027	of preproposal comment	90-05-006
	90-01-028	weather modification	90-06-102
	90-01-029	Aluminum plants, control and prevention	
	90-01-030	of air pollutant emissions	90-01-099
	90-01-031		90-05-052
	90-07-071	Delegation of powers	90-07-014
	90-07-072	Drought relief, emergency	90-02-096
	90-07-073		90-06-010
	90-07-074		90-08-080
	90-07-075		90-05-048
	90-07-076		90-08-080
Environmental and shoreline management		solicitation of preproposal comment	
permit analysis requirements	90-01-031		90-07-017
	90-07-076	environmental laboratories, accredi-	
Internal processing timetables	90-01-027	ation of	90-07-014
	90-07-072	Environmental Policy Act (SEPA),	
Local access roads	90-01-030	designation of responsible official	90-07-014
	90-07-075	Floodplain management	90-06-059
Priority programming technique, submittal			90-11-059
dates	90-01-030	Ground water, East King County management	
	90-07-075	area, notice of intent to create	90-04-091
Right of way acquisition requirements	90-01-032	Ground water quality standards	90-11-074
	90-07-077	Hazardous substance tax	90-03-020
Road engineers		Hazardous waste, financial assistance	
licensing requirements	90-01-029	to local governments	90-11-122
	90-07-074	Hazardous waste management facilities	
sharing among counties, conformance with		siting criteria	90-10-085
Interlocal Cooperation Act	90-01-029	Incinerator ash management standards	90-02-088
	90-07-074		90-10-047
Utilities on county road rights of way	90-01-033	Kraft pulping mills, control and	
Utilities on county road rights of way,		prevention of air pollutant emissions	90-01-099
policy requirements	90-01-028		90-05-052
	90-07-073	Model Toxics Control Act	
		cleanup, identification, and investigation,	
		processes and standards	90-02-097
			90-02-098
CRIMINAL JUSTICE TRAINING COMMISSION			90-08-086
Railroad special agents	90-03-085		90-08-120
training requirements	90-07-012	financial assistance to local governments	90-11-122
		grant programs, solicitation of	
DEAF, WASHINGTON STATE SCHOOL		preproposal comment	90-04-092
FOR THE		public participation grants, eligibility	90-11-123
Agency description	90-10-110	remedial action grants	90-01-124
Environmental Policy Act (SEPA) rules	90-10-117		90-10-057
Family Educational Rights and Privacy Act	90-10-116	Motor vehicle emission inspection	90-10-058
Nonresident tuition	90-10-112	Ocean uses	90-06-062
Practice and procedure	90-10-111	polices and guidelines, preproposal	
Public records	90-10-115	comments	90-03-057
Rules coordinator	90-10-070	Public participation grants, eligibility	90-11-123
Special education programs	90-10-114	Rules coordinator	90-01-114
Use of school facilities	90-10-113	Shorelines	
DEFERRED COMPENSATION, COMMITTEE FOR		Bogachiel River, addition to rivers	
Clarification of terminology to eliminate		and streams constituting shorelines	90-02-107
unnecessary restrictions and promote			90-06-068
consistency, general housekeeping	90-02-086		90-06-069
changes	90-05-078	Shoreline master program	
		Bothell, city of	90-01-093
EASTERN WASHINGTON UNIVERSITY			90-06-067
Meetings	90-04-005	Bucoda, town of	90-05-076
	90-04-090		90-08-122
	90-06-011		90-11-072
	90-08-004		
	90-10-030		
	90-11-101		

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

ECOLOGY, DEPARTMENT OF—cont.

Friday Harbor, town of 90-05-075
90-08-122
90-11-072

Grays Harbor County 90-01-094
90-03-112
90-07-061
90-08-122
90-11-072

Jefferson County 90-07-027
Kirkland, city of 90-02-106
Klickitat County 90-09-096
Lacey, city of 90-05-076
90-08-122
90-11-072

Monroe, city of 90-07-028
North Bend, city of 90-09-097
Olympia, city of 90-05-076
90-08-122
90-11-072

Port Townsend, city of 90-07-027
Redmond, city of 90-02-101
Renton, city of 90-05-074
Richland, city of 90-02-105
San Juan County 90-03-111
90-06-024
90-07-026
90-08-122
90-11-072

Snohomish County 90-07-025
Sumas, city of 90-01-096
90-07-063

Tacoma, city of 90-03-110
90-08-122
90-11-072

Tenino, town of 90-05-076
90-08-122
90-11-072

Thurston County 90-01-095
90-05-077
90-08-122
90-11-072

Tumwater, city of 90-05-076
90-08-122
90-11-072

Yelm, town of 90-05-076
90-08-122
90-11-072

State/environmental protection agency agreement, public hearing notice 90-09-033

Sulfite pulping mills, control and prevention of air pollutant emissions 90-01-099

Waste
dangerous waste regulation, solicitation of preproposal comment 90-01-071
90-06-002

solid waste management, financial assistance to counties and cities for comprehensive planning **90-11-122**

Wastewater discharge permit fees 90-07-015

Wastewater discharge standards
upland fin-fish rearing and hatching facilities
exemptions, preproposal comments 90-03-086
treatment requirements 90-06-071

Water
ground water quality standards **90-11-074**

Wells
construction and maintenance standards 90-07-016

ECONOMIC DEVELOPMENT FINANCE AUTHORITY
Meetings 90-03-108

EDMONDS COMMUNITY COLLEGE
Adjudicative proceedings, procedural rules 90-02-062
90-08-022

EDMONDS COMMUNITY COLLEGE—cont.

Meetings 90-01-011
90-03-062
90-05-010
90-05-012
90-07-009
90-11-075
90-02-063

Organization 90-02-063

EDUCATION, STATE BOARD OF
Basic Education Act
supplemental requirements, repeal of student learning objective requirement 90-01-137

Certification
general provisions separated from procedures for administration of certification proceedings 90-02-073

Consultant special limited certificates for educational staff associate roles 90-08-111
90-09-027

Exit examinations 90-02-074
90-02-104

Meetings 90-06-107
90-09-028

Professional certification 90-08-112
90-08-114
90-08-115

continuing education
course approval, courses offered by out-of-state institution in Washington 90-08-113

unprofessional conduct 90-02-075

unprofessional conduct, administrative procedures 90-02-076

Project approval moratorium 90-01-078
90-01-136
90-04-032

School construction assistance program 90-01-077
90-01-135
90-04-031

School construction
determination of availability of suitable buildings in neighboring districts 90-01-075

eligibility criteria and state matching rates 90-01-076

Self-study, criteria and reporting requirements 90-01-138

Student learning objectives requirement, repeal 90-01-137

EMPLOYMENT SECURITY DEPARTMENT
Family independence program 90-01-014

Unemployment insurance
agricultural coverage rules 90-01-102
90-08-028
90-09-057
90-11-120

benefit year, establishment

discharge for drug use or violation of employer drug abuse policy as misconduct 90-01-101

overpayment recovery, payments to other states **90-11-119**

overpayments, charging of interest on **90-11-121**

ENERGY FACILITIES SITE EVALUATION COUNCIL
Procedural rules 90-03-087
90-05-018
90-09-029
90-09-004
90-09-029

Rules coordinator

Terminology, revision of obsolete language 90-09-029

ENGINEERS AND LAND SURVEYORS
Advertisement of professional services 90-05-071
Solicitation of professional work 90-05-071

EXECUTIVE ORDERS
(See GOVERNOR, OFFICE OF THE)

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

EVERETT COMMUNITY COLLEGE		FISHERIES, DEPARTMENT OF—cont.	
Meetings	90-02-024	sea urchin seasons	90-02-009
	90-03-011		90-03-067
	90-07-049	shad, Columbia River harvest	90-11-071
Procedural rules	90-03-012	shrimp	
	90-03-019	Puget Sound fishery	90-10-035
	90-09-006	seasons and areas	90-11-030
	90-09-049	spawn on kelp permits	90-07-002
Student athletes, suspension for unlawful drug use	90-02-011		90-07-003
	90-03-021	sturgeon seasons	
	90-09-005	Columbia River	
		above Bonneville	90-03-006
EVERGREEN STATE COLLEGE, THE		Columbia River	
Adjudicative proceedings, brief	90-04-011	below Bonneville	90-05-008
Contracts, mid-contract termination with adequate cause	90-04-011		90-05-030
Family Educational Rights and Privacy Act of 1974	90-04-011	Extenuating circumstances defined	90-03-068
Financial aid	90-04-011	Fisheries regional enhancement groups	90-04-026
Library		<u>Personal use</u>	
circulation policy	90-03-037	bag limits	90-02-112
	90-04-028		90-06-025
	90-10-001		90-06-026
Meetings	90-05-007	bottomfish	90-02-112
	90-09-018	areas and seasons	90-06-025
	90-10-005		90-06-026
	90-11-111	possession limits	90-02-112
Organization	90-04-011		90-06-025
Procedure, model rules	90-04-011		90-06-026
Public records	90-04-011	Canadian origin food fish and shellfish, proof of origin	90-06-081
Scholarships	90-04-011		90-08-001
Student athletes, loss of eligibility	90-05-031	catch record cards	90-02-112
Tuition and fees	90-04-011		90-06-025
Use of college facilities	90-11-067		90-06-026
FIRE PROTECTION POLICY BOARD		clams	
Meetings	90-03-070	areas and seasons	
FISHERIES, DEPARTMENT OF		hardshell	90-06-058
<u>Commercial</u>		razor	90-07-039
bottomfish seasons	90-06-001		90-08-008
buoy brand numbers	90-06-079	licenses	90-08-034
clams		razor	90-10-011
razor clam harvest	90-11-012	crab	
coastal bottomfish catch limits	90-01-018	areas and seasons	90-02-112
	90-02-010		90-06-025
	90-04-047	definitions	90-06-026
	90-06-080		90-02-112
	90-07-031	food fish, bag limits	90-06-025
crabs, seasons and areas	90-02-055		90-06-026
food fish, unlawful acts	90-02-111	food fishing, closed areas	90-02-112
herring			90-06-025
closure of season	90-10-032		90-06-026
spawn on kelp permits	90-07-002	halibut, catch records	90-02-112
	90-07-003		90-06-025
Indian off-reservation subsistence fishing closures	90-10-053	halibut, season and bag limits	90-09-050
salmon		lawful and unlawful acts	90-08-033
Atlantic,			90-02-112
classifications food fish	90-06-058	licensing	90-06-025
Columbia River above Bonneville, seasons	90-04-046	catch record cards	90-03-068
Columbia River below Bonneville, seasons	90-05-008	free licenses, nonretention of fees	90-03-068
	90-05-030	salmon	
Grays Harbor, seasons	90-09-092	bag limits	90-02-112
Puget Sound, areas and seasons	90-09-093		90-06-025
troll fishery, seasons and gear	90-10-033	catch records	90-06-026
	90-11-046	Chehalis River	90-09-050
	90-11-086		90-02-112
Willapa Bay, seasons	90-09-092	Columbia River	90-06-025
Yakima treaty subsistence fishing	90-10-034		90-06-026
San Juan Islands marine reserve, unlawful acts	90-02-111		90-02-112
	90-06-043		90-06-025
	90-06-045		90-06-026
sea cucumber harvest closures	90-10-051		90-08-032
	90-11-060		

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

FISHERIES, DEPARTMENT OF—cont.		GAMBLING COMMISSION—cont.	
Klickitat River	90-07-032	Washington blackjack	90-05-032
Little White Salmon River	90-07-032		90-07-019
saltwater seasons and bag limits	90-02-112		90-07-022
	90-06-025		90-11-058
	90-06-026	GENERAL ADMINISTRATION, DEPARTMENT OF	
Wenatchee River	90-02-112	Banking, division of	
	90-06-025	business administration 7(a) loan	
	90-06-026	guaranty program lenders	90-01-001
	90-06-042	collection of examination costs and	
	90-06-044	semi-annual assessment	90-09-091
Wind River	90-07-032	collective investment funds	90-03-105
San Juan Island marine preserve area	90-02-112		90-07-011
	90-06-025	fee schedule, processing and	
	90-06-026	investigation of applications	90-09-090
shellfish		handguns, sale to retiring state	
areas	90-02-112	law enforcement officer	90-11-011
	90-06-025	insurance agents, authority for	
	90-06-026	state-chartered banks and trust	
bag limits	90-02-112	companies to act as	90-10-074
	90-06-025		
	90-06-026	GOVERNOR, OFFICE OF THE	
gear, unlawful acts	90-02-112	Clallam and Wahkiakum counties,	
	90-06-025	state of emergency declared	90-08-013
	90-06-026	Crime victims' advocacy, office of	90-06-053
	90-02-112	Federal low-income housing tax credit	
	90-06-025	allocation	90-03-016
	90-06-026	State of emergency proclamation	90-03-043
oysters		termination of emergency	90-08-012
season and areas	90-03-007	Twin Rivers correction center,	
Twanoah State Park	90-03-027	population limit increased	90-08-068
	90-04-041	Wetlands protection	90-01-050
shrimp, Puget Sound fishery	90-10-035		90-10-027
sturgeon		Workforce 2000 initiative	90-04-086
catch records	90-09-050		
FOREST PRACTICES BOARD		GRAYS HARBOR COLLEGE	
Local government participation in forest		Meetings	90-01-024
practices decisions in conversion	90-10-099		
and developing areas	90-02-081	GREEN RIVER COMMUNITY COLLEGE	
Meetings	90-02-082	Meetings	90-02-056
	90-03-024		
	90-07-008	HEALTH, BOARD OF	
	90-09-048	Adjudicative proceedings	90-01-129
			90-06-049
FRUIT COMMISSION		Confidentiality	90-02-095
Bartlett pear assessment rates	90-03-091		90-07-033
		Infectious, diseases, control of	90-11-038
GAMBLING COMMISSION		Pesticide poisoning, reporting of	
Adjudicative proceedings	90-09-073	cases by physicians	90-06-063
	90-10-008		90-10-036
Bingo, reporting requirements	90-05-034	Prenatal tests for congenital and	
	90-10-007	heritable disorders	90-02-094
Commission hours, location, and services	90-11-057	Variances, waivers, and exceptions	
Cranes, electronic authorization for use	90-01-015	to rules, procedures	90-01-134
	90-01-021	Water recreation facilities, safety	
	90-05-033	and health requirements	90-02-072
Donated prizes, reporting requirements	90-10-008		90-07-010
Electronic cranes, authorization for use	90-01-015		
	90-01-021	HEALTH CARE AUTHORITY	
	90-05-033	Rules coordinator	90-01-086
Income requirements, bingo and		State employees benefits board	
charitable games	90-05-034	plans, eligibility	90-04-087
	90-10-007		
Interpretive and policy statements	90-05-032	HEALTH, DEPARTMENT OF	
Procedural rules	90-03-064	Acupuncture license	
Punchboards and pull tabs, prizes	90-05-032	renewal	90-05-053
	90-07-020		90-11-093
	90-07-021	requirements	90-08-002
	90-11-058	Adjudicative proceedings	90-05-038
Raffles	90-05-032		90-06-018
conduct of	90-10-098	Administrative Procedure Act, program	
Reporting requirements	90-05-034	rules, conforming amendments	90-06-019
	90-10-007	Certificate of need	
Summary suspensions	90-03-060	definitions	90-02-093
	90-03-061	review fees	90-11-092
	90-07-018	Chiropractic disciplinary board	
Telephone charges as valuable consideration	90-10-008	auxiliary staff, delegation of	
		services to	90-09-077

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

HEALTH, DEPARTMENT OF—cont.		HEALTH, DEPARTMENT OF—cont.	
electromyography, prohibition on use	90-04-029 90-08-035 90-08-036	Optometry board	
Chiropractic examiners, board of		contact lenses, prescriptions, records, and identification, solicitation of preproposal comment	90-09-025
continuing education, board approval	90-11-045	Physical therapist licensure requirements	90-04-095
licenses, reinstating or activating	90-11-045	Physicians and surgeons	
Community health clinics		licensing fees	90-04-093 90-06-100
medical and dental services funds, eligibility and distribution	90-01-131 90-04-082	Physician's assistants	
Dental hygienists		licensing fees	90-04-093 90-06-100
education programs, approval	90-01-130	Podiatrists	
examination and licensure	90-01-130	fees, renewal of licenses, active and inactive	90-11-096 90-11-097
review procedures for applicants failing written or practical examinations	90-09-062	unprofessional conduct or impairment, mandatory reporting	90-06-064
Dentists		Prenatal tests, provision of information on	90-08-104
AIDS education requirements	90-08-011	Psychology, examining board of	
anesthesia, administration of	90-06-065	continuing education	90-05-016 90-05-040
anesthesia permit fees	90-06-101	meetings	90-01-132 90-09-042
fees	90-01-127 90-04-083 90-05-039 90-07-068	psychologists, education requirements repealed sections	90-10-100 90-05-015 90-05-017
license renewals		Radiation protection programs	
licensure without examination	90-07-067	fees	90-06-106 90-11-126 90-02-004
school of dentistry	90-11-083	Rules coordinator	
licensed faculty, facility defined	90-10-037	HEARING AID COUNCIL	
substance abuse monitoring programs	90-04-030 90-08-003	(See HEALTH, DEPARTMENT OF)	
Fees, refund of overpayments		HIGHER EDUCATION COORDINATING BOARD	
Health care assistants		Community scholarship foundation	
AIDS prevention and information	90-06-004	demonstration project	90-04-068 90-09-003
education, waivers	90-11-019	Educational opportunity grant project	90-11-130
Hearing aid council		Gender equality	90-10-002 90-11-108 90-04-067
defamation of competitors	90-01-025 90-03-069 90-08-107 90-01-025 90-08-107	State need grant program revisions	
personal disclosure		HIGHER EDUCATION PERSONNEL BOARD	
HIV drugs and treatments, administration of state and federal funds for	90-11-063	Administrative hearings, filing of prehearing statements, briefs, and written argument	90-09-074
HIV insurance program requirements	90-01-133 90-03-052 90-08-099	Affirmative action plans, requirements, approval	90-02-054 90-02-052
Hospitals, licensing rules		Allocation appeals	
Licensing		Exempt classifications, positions, and employees	90-01-007 90-01-126 90-06-023
fees	90-01-128 90-04-094 90-08-009	Exempt status, appeals from classification of position as or as not exempt	90-09-076 90-02-092
Massage board		Meetings	90-01-007
examination and reexamination	90-07-069	Remedial action	90-01-005
Medical examiners, board of		Rules coordinator	
surgical assistants, applications for registration, revised due date	90-09-007 90-11-044	Salaries	
Naturopathic physicians, license fees	90-08-100 90-08-101	pro rata pay	90-02-053 90-06-082
Nursing, board of		special pay	90-01-042 90-02-053 90-06-083 90-10-044 90-01-007
catheterization in schools	90-04-059	Temporary appointments	
nursing assistants, duties and training requirements	90-10-084	Workers' compensation, change in terminology	90-09-075
Nursing homes		HIGHLINE COMMUNITY COLLEGE	
certificate of need criteria	90-08-102 90-08-105	Athletes, suspension for drug or steroid use, procedures	90-01-080
examination failures, repeat examinations	90-04-059	Meetings	90-11-002
review, definitions and standards	90-08-102 90-08-103 90-10-083	HISPANIC AFFAIRS, COMMISSION ON	
Occupational therapists		Meetings	90-04-053 90-07-046
licensing requirements	90-04-096		
Open heart surgery programs	90-10-022		
Optometrists			
examinations	90-08-106 90-11-080		

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

HORSE RACING COMMISSION		LABOR AND INDUSTRIES, DEPARTMENT OF	
Owner's license, use of facsimile application and trainer as agent	90-09-010	—cont.	
HUMAN RIGHTS COMMISSION		Boilers	
Meetings	90-01-009	pressure vessels, clearance standards for new construction	90-04-009
	90-01-081	Construction	90-04-009
	90-01-082	safety standards	90-03-029
	90-03-084		90-03-093
	90-05-050		90-09-026
	90-08-025		90-11-041
	90-09-044	Explosives	
	90-09-045	safety standards	90-03-029
	90-10-062		90-11-041
	90-10-063	Grain handling facilities	
	90-11-031	safety standards	90-03-029
	90-11-094		90-11-041
INDETERMINATE SENTENCE REVIEW BOARD		Handicapped workers	
Victim's rights	90-04-080	prevailing wages	90-06-008
INDUSTRIAL INSURANCE APPEALS, BOARD OF		Logging	
Rules coordinator	90-11-110	safety standards	90-03-093
INFORMATION SERVICES, DEPARTMENT OF		Material handlers, repeal of enjoined rules	90-08-061
Information services board meetings	90-01-010	Occupational health standards	
INSURANCE COMMISSIONER		safety standards	90-03-029
Agents, brokers and adjusters, qualifications	90-01-035		90-03-093
	90-04-060		90-11-041
Medicare supplement insurance	90-01-092	Prevailing wages	
	90-04-089	filing fees	90-09-047
	90-07-059	handicapped workers	90-06-008
Rate filing requirements	90-10-056	Public records	90-02-089
Rules coordinator	90-04-049		90-07-004
Separate accounts requirements	90-01-036	Reassumption of jurisdiction	90-03-093
	90-04-042	Safety and health standards	
INTEREST RATES		general	90-03-029
(See inside front cover)			90-11-041
INVESTMENT BOARD		Shake and shingle mills with automated processes, definitions	90-01-013
Meetings	90-01-055	Workers compensation	
JUDICIAL CONDUCT, COMMISSION ON		asbestos related disease claims	90-02-006
Procedural rules	90-03-095		90-04-007
	90-08-077	manual of rules, classifications, rates, and rating system	90-08-092
	90-10-059		90-11-099
LABOR AND INDUSTRIES, DEPARTMENT OF		maximum fee schedule	90-04-057
Agricultural		medical aid rules	90-04-057
minors, employment of	90-07-078	self-insured employers	
	90-08-093	applications for certification as vocational rehabilitation services, provision of	90-09-071
rest and meal periods	90-07-078		90-09-072
	90-08-093	LEGAL FOUNDATION OF WASHINGTON	
pesticide posting and record-keeping requirements	90-11-023	Meetings	90-04-006
safety standards	90-01-148	LIBRARY	
	90-03-029	(See WASHINGTON STATE LIBRARY)	
	90-05-002	LICENSING, DEPARTMENT OF	
Apprenticeship and training council	90-11-023	Aircraft fuel tax rules	90-08-118
affirmative action plan compliance calculation	90-11-041	Architect licenses	
agreements, standards for new programs		license period, solicitation of preproposal comment	90-05-041
correspondence, submission for consideration at meetings	90-10-019	registration examination	90-06-066
meetings	90-10-020		90-11-062
tie breaking committee	90-10-021	services and renewal	90-03-032
	90-01-012	Auctioneer	
Apprenticeship committees	90-06-104	fees	90-03-107
approval and operation of	90-07-085		90-06-052
		Camping clubs	90-03-106
Asbestos related disease claims	90-06-103		90-06-051
	90-07-084	Collection agency	
	90-02-006	fees	90-03-107
	90-04-007		90-06-052
Boiler rules, board of meetings	90-04-065	Commercial telephone solicitation	90-01-002
	90-07-082		90-02-060
			90-02-061
		Cosmetology, barber and manicurist rules	90-11-068
			90-03-018
			90-07-030

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

LICENSING, DEPARTMENT OF—cont.

Court reporters, licensing requirements	90-05-058 90-10-009
Debt adjuster fees	90-03-107 90-06-052
Dental examiners, board of AIDS education requirements for licensure	90-04-085
Employment agency fees	90-03-107 90-06-052
Engineers and land surveyors advertisement of professional services licensing fees	90-03-028 90-04-010
Escrow inactive officer license officer and agent fees	90-03-098 90-03-099
Funeral directors/embalmers licensing fees	90-04-110 90-07-024
Investment advisers and adviser salespersons registration and examination requirements	90-01-061 90-01-062 90-05-003
Landscape architect fees, examination regrading	90-11-061
Landscape architects licenses services and renewal	90-03-031
Manufactured homes title elimination	90-06-015 90-06-016 90-11-091
Marine fuel use study, public hearing announcement	90-01-040 90-05-019
Motor vehicle fuel tax rules	90-08-116
Motor vehicles advertising and pricing practices of dealers, prohibited practices dealer temporary permits	90-04-048 90-06-022 90-10-013
registration reciprocity and proration	90-10-091
Notaries public fees	90-03-107 90-06-052
Real estate brokers, salespersons, and land development representatives fees	90-02-048
Real estate commission broker responsibility for supervision of affiliated licenses brokers, required records	90-01-044 90-10-075 90-11-008 90-11-098
clock hours credits, procedures to obtain course approval	90-01-047 90-02-102 90-05-072 90-10-010
fees for real estate course, school, and instructor approval	90-10-075 90-11-008 90-11-098
meetings	90-01-112 90-04-061 90-06-027
suit or complaint against licensee, notice to commission trust fund administration	90-01-043 90-01-045 90-01-046 90-02-103 90-05-073 90-09-014

LICENSING, DEPARTMENT OF—cont.

Securities division dual representation and affiliation	90-05-051 90-09-058
exempt transactions	90-02-087 90-05-061 90-09-059
investment advisers, registration requirements	90-06-061
Special fuel licensees, additional reporting requirement	90-08-060 90-08-119
Special fuel tax rules	90-08-117
Telephones, commercial solicitation	90-01-002 90-11-068
Timeshare registration, fees and exemptions	90-04-088 90-07-023
Tow truck operators abandoned vehicles, duties	90-01-060
Uniform commercial code filing fees	90-01-121 90-01-122
Vehicle dealers manufacturer franchise disputes petition fees	90-03-022
Vessel registration cruising license, defined	90-01-048 90-08-018
decals, placement, size, and color exemptions	90-01-048
records, destruction by director	90-01-048
LIQUOR CONTROL BOARD	
Beer alcohol content labeling	90-03-089 90-10-090
Business entertainment, record-keeping requirements	90-10-088
Educational activities, approval	90-10-087
Operations and procedures	90-02-109
Sales private clubs	90-10-089
Suspension notices posting	90-03-088
LOTTERY COMMISSION	
Change of ownership, addition or deletion of substantial owner	90-07-086 90-11-040
Financial management	90-07-086 90-11-040
<u>Instant game number 48 – Black Jack</u> definitions	90-03-023
<u>Instant game number 49 – Play it Again</u> criteria definitions	90-03-023 90-03-023
<u>Instant game number 53 – Aces Wild</u> criteria	90-03-109 90-06-060
definitions	90-03-109 90-06-060
ticket validation	90-03-109 90-06-060
<u>Instant game number 54 – Two for the Money</u> criteria	90-03-109 90-06-060
definitions	90-03-109 90-06-060
ticket validation	90-03-109 90-06-060
<u>Instant game number 55 – Jackpot</u> criteria	90-07-086 90-11-040
definitions	90-07-086 90-11-040
ticket validation	90-07-086 90-11-040

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

LOTTERY COMMISSION—cont.		PARKS AND RECREATION COMMISSION—cont.	
<u>Instant game number 56 – Silver Bells</u>		Boating safety, local programs,	
criteria	90-11-127	approval of	90-09-070
definitions	90-11-127	Fee changes	90-04-108
ticket validation	90-11-127		90-07-062
<u>Instant game number 57 – Treasure Island</u>			90-07-064
criteria	90-11-127		90-08-121
definitions	90-11-127	Meetings	90-01-037
ticket validation	90-11-127	Metal detector use in parks	90-04-025
Quinto	90-03-109	Ocean beach driving	90-04-106
	90-06-060		90-07-050
		Passes for low-income senior citizens,	
		the disabled, and disabled veterans	90-04-024
MARINE EMPLOYEES' COMMISSION		Rules coordinator	90-10-025
Fact-finding surveys	90-03-040	Sno-park permit fee	90-06-108
	90-06-046		90-10-023
Grievance arbitration cases, procedures	90-01-119	Waterways, uniform state marking system	90-04-107
Impasse rules	90-03-039		90-07-051
	90-06-047		
Meetings	90-03-056		
	90-05-055		
Practice and procedure rules	90-01-115	PENINSULA COLLEGE	
Representation cases, procedural rules	90-01-116	Meetings	90-01-008
Security disputes, procedural rules	90-01-120		
Unfair labor practices cases, procedural		PERSONNEL, DEPARTMENT OF	
rules	90-01-118	Applications, medical disqualifications	90-08-072
Unit clarification cases, procedural rules	90-01-117	Assignment pay	90-03-102
		Call-back for work, when compensable	90-11-112
MEDICAL EXAMINERS, BOARD OF		Career executive program, development	
Examinations for licensure, applications	90-01-103	and training	90-08-070
	90-05-001	Career executive program, general	90-08-073
		Department organization, description	
METROPOLITAN SEATTLE, MUNICIPALITY OF		and location	90-01-108
Meetings	90-03-038		90-03-048
			90-07-056
MINORITY AND WOMEN'S BUSINESS		Examinations	
<u>ENTERPRISES, OFFICE OF</u>		announcements, required information	90-03-047
Annual goal setting process	90-06-040		90-05-029
	90-06-041	use of aids by applicants	90-03-047
Rules coordinator	90-10-014		90-05-029
NATURAL RESOURCES, DEPARTMENT OF		Exempt employees, return to classified	
Geodetic control		service	90-08-074
minimum standards	90-03-066	General procedures	90-03-101
	90-06-028		90-07-053
Land boundary surveys			90-07-057
minimum standards	90-03-066	Hearings	
	90-06-028	general procedures	90-03-101
Land descriptions			90-07-053
guidelines for preparation	90-03-066		90-07-057
	90-06-028		90-10-017
Meetings	90-01-049		90-10-018
	90-01-104	grievance arbitration	
	90-06-057	procedures	90-03-103
	90-07-001		90-03-104
	90-02-085		90-08-020
Open water disposal sites		Law enforcement personnel	
Surveys		work period designation	90-03-044
minimum standards for boundary and		Lottery employees, special pay	90-10-039
geodetic control surveys	90-01-063	Overtime compensation	90-01-107
			90-03-102
OIL AND GAS CONSERVATION COMMITTEE			90-07-054
Meetings	90-01-065		90-10-015
	90-07-029		90-11-043
		Personnel board, filling of vacancies	90-08-075
OLYMPIC COLLEGE		Personnel records, agency guidelines	90-07-052
Meetings	90-07-047	Political activity by state employee	90-01-109
	90-09-037	Return to work program	90-08-071
		Shift premium	90-03-102
OUTDOOR RECREATION, INTERAGENCY		Special pay ranges	90-11-042
<u>COMMITTEE FOR</u>		Suspension without pay of permanent	
Meetings	90-01-019	employees	90-01-111
	90-04-051	Temporary appointment option, following	
	90-09-001	upward reallocation	90-01-110
PARKS AND RECREATION COMMISSION		Transfer rights	90-01-106
Beach recreation management plans,			90-03-045
preparation by local government	90-06-006		90-05-027
	90-06-109		90-05-028
	90-10-024		90-07-055
Boating pumpout grants	90-06-110		90-10-016
	90-10-052		90-11-043
Boating safety grant and contract program	90-01-145		
	90-04-064		

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

REVENUE, DEPARTMENT OF—cont.		SKAGIT VALLEY COLLEGE	
lump sum sales defined	90-02-049	Athletes, suspension for drug use, procedure	90-01-098
	90-02-050		90-02-031
scale sales, defined	90-02-049		90-05-045
	90-02-050	Meetings	90-01-054
stumpage value, computation for reporting and payment purposes	90-10-079	Organization	90-01-098
Tobacco products, tax rates and revised forms	90-01-149		90-02-031
	90-04-038	Procedural rules	90-05-045
Trade shows, conventions, and seminars			90-01-098
excise tax, collections and exemptions	90-01-151		90-02-031
	90-04-058	Student records	90-05-045
Valuation procedures and standards	90-02-080		90-01-098
Warranties and maintenance agreements	90-06-077		90-02-031
	90-06-078		90-05-045
	90-07-087	SOCIAL AND HEALTH SERVICES, DEPARTMENT OF	
	90-07-088	Adjudicative proceedings	90-04-015
	90-10-080		90-04-016
	90-10-081		90-04-017
RULES COORDINATORS			90-04-018
Accountancy, board of	90-08-026		90-04-019
Administrative hearings, office of	90-10-003		90-04-020
Agriculture, department of	90-05-069		90-04-021
Attorney general's office	90-11-109		90-04-022
Basic health plan	90-09-053		90-04-069
Blind, Washington State School for the	90-10-055		90-04-070
Central Washington University	90-09-063		90-04-071
Code reviser	90-01-016		90-04-072
Columbia Basin College	90-03-082		90-04-073
Conservation commission	90-08-027		90-04-074
Deaf, Washington State School for the	90-10-070		90-04-075
Eastern Washington University	90-05-011		90-04-076
	90-09-017		90-04-077
Ecology, department of	90-01-114	Adult family homes	90-05-020
Energy facility site evaluation council	90-09-004	license fees	90-09-095
Health care authority	90-01-086	minimum licensing requirements	90-10-028
Health, department of	90-02-004	Aid to families with dependent children	
Higher education personnel board	90-01-005	categorically needy medical assistance	
Industrial insurance appeals, board of	90-11-110	eligibility	90-02-034
Insurance commissioner	90-04-049		90-02-044
Minority and women's business enterprises, office of	90-10-014		90-06-033
Parks and recreation commission	90-10-025	census demonstration project employment, disregard for AFDC, unemployed eligibility	90-09-054
Pollution liability insurance agency	90-10-092		90-09-055
Public employment relations commission	90-03-075	child care, transitional period	90-03-100
Revenue, department of	90-11-090		90-06-032
Shoreline Community College	90-10-004	disregards from income and resources, eligible sources	90-07-037
Social and health services, department of	90-01-051		90-07-081
South Puget Sound Community College	90-08-021	fraud, ineligibility periods	90-11-003
Spokane Community Colleges	90-04-036	good cause waiver of requirement to cooperate with support enforcement office	90-09-079
State employees benefits board	90-01-086	Puyallup Indians settlement payments, disregard from income	90-09-054
Tax appeals, board of	90-02-081		90-07-037
University of Washington	90-09-043		90-07-081
Washington state patrol	90-09-002		90-11-003
Washington State University	90-03-063	support enforcement cooperation, eligibility condition	90-01-072
Whatcom Community College	90-01-097		90-01-073
	90-02-032	distribution of support payments	90-05-022
	90-10-054		90-03-041
Yakima Valley Community College		Alcohol or drug intoxication	90-03-042
SEATTLE COMMUNITY COLLEGES		Medicaid payment for detoxification	90-08-109
Meetings	90-08-029	Assistance standards	90-08-110
	90-10-029		90-01-123
	90-11-087		90-02-040
SECURITIES DIVISION			90-05-024
(See LICENSING, DEPARTMENT OF)			90-06-035
SHORELINE COMMUNITY COLLEGE			
Adjudicative proceedings	90-10-049		
Organization and operation information	90-10-050		
Rules coordinator	90-10-004		

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

**SOCIAL AND HEALTH SERVICES,
DEPARTMENT OF—cont.**

Child care
transitional period 90-03-100
90-06-032
Chore services program **90-11-124**
Community mental health 90-03-113
Community options program entry system
(COPES) personal care services **90-11-006**
Computer Matching and Privacy Protection
Act of 1988, compliance rules
notice of adverse action 90-06-098
90-06-099
90-09-035
90-09-036
Family independence program
caseload growth and FIP expenditures,
control of 90-09-085
90-09-088
90-09-084
gifts, limits on exemption from income
Food stamps 90-09-086
categorical eligibility
combined allotment for applications
received on or after 16th of month
definitions, amended
expedited service **90-11-015**
90-09-081
90-09-083
90-09-089
federal census taker income exclusion
90-08-041
90-08-058
90-11-013
household status for elderly, permanently
disabled persons unable to prepare
meals 90-10-066
90-11-014
90-11-016
90-09-078
90-02-039
90-03-008
90-03-050
90-06-030
monthly reporting, exclusion for homeless
or seasonal farmworker recipients 90-07-080
90-10-064
public assistance households,
application processing rules 90-09-080
Puyallup Indians settlement payments,
exclusion from resources 90-07-036
90-07-079
90-11-004
Funeral/interment program
maximum cost standards 90-02-033
90-02-046
90-05-021
90-05-023
90-05-025
90-10-031
Handicapped persons
vocational rehabilitation and services
for 90-07-035
Homeless families, standards of assistance **90-11-081**
90-11-082
Hospice clients, eligibility for medical
assistance 90-04-013
90-04-033
Kitsap physician's service, Sound care
plan, enrollment of recipients
in Jefferson and Clallam counties 90-04-014
Limited casualty program
eligibility determination, deduction for
health insurance premiums
excess income, spenddown 90-08-038
90-04-034
90-04-035
90-08-049
Medicaid
chemical—using, pregnant recipients,
services to 90-01-053

**SOCIAL AND HEALTH SERVICES,
DEPARTMENT OF—cont.**

early and periodic screening, diagnosis,
and treatment program 90-08-037
90-08-055
nursing homes, sanctions for failure to
meet state and federal requirements 90-01-052
90-02-079
personal care services 90-02-084
90-06-038
Medical assistance program
community alternatives program (CAPS) 90-08-046
90-08-057
community options program entry
system (COPES) 90-08-046
90-08-057
denture policy 90-08-042
dispute conferences, contractor/provider
eligibility 90-09-082
90-08-048
90-08-052
eligibility, cooperation in securing medical
assistance support, condition of
eligibility 90-04-012
income and resources, division
between institutionalized and
community spouse 90-02-036
90-02-041
90-06-029
90-08-043
90-08-059
90-04-013
90-04-033
institutional and hospice clients
institutionalized person, definition for
purposes of eligibility determination 90-09-040
90-09-041
90-08-048
90-08-052
medical extensions
medically needy
eligibility determination
institutional 90-02-037
90-02-045
90-06-037
90-02-038
90-02-042
90-06-034
90-08-045
90-08-050
own home
Medicare cost sharing 90-08-040
90-08-054
Medicare deductible and coinsurance,
payment by department 90-08-047
90-08-051
needy children
nursing home recipients, transportation not
authorized for services which are the
responsibility of the facility 90-09-087
outward bound residential alternatives
program (OBRA) 90-08-046
90-08-057
pregnant women and infants,
income limits for eligibility 90-08-044
90-08-056
90-02-047
90-08-039
90-08-053
residence defined
termination of assistance
Mentally retarded, intermediate care
facilities for
asset capitalization **90-11-005**
90-11-007
90-11-005
90-11-007
compensation for direct care staff
recovery of rate increases when
facilities are downsizing **90-11-005**
90-11-007
Nursing homes
accounting and reimbursement system 90-05-013
90-05-014
90-09-061

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

SOCIAL AND HEALTH SERVICES,		TRADE AND ECONOMIC DEVELOPMENT	
DEPARTMENT OF—cont.		Community economic revitalization board	
civil penalty fund	90-08-108	meetings	90-06-005
licensure program administration	90-02-099	Meetings	90-03-015
	90-02-100		90-04-063
	90-06-031		90-04-081
Medicaid, sanctions for failure to		TRAFFIC SAFETY COMMISSION	
meet state and federal requirements	90-01-052	Meetings	90-02-064
Rules coordinator	90-01-051		
Social Security income		TRANSPORTATION COMMISSION	
medical assistance		Meetings	90-03-001
eligibility determination	90-02-035		90-06-003
	90-02-043	Stalled vehicles, removal	90-01-100
	90-06-036		
Standards of assistance	90-01-123	TRANSPORTATION IMPROVEMENT BOARD	
	90-02-040	Environmental Policy Act guidelines	90-07-060
	90-11-081		90-11-035
	90-11-082	Financial and payment requirements	90-07-060
Support enforcement, office of			90-11-035
distribution of payments by	90-11-048	Meetings	90-02-083
Vocational rehabilitation			90-04-008
handicapped persons, services for	90-07-035		90-06-013
	90-11-114		90-09-012
			90-10-048
Women, infants, and children (WIC)		Organization	90-07-060
special supplemental food program		Procedure	90-07-060
food vendor provider agreements	90-10-065	Project proposals	90-07-060
		Transportation improvement account	
SOUTH PUGET SOUND COMMUNITY COLLEGE		program implementation	90-11-018
Athletes, loss of eligibility for		project matching funds and value	
prohibited drug use	90-10-041	engineering study requirements	90-11-017
Meetings	90-07-041	Transportation plans	90-07-060
	90-11-076	Urban arterial projects	90-07-060
	90-08-021		
Rules coordinator		TREASURER	
		(See inside front cover)	
SPOKANE COMMUNITY COLLEGES		UNIVERSITY OF WASHINGTON	
Meetings	90-02-013	Adjudicative proceedings, practice	
Rules coordinator	90-04-036	and procedure	90-08-084
		Meetings	90-02-015
STATE EMPLOYEES BENEFITS BOARD			90-02-051
(See HEALTH CARE AUTHORITY)			90-03-002
SUPERINTENDENT OF PUBLIC INSTRUCTION			90-03-003
(See PUBLIC INSTRUCTION,			90-03-004
SUPERINTENDENT OF)			90-03-005
SUPREME COURT			90-03-013
Accounts, examination and audit			90-03-014
of attorney accounts	90-08-079		90-04-004
Bar examination, qualification for	90-11-054		90-04-054
Cameras in courtrooms	90-11-055		90-05-037
Case information cover sheet	90-08-082		90-05-046
Court rules, adoption of and amendments to	90-11-053		90-05-056
Inactive status	90-08-078		90-05-062
Jurors	90-08-081		90-05-063
Pleadings, form of	90-08-083		90-06-009
			90-06-020
TACOMA COMMUNITY COLLEGE			90-06-021
Meetings	90-01-085		90-08-087
	90-02-057		90-09-009
	90-07-005		90-04-002
	90-11-036		90-10-072
			90-09-043
Student athletic participation		Parking and traffic	90-08-030
loss of eligibility	90-03-094		90-10-040
	90-07-038		
		Rules coordinator	
TAX APPEALS, BOARD OF		Smoking in outdoor facilities	
Formal hearings, practice and procedure	90-08-007	Special events, procedures and fees	
	90-08-096	University stadium boat moorage	
	90-08-097	facilities	90-04-001
	90-11-104		
	90-11-105	USURY	
	90-08-006	(See inside front cover)	
	90-08-096	UTILITIES AND TRANSPORTATION	
	90-08-098	COMMISSION	
	90-11-103	Accounting and reporting procedures	90-01-058
	90-11-106	Biohazardous waste	
Meetings	90-02-090	transportation of	90-02-008
Public records, disclosure	90-08-005	Buses	
	90-11-107	excursion services, regulation as	
	90-02-091	charter buses	90-10-077

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

UTILITIES AND TRANSPORTATION COMMISSION—cont.		WESTERN WASHINGTON UNIVERSITY—cont.	
passengers standing while riding, safety requirements	90-09-034 90-09-094	Model rules of procedure	90-02-029 90-02-030 90-10-042
Excursion services, regulation as charter buses	90-10-077	WHATCOM COMMUNITY COLLEGE	
Garbage/refuse collection companies tariff charges	90-03-009 90-09-015	Athletes, suspension for drug use, procedure	90-01-097 90-02-032 90-05-043 90-02-014
Motor carriers		Meetings	90-11-073
accounting and reporting procedures, common and contract carriers	90-01-058	Organization	90-01-097 90-02-032 90-05-043
out-of-service criteria, adoption of North American uniform rules	90-02-026 90-06-017	Parking and traffic rules	90-01-097 90-02-032 90-05-043
Telecommunications		Procedural rules	90-01-097 90-02-032 90-05-043
customer-owned pay telephones	90-01-057 90-01-059 90-08-010	Rules coordinator	90-01-097 90-02-032 90-05-043
disconnection of telephone service	90-02-027 90-04-055 90-04-056 90-10-078		
Water companies		WILDLIFE, DEPARTMENT OF	
VOCATIONAL EDUCATION, BOARD FOR		Deleterious exotic wildlife	
Meetings	90-01-017 90-06-054 90-11-102	diploid grass carp	90-06-084 90-10-067
VOLUNTEER FIREFIGHTERS, BOARD FOR		Endangered, threatened, and sensitive wildlife species classified	90-04-098 90-04-099 90-11-065 90-11-066 90-01-066
Meetings	90-03-010 90-08-088	Expired rules, repeal	
WALLA WALLA COMMUNITY COLLEGE		Fishing	
Associated students, bylaws and constitution	90-03-065	game fish seasons and catch limits, 1988-90	
WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY		Carbon River	90-02-071
Meetings	90-04-037 90-08-016 90-09-046 90-11-037	Cedar River	90-02-070
WASHINGTON STATE LIBRARY		Columbia River	90-08-066
Library commission	90-03-046	Lake Sammamish	90-02-070
Meetings	90-04-078 90-09-023 90-09-024	Lake Washington	90-02-070
Western library network meetings	90-01-020	Lake Washington Ship Canal	90-02-070
WASHINGTON STATE PATROL		Puyallup River	90-02-071
Emergency tow truck, definition	90-06-056	Salmon Bay	90-02-070
Emergency vehicle lighting	90-01-087	Sammamish River	90-02-070
Emergency vehicle permits	90-04-023 90-07-034 90-01-088 90-06-055	Tokul Creek	90-03-072
Load fastening devices, standards		game fish regulations, 1990-92	90-01-067 90-02-067 90-04-101 90-08-064
Motor vehicle safety inspections, repeal of obsolete rules	90-08-024 90-11-022	Sauk River	90-02-066 90-04-104 90-08-063 90-02-069 90-04-103 90-08-067 90-02-068 90-04-102 90-08-065
Public records, copying charges	90-04-027 90-10-097	Spokane River	
Rules coordinator	90-09-002	Toutle River, south fork	90-02-069 90-04-103 90-08-067 90-02-068 90-04-102 90-08-065
Sunscreen tint film decals, standards	90-10-076	Tye River	
Tires, safety standards	90-08-023 90-11-021	game fish seasons and catch limits, 1990-92	90-01-068 90-06-086
WASHINGTON STATE UNIVERSITY		Bogachiel rearing pond	
Meetings	90-08-014 90-08-015	handicapped anglers or those under 15 or over 70 years old, special steelhead season statewide	90-09-052 90-06-087 90-10-069 90-04-100
Rules coordinator	90-03-063	Game management units	
Traffic and parking regulations	90-01-105 90-05-060 90-11-078	Hunting	
WESTERN WASHINGTON UNIVERSITY		bear and small game seasons, 1990-91	90-06-097
Health and safety rules	90-10-012	bow and arrow requirements	90-03-092
		Canadian goose season, closure	90-02-065
		deer hunting seasons, 1990	90-06-093
		elk	
		Doty—Area 051	90-02-028
		seasons, 1990-91	90-06-094
		firearm restriction areas	90-06-093

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

WILDLIFE, DEPARTMENT OF—cont.	
game management units	90-04-100
handguns and cartridges, determination of suitability for hunting	90-06-091
hours, closure notices, and hound hunting areas	90-06-096
mountain goat, sheep, moose, cougar, and lynx seasons	90-04-105 90-11-064
muzzleloading firearms	90-06-092
snow goose season, closure	90-01-070
special deer and elk permit seasons, 1990-91	90-06-095
special game areas, boundary descriptions	90-04-100
wild turkey seasons	90-03-083
Land management rules	90-06-090 90-11-049
Protected wildlife, threatened, sensitive, and other species classified	90-04-098 90-04-099 90-11-065 90-11-066
Road management agreements, enforcement	90-06-089 90-11-050
Sampling data, collection by department personnel	90-01-069
Triploid grass carp, game fish classification	90-06-085 90-10-068
closed season	90-06-087 90-10-069
Vehicles using department lands	90-06-089 90-11-050
Violations of wildlife code, three convictions, forfeiture of privileges	90-06-088 90-11-051
YAKIMA VALLEY COMMUNITY COLLEGE	
Alcohol use on campus	90-07-058 90-11-077
Rules coordinator	90-10-054

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