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filed not later than August 1, 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

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of August 1990 pursuant to RCW 19.52.020 is twelve point zero one percent (12.01%).

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 two five percent (14.25%) for the third 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 zero percent (14.00%) for the third calendar quarter of 1990.

WASHINGTON STATE REGISTER

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

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

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

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.05 RCW) may be distinguished by the size and style of type in which they appear.

- (a) **Proposed rules** are those rules pending permanent adoption by an agency and are set forth in eight point type.
- (b) **Adopted rules** have been permanently adopted and are set forth in ten point type.
- (c) **Emergency rules** have been adopted on an emergency basis and are set forth in ten point oblique type.

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
 - (i) underlined material is new material;
 - (ii) ~~deleted material is ((lined out and bracketed between double parentheses))~~;
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

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

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

5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office unless a later date is provided by the agency. They remain effective for a maximum of one-hundred-twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

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

1990 – 1991

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
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
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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 8, 1991
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91-01	Nov 21	Dec 5	Dec 19, 1990	Jan 2, 1991	Jan 22
91-02	Dec 5	Dec 19, 1990	Jan 2, 1991	Jan 16	Feb 5
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91-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1992

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 90-15-010
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed July 9, 1990, 4:13 p.m.]

Original Notice.

Title of Rule: Chapter 388-11 WAC, Child support—Obligations.

Purpose: Conform WAC rules to the provisions of EHB 2888 relating to the Washington state child support schedule, termination of stepparent liability and credit for disability benefit payments. Simplify and clarify existing language. Establish criteria for setting liability for birth cost in an administrative proceeding to establish a support obligation.

Statutory Authority for Adoption: Chapter 2, Laws of 1990 1st ex. sess.

Statute Being Implemented: Chapter 2, Laws of 1990 1st ex. sess.

Summary: These amendments clarify and simplify existing language; provide for the application of the state child support schedule in administrative proceedings in the same manner as in superior court; conform rules to the provisions of EHB 2888 which allow the court to relieve a stepparent of the child support obligation prior to the entry of a divorce decree; allow a responsible parent credit against the parent's support obligation for disability benefits paid for or on behalf of a dependent child; conform rules which authorize collection action with state law that defines the circumstances under which income withholding and other collection action is appropriate; and establish criteria for assessing liability for birth costs in an administrative proceeding to establish a support obligation.

Reasons Supporting Proposal: This rule is necessary to implement the provisions of EHB 2888 which require the department to apply the Washington state support schedule in the same manner as the courts. The effective date of these provisions was July 1, 1990.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bill Paine, Office of Support Enforcement, 586-3278.

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 September 5, 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 September 5, 1990.

Date of Intended Adoption: September 19, 1990.

July 9, 1990

Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2689, filed 8/30/88)

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

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

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

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

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

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

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

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

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

~~(d) Referral to state parent locator program grant is authorized under subsection (1)(c) of this section are exhausted;~~

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

~~(3) "The date the state assumes responsibility for the support of a dependent child on whose behalf support is sought" shall mean the date payment of an AFDC-R, AFDC-E, AFDC-FC, a state only foster care, or a family independence program grant is authorized. For purposes of this chapter, the state shall continue to be responsible for the support of a dependent child until public assistance or family independence program payments terminate, or support enforcement services terminate, whichever occurs later.~~

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

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

~~(6) "Dependent child" means any person under the age of twenty-one not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States.~~

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

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

~~(9) "Support obligation" means the obligation to provide for the necessary care, support, and maintenance, including responsibility for~~

medical support, of a dependent child or other person as required by statutes and the common law of this or another state.

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

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

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

(13) "Current" and/or "future" support means support money paid to satisfy the support obligation for the present month as opposed to satisfaction of a support debt.

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

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

(16) "Good cause" means there is substantial reason or legal justification for delay, including a showing of those grounds enumerated in Civil Rule 60.

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

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

- (a) The representation of the existence or nonexistence of a fact;
- (b) Its materiality;
- (c) Its falsity;
- (d) The speaker's knowledge of its truth;
- (e) His or her intent that it should be acted on by the person to whom it is made;
- (f) Ignorance of its falsity on the part of the person to whom it is made;
- (g) The latter's reliance on the truth of the representation;
- (h) His or her right to rely upon it; and
- (i) His or her subsequent damage.

(19) "State" means any state or political subdivision, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

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

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

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

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

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

(25) "Medical support" means medical costs incurred for and/or health insurance coverage for the benefit of a dependent child)) "Accrued debt" means a debt for the payment of expenses for the reasonable or necessary care, support, and maintenance, including birth costs, of a dependent child owed by a person having signed an affidavit acknowledging paternity which has been filed with the state office of vital statistics.

(2) "Administrative order" means a determination, finding, decree, or order for support issued under RCW 74.20A.055 or by another state agency under a substantially similar administrative process, establishing the existence of a support obligation and ordering the payment of a set or determinable amount of support money to satisfy current support or a support debt. The administrative order shall include:

(a) An agreed settlement or consent order entered under WAC 388-11-150; or

(b) A notice and finding of financial responsibility or a notice and finding of parental responsibility that has become final by operation of law.

(3) "Agreed settlement" means the informal disposition of a contested case by written agreement between a responsible parent and OSE establishing a support obligation and ordering payment. The agreement shall be effective without the presiding officer's approval.

(4) "Arrears," "delinquency," and "past support" means the amount owed for a period of time before the instant month.

(5) "Assignment" means, under RCW 74.20A.040, the assignment made by an applicant/custodian of support rights under WAC 388-14-310.

(6) "Birth costs" mean the reasonable and necessary costs associated with the birth of a child, including costs of the mother's pregnancy and confinement.

(7) "Consent order" means the disposition of a contested case by written agreed order between a responsible parent and OSE establishing a support obligation and ordering payment. The agreed order shall require the presiding officer's approval.

(8) "Current support" or "future support" means support money paid to satisfy the support obligation for the present month as opposed to satisfaction of a support debt.

(9) "Date the state assumes responsibility for the support of a dependent child on whose behalf support is sought" means the date payment of an AFDC-R, AFDC-E, AFDC-FC, a state only foster care, or a family independence program grant is authorized. For purposes of this chapter, the state shall continue to be responsible for the support of a dependent child until public assistance or family independence program payments terminate, or support enforcement services terminate, whichever occurs later.

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

(11) "Dependent child" means a person:

- (a) Seventeen years of age or younger who is not self-supporting, married, or a member of the United States armed forces;
- (b) Eighteen years of age or older for whom a court order requires support payments past eighteen years of age or older; or
- (c) Eighteen years of age or older, but under nineteen years of age, for whom an administrative support order exists if the child is:
 - (i) A full-time student; and
 - (ii) Reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the end of the month in which the child becomes nineteen years of age.

(12) "Fraud" means, for the purposes of WAC 388-11-115:

- (a) The representation of the existence or nonexistence of a fact;
- (b) Its materiality;
- (c) Its falsity;
- (d) The speaker's knowledge of its truth;
- (e) His or her intent that it should be acted on by the person to whom it is made;
- (f) Ignorance of its falsity on the part of the person to whom it is made;
- (g) The latter's reliance on the truth of the representation;
- (h) His or her right to rely upon it; and
- (i) His or her subsequent damage.

(13) "Good cause for failure to make a timely request for an adjudicative proceeding" means there is substantial reason or legal justification for delay, including a showing of those grounds enumerated in Civil Rule 60.

(14) "Health care costs" means medical, dental, and optometrical costs and expenses.

(15) "Locate" means service of the notice and finding of financial responsibility or the notice and finding of parental responsibility in a manner prescribed by WAC 388-11-040.

(16) "Medical support" means health care costs incurred for and health insurance coverage for a dependent child's benefit.

(17) "Other ordinary expense" means an expense incurred by a responsible parent:

- (a) Directly benefiting a dependent child; and

(b) Relating to the parent's residential time or visitation with a child.

(18) "Reasonable efforts to locate" means any of the following actions taken by the office of support enforcement (OSE):

(a) Mailing the notice and finding of financial responsibility or the notice and finding of parental responsibility by certified mail, return receipt requested, to the responsible parent;

(b) Referral to a sheriff, other server of process or locate service, or department employee for locate activities;

(c) Tracing activity as follows:

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

(ii) Contacting state agencies, union, financial, or fraternal organizations;

(iii) Periodic searches for identification information recorded by other state agencies, federal agencies, credit bureaus, or other record keeping agencies or entities;

(iv) Case maintenance in OSE's automated locate program.

(d) Referral to state or federal parent locator service;

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

(f) Attempts to confirm the existence of and to obtain a copy of a paternity acknowledgment.

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

(20) "Responsible parent" means the natural parent, adoptive parent, responsible stepparent, or a person having signed an affidavit acknowledging paternity which has been filed with the state office of vital statistics, from whom the department seeks support for a dependent child.

(21) "Responsible stepparent" means a stepparent having established an in loco parentis relationship with the dependent child or children.

(a) The status shall continue until the relationship is terminated by death, dissolution of marriage, or by superior court order as provided under RCW 26.16.205.

(b) A rebuttable presumption of an in loco parentis relationship is created when the stepparent;

(i) Lives with the child and the parent; or

(ii) Provides care, support, or guidance for the child.

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

(23) "State" means a state or political subdivision, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(24) "Superior court order" means a judgment, decree, or order of a Washington state superior court or another state's court of comparable jurisdiction:

(a) Establishing a support obligation and ordering payment thereon of a set or determinable amount; or

(b) Specifically relieving a responsible parent of a support obligation.

(25) "Support debt" means:

(a) A delinquent amount of support money due, owing, and unpaid under a superior court order or an administrative order;

(b) A debt for the payment of expenses for the reasonable or necessary care, support and maintenance, including health care, birth costs, child care, special child rearing expenses, and an accrued debt under RCW 74.20A.056, of a dependent child or other person for whom a support obligation is owed;

(c) A debt under RCW 74.20A.100 or 74.20A.270; or

(d) Accrued interest, fees, or penalties charged on a support debt, and attorneys' fees and other costs of litigation awarded in an action under Title IV-D of the Social Security Act establishing and enforcing a support obligation or support debt.

(26) "Support money" means money paid to satisfy a support obligation whether named child support, spousal support, alimony, maintenance, medical support, birth costs, or other money intended to satisfy a support obligation for a person or satisfy wholly or partly a support debt.

(27) "Support obligation" means the obligation to provide for the necessary care, support, and maintenance, including health care, birth

costs, child care and special child rearing expenses of a dependent child or other person as required by law.

AMENDATORY SECTION (Amending order 2689, filed 8/30/88)

WAC 388-11-015 CREDITS (~~(ALLOWABLE IN)) ALLOWED-DEBT SATISFACTION ((OF-DEBT)). (1) ((Under RCW 74.20.107))~~ After the office of support enforcement (OSE) serves a notice and finding of financial responsibility or a notice and finding of parental responsibility on the responsible parent, (~~(satisfaction of))~~ the responsible parent may only obtain credit against the parent's current and future support obligation (~~(may be obtained only))~~:

(a) By cash, check, or money order payments through ((the office of support enforcement)) OSE or payment of health insurance premiums; or

(b) As provided under subsections (3) and (6) of this section.

(2) ~~((The office of support enforcement))~~ OSE shall allow credit against ~~((the))~~ a responsible parent's support debt for family (~~(necessaries))~~ needs provided directly to ~~((the))~~ a caretaker/custodian, ~~((or children))~~ a child, or provided through a vendor(s) or third (~~(parties))~~ party only if:

(a) The items are provided ((prior to)) before service of the notice and finding of financial responsibility or the notice and finding of parental responsibility on ((the)) a responsible parent; ((and))

(b) ~~((The))~~ A responsible parent proves the items ~~((when))~~ provided ((;)) were intended to satisfy the responsible parent's support obligation; and

(c) The items are food, clothing, shelter, or medical attendance directly related to the care, support, and maintenance of ((the children)) a child.

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

(a) The department determines there:

(i) Is no prejudice to ((the)):

(A) A custodial parent, a child, or other person; or

(B) An agency entitled to receive the support payments ((or to the children, and that there)).

(ii) Are special circumstances of an equitable nature ((which justify)) justifying credit for ((such)) payments ((or)).

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

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

(5) Credit for shelter payments made ((prior to)) before service of the notice ((and finding of financial responsibility)) shall not be ((credited against any debt for any period determined under chapter 388-11 WAC in an amount)) greater than the shelter allocation in the public assistance standards for the ((same)) period when payments were made or one-half of the actual shelter payment ((made)), whichever is the greater. ((Any credit given shall be classified as a payment of child support and shall be treated consistent with rules of eligibility in effect at the time of payment. No credit)) The department shall ~~((be allowed))~~ not allow credit for shelter payments made after service of the notice ~~((and finding of financial responsibility))~~.

(6)(a) Effective July 1, 1990, and for months thereafter, the department shall give credit for disability benefits made on behalf of the responsible parent's child by:

(i) Labor and industries or a self-insurer under chapter 51.32 RCW; or

(ii) The Social Security Administration.

(b) The department shall only give credit against the current support obligation owed for the month in which the benefit is paid.

(c) A responsible parent must prove payment of these benefits.

(d) A responsible parent has no right to reimbursement of disability benefits because of a credit allowed under this subsection.

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 2689, filed 8/30/88)

WAC 388-11-030 NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY. (1) The office of support enforcement's (OSE)

notice and finding of financial responsibility shall ~~((set forth the office of support enforcement's finding of responsibility as follows))~~ include the:

(a) ~~((The))~~ Amount the responsible parent owes as ~~((an accrued))~~ a support debt, and a ~~((statement of the))~~ demand for payment ~~((thereon))~~;

(b) ~~((The))~~ Amount the responsible parent should pay for current and future support using:

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

(ii) ~~((Under WAC 388-29-100 if))~~ Inputted income ~~((is unknown))~~; or

(iii) Income from the approximate median net income chart, when actual income is not known and cannot be inputted.

(c) ~~((The))~~ Responsible parent's responsibility for medical support under WAC 388-11-215.

(2) ~~((The))~~ OSE's notice and finding of financial responsibility shall also include the following information, when known:

(a) The residential parent's name ~~((of the residential parent))~~ and Social Security number;

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

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

(d) The responsible parent's employer; and

(e) A statement that:

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

(ii) ~~((Any))~~ The responsible parent shall serve a written objection ~~((shall be communicated, in writing, and served))~~ on the ~~((district))~~ OSE field office ~~((of the office of support enforcement))~~ issuing the notice and finding of financial responsibility;

(iii) The support debt or current support amount become final and subject to collection action without further action or notice if the responsible parent fails to object in writing, within twenty days ~~((to the support debt and the current support amounts stated in the notice and finding of financial responsibility, the support debt and/or current support amount shall become final and subject to collection action without further action or notice))~~;

(iv) OSE may issue a notice of payroll deduction ~~((may be issued))~~ under chapter 26.23 RCW or take other income withholding action under chapters 26.18 or 74.20A RCW ~~((may be taken))~~, without further notice to the responsible parent, ~~((if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month))~~ at any time;

(v) After service of the notice, the responsible parent shall make all payments ~~((made which are))~~ intended to satisfy a current support obligation ~~((and/or))~~ or support debt alleged in the notice ~~((must be made))~~ directly to ~~((the office of support enforcement))~~ OSE. OSE shall not credit payments made to any other party ~~((will not be credited))~~ against the support obligation whether or not ~~((such))~~ the payment is in cash, check, money order, in-kind services, merchandise, or anything else of value, except as provided under WAC ~~((388-11-030))~~ 388-11-015.

AMENDATORY SECTION (Amending Order 2689, filed 8/30/88)

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

(a) Superseded by a superior court order;

(b) Modified ~~((pursuant to))~~ under WAC 388-11-140;

(c) The child reaches ~~((the age of majority))~~ eighteen years of age;

(d) The child is emancipated;

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

(f) The child becomes a member of the United States armed forces;

(g) The child or the responsible parent die;

(h) A responsible stepparent's marriage is dissolved; or

(i) A superior court order terminates the responsible parent's liability as provided under RCW 26.16.205.

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

(a) Under nineteen years of age; and

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

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

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

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

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

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

(a) The child or the responsible parent dies; or

(b) A responsible stepparent's marriage is dissolved.)

AMENDATORY SECTION (Amending Order 1305, filed 6/15/78)

WAC 388-11-170 COLLECTION OF DEBTS DETERMINED. ~~((Whenever an order designating the amount of periodic payments to be made to satisfy a past liability or periodic future support obligation has not been complied with, the accrued debt, not paid, and any current delinquency))~~ (1) As authorized under chapters 26.18, 26.23, 74.20, and 74.20A RCW, the office of support enforcement (OSE) shall take action enforcing and collecting support obligations. OSE may take collection action against the responsible parent's income and assets to collect a support debt even if the parent makes payments under a support order, unless OSE agrees, in writing, to limit OSE's right to take action.

(2) If a responsible parent fails to make the total support payment when due under an administrative order:

(a) The entire support debt shall become due in full; and

(b) The portion of the administrative order designating periodic payments to satisfy ~~((past, accrued liability))~~ the support debt shall be deemed ~~((to be))~~ vacated without the necessity of further action by the ~~((hearing examiner))~~ presiding officer.

(3) After ~~((such vacation))~~ vacating, the presiding officer may not stop collection action ~~((pursuant to chapter 74.20A RCW))~~ by ~~((the office of support enforcement as authorized representative of the secretary as to debts determined, accrued, and unpaid may not be stayed by the hearing examiner))~~ OSE and the action is subject only to review by the superior court ~~((pursuant to))~~ under RCW 74.20A.200 or other applicable state statutes.

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 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.

AMENDATORY SECTION (Amending Order 2689, filed 8/30/88)

WAC 388-11-195 ~~((ECONOMIC TABLE))~~ WASHINGTON STATE CHILD SUPPORT SCHEDULE. (1) ~~((As of))~~ Effective July 1, 1988, the department shall use ~~((the economic table adopted by))~~ the Washington state child support schedule ~~((commission))~~ to assess all child support obligations, including obligations owed for periods before July 1, 1988. This ~~((economic table))~~ schedule is incorporated by reference.

~~((2))~~ The economic table is expanded as follows:

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

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

(c) If support is sought for seven children, then the responsible parent's basic support obligation for each child shall be seventy-five per-

cent of the amount it would be for a child of the same age under the economic table for five children; and

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

(2) State public policy intends:

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

(b) ~~(To give preference for supporting)~~ Dependent children be supported from the funds of ((their)) the responsible parents, when possible.

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 2689, filed 8/30/88)

WAC 388-11-200 ~~FINANCIAL WORKSHEET CALCULATIONS.~~ (1) ~~((The department shall require))~~ A responsible parent((s)) and any residential parent((s to each)) shall complete a financial worksheet under penalty of perjury when a hearing has been requested or when support is determined by consent order or agreed settlement. The department shall only accept ((those)) approved worksheets ((that are approved by the Washington state child support schedule commission)) under chapter 26.19 RCW. The department may complete a worksheet on behalf of a residential parent ((who receives)) receiving public assistance or ((who resides)) residing in another state.

(2) A parent shall include as gross income money from any source, including, but not limited to((:));

- (a) Salaries((:));
- (b) Wages((:));
- (c) Commissions((:));
- (d) Bonuses((:));
- (e) Deferred compensation((:));
- (f) Overtime((:));
- (g) Dividends((:));
- (h) Interest((:));
- (i) Trust income((:));
- (j) Severance pay((:));
- (k) Annuities((:));
- (l) Capital gains((:));
- (m) Social security benefits((:));
- (n) Worker's compensation((:));
- (o) Unemployment compensation((:));
- (p) Disability insurance benefits((:));
- (q) Gifts((:)); and
- (r) Prizes.

(3) A parent shall disclose the receipt of AFDC, SSI, general assistance, and food stamps(~~and spousal maintenance from any relationship~~), but ((such)) these benefits shall not be counted as income or used as a reason for deviation from the economic table.

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

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

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

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

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

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

~~((any))~~ a residential parent receiving public assistance ~~((to be))~~ in compliance with the requirements of ~~((that))~~ the program;

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

(6) If a parent's actual income is unknown or there is insufficient information to impute income, the department shall apply the approximate median net income chart published in the Washington state child support schedule.

AMENDATORY SECTION (Amending Order 2689, filed 8/30/88)

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

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

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

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

(c) In total; and ((then))

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

(3) The department shall adjust ((the)) a responsible parent's share of the basic support obligation to reflect circumstances in ((their)) the parent's household and the household of any residential parent. ~~((Such adjustments shall not reduce the responsible parent's share of the basic support obligation by more than fifty percent, nor increase it by more than fifty percent.))~~ The department ~~((shall make adjustments only for the reasons and in the amounts listed below))~~ may, in its discretion, deviate from the amount of child support calculated using the standard calculation. No deviation from the standard may be made without specific reasons for these deviations set forth in the order and supported by the evidence. Reasons for deviation include:

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

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

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

(iii) ~~If such child lives in the responsible parent's household and has no other source of support other than the responsible parent, then reduce the responsible parent's share of the basic support obligation fifteen percent for each such child;))~~ The existence of another dependent child for whom a responsible or residential parent has a duty to support;

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

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

(d) ~~((If the responsible parent lives with another adult, regardless of whether that adult contributes to their household, then increase the responsible parent's share of the support obligation five percent. However, if the other adult is the responsible parent's spouse and is unemployable, no increase shall occur))~~ Extraordinary debt, not voluntarily incurred by the responsible or residential parent;

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

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

percent)) Unavoidable living costs exceeding twice the need standard of WAC 388-29-100 for the responsible or residential parent;

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

- (i) Medical bills;
- (ii) Court-ordered restitution; and
- (iii) Civil judgments.

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

- (i) Medical bills;
- (ii) Court-ordered restitution; and
- (iii) Civil judgments.

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

- (i) Equity in real or personal property;
- (ii) Stocks or bonds;
- (iii) Automobiles, recreational vehicles, or boats;
- (iv) Artwork;
- (v) Pension or insurance plans; and/or
- (vi) IRAs, bank accounts, or cash.

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

- (i) Equity in real or personal property;
- (ii) Stocks or bonds;
- (iii) Automobiles, recreational vehicles, or boats;
- (iv) Artwork;
- (v) Pension or insurance plans; and
- (vi) IRAs, bank accounts, or cash.

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

- (i) Food;
- (ii) Clothing;
- (iii) Shelter;
- (iv) Utilities;
- (v) Medical attendance; and
- (vi) Job-related transportation.

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

- (i) Food;
- (ii) Clothing;
- (iii) Shelter;
- (iv) Utilities;
- (v) Medical attendance; and
- (vi) Job-related transportation.

(m) If a child on whose behalf support is sought would receive greater benefits under a proposed tax planning scheme than that which would be assessed under the economic table, then reduce the responsible parent's share of the support obligation five percent;

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

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

(4) If requested ((by any parent or their agent)), the department shall ((determine));

(a) Assess responsibility for known health care, day care, and special child rearing expenses ((for such items as day care, tuition, extraordinary uninsured medical expenses, and long distance transportation.

~~The department shall allocate these)) under the Washington state child support schedule, worksheet A, part II;~~

~~(b) Apportion responsibility for unknown and or future health care, day care, and special child-rearing expenses between the parents in the same proportion as the basic support obligation; and~~

~~(c) Assess responsibility for birth costs under WAC 388-11-XX(5). (5) ((The department shall add the responsible parent's share of the basic support obligation, as adjusted above, to their share of any special child-rearing expenses. Reduce the sum of these amounts by any:~~

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

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

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

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

~~(a) ((Their)) The responsible parent's adjusted share of the basic support obligation;~~

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

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

~~((7) The)) (6) A responsible parent shall pay ((any amounts they are determined to owe for)) health insurance premiums directly to ((their)) the responsible parent's insurance provider. The responsible parent shall pay all other amounts ((they are determined to owe)), including ((any)) amounts currently paid to third parties for special child-rearing expenses, to ((the office of support enforcement)) OSE.~~

~~((8) The)) (7) A responsible parent's total administrative support obligation shall not exceed fifty percent of ((their)) the responsible parent's net income((-However, this)) unless the presiding officer finds the fifty percent limitation shall not apply ((if)) because:~~

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

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

~~(c) The department assesses support for five or more children ((is sought)); or~~

~~(d) There are special child-rearing expenses ((are assessed)).~~

~~(8) When the parents' combined monthly net income exceeds the highest level in the economic table, set support at the schedule amount for that income level plus any additional amount supported by written findings of fact.~~

~~(9) In cases where the department is assessing a child support debt for a dependent child placed in foster care or living with a non-needy relative, calculate the support obligation using the child support schedule as follows:~~

~~(a) Combine the net income of both parents in the "father" column on the worksheet and attribute no income in the "mother" column when the responsible parents reside together;~~

~~(b) Calculate each parent's support obligation independently and attribute no income to the other parent when the responsible parents do not reside together; and~~

~~(c) Assess support only for the child named in the notice.~~

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

AMENDATORY SECTION (Amending Order 2689, filed 8/30/88)

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

(1) ((The)) Responsible parent's and residential parent's net income ((of the responsible parent and any residential parent));

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

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

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

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

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

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

(8) ~~((The))~~ Residential parent's Social Security number;

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

(10) ~~((A))~~ Disposition of the responsible parent's obligation to provide health insurance under WAC 388-11-215~~(:)~~;

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

(12) ~~((A))~~ Statement that the department may issue a notice of payroll deduction under chapter 26.23 RCW or may take other income withholding action under chapters 26.18 or 74.20A RCW at any time, without further notice to the responsible parent ~~((; if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month));~~

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

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

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

(b) Superseded by a superior court order; or

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

(15) Statement that the responsible parent is liable for the following costs based on the parent's proportionate share of the basic support obligation, if these costs are known when the order is entered:

(a) Health care costs, including extraordinary health care costs, not covered by health insurance;

(b) Day care expenses; and

(c) Approved special child rearing expenses.

AMENDATORY SECTION (Amending Order 2689, filed 8/30/88)

WAC 388-11-215 HEALTH INSURANCE. (1) ~~((Any))~~ A parent owing a duty of support shall be obligated to provide health insurance for ~~((his or her))~~ the parent's dependent child if the coverage is:

(a) Available or becomes available through employment or is union related; and

(b) Available at a cost not greater than twenty-five percent of the parent's basic support obligation.

(2) ~~((When))~~ Following the entry of an administrative order requiring health insurance ~~((for the dependent child is available to the responsible parent through employment or through some other group insurance organization, unless the residential parent has satisfactory health insurance other than Medicaid for the child)),~~ the responsible parent shall within twenty days:

(a) Provide health insurance coverage; ~~((and))~~

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

(i) ~~((The subscriber or policy holder through whom))~~ Name of the insurer providing the health insurance ~~((is available))~~ coverage;

(ii) ~~((The))~~ Names of the beneficiaries covered;

(iii) ~~((The))~~ Policy number; ~~((and))~~

(iv) Coverage is current; and

(v) Name and address of the responsible parent's employer.

(c) Inform OSE if coverage is not currently available.

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

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

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

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

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

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

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

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

(5) Health insurance shall not include medical assistance provided by the department under Chapter 74.09 RCW.

NEW SECTION

WAC 388-11-220 LIABILITY FOR BIRTH COSTS. (1) The department may assess a responsible parent's liability for a dependent child's birth costs, not covered by health insurance, if there is no superior court order assessing or relieving the responsible parent of liability for birth costs. The department shall assess liability for birth costs based on the parent's proportionate share of the basic support obligation for the child, except as provided under subsection (4) of this section. Medical assistance provided by the department under chapter 74.09 RCW is not health insurance.

(2) The office of support enforcement (OSE) may serve an affidavit of birth costs on the responsible parent by certified mail to the parent's last known address if the actual costs of birth were not included in the notice and finding of parental responsibility.

(3) OSE may take action to collect the birth costs under chapter 26.23 and 74.20A RCW:

(a) Twenty days after service of the affidavit of birth costs or service of a notice and finding of parental responsibility stating birth costs, unless the responsible parent requests an adjudicative proceeding under subsection (4) of this section; or

(b) After the entry of a support order requiring payment of birth costs.

(4) A responsible parent may request an adjudicative proceeding seeking a reduction of, or relief from, the parent's liability for birth costs. The department shall:

(a) Assess liability for birth costs in the lesser of the following amounts:

(i) The actual birth costs the department paid; or

(ii) Twenty-five percent of the greater of the:

(A) Responsible parent's annual net income; or

(B) Approximate median net annual income for a person in the responsible parent's age group as published in the Washington state support schedule.

(b) Relieve the responsible parent from liability based on a written finding supported by evidence the parent is unemployable and disability benefits are the parent's only source income.

**WSR 90-15-011
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**
[Order 3036—Filed July 9, 1990, 4:16 p.m.]

Date of Adoption: July 9, 1990.

Purpose: Conform WAC rules to the provisions of EHB 2888 relating to the Washington state child support schedule, termination of stepparent liability and credit for disability benefit payments; simplify and clarify existing language; and establish criteria for setting liability for birth cost in an administrative proceeding to establish a support obligation.

Citation of Existing Rules Affected by this Order: Amending chapter 388-11 WAC, Child support—Obligations.

Statutory Authority for Adoption: Chapter 2, Laws of 1990 1st ex. sess.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the

public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to implement the provisions of EHB 2888 which require the department to apply the Washington state support schedule in the same manner as the courts. The effective date of these provisions was July 1, 1990.

Effective Date of Rule: July 10, 1990, 12:01 a.m.

July 9, 1990
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2689, filed 8/30/88)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) ~~"Current" and/or "future" support means support money paid to satisfy the support obligation for the present month as opposed to satisfaction of a support debt.~~

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

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

(16) "~~Good cause~~" means there is substantial reason or legal justification for delay, including a showing of those grounds enumerated in Civil Rule 60.

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

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

(a) ~~The representation of the existence or nonexistence of a fact,~~

(b) ~~Its materiality,~~

(c) ~~Its falsity,~~

(d) ~~The speaker's knowledge of its truth,~~

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

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

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

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

(i) ~~His or her subsequent damage.~~

(19) "~~State~~" means any state or political subdivision, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

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

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

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

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

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

(25) "~~Medical support~~" means ~~medical costs incurred for and/or health insurance coverage for the benefit of a dependent child)~~ "Accrued debt" means a debt for the payment of expenses for the reasonable or necessary care, support, and maintenance, including birth costs, of a dependent child owed by a person having signed an affidavit acknowledging paternity which has been filed with the state office of vital statistics.

(2) "Administrative order" means a determination, finding, decree, or order for support issued under RCW 74.20A.055 or by another state agency under a substantially similar administrative process, establishing the existence of a support obligation and ordering the payment of a set or determinable amount of support money to satisfy current support or a support debt. The administrative order shall include:

(a) An agreed settlement or consent order entered under WAC 388-11-150, or

(b) A notice and finding of financial responsibility or a notice and finding of parental responsibility that has become final by operation of law.

(3) "Agreed settlement" means the informal disposition of a contested case by written agreement between a responsible parent and OSE establishing a support obligation and ordering payment. The agreement shall be effective without the presiding officer's approval.

(4) "Arrears," "delinquency," and "past support" means the amount owed for a period of time before the instant month.

(5) "Assignment" means, under RCW 74.20A.040, the assignment made by an applicant/custodian of support rights under WAC 388-14-310.

(6) "Birth costs" mean the reasonable and necessary costs associated with the birth of a child, including costs of the mother's pregnancy and confinement.

(7) "Consent order" means the disposition of a contested case by written agreed order between a responsible parent and OSE establishing a support obligation and ordering payment. The agreed order shall require the presiding officer's approval.

(8) "Current support" or "future support" means support money paid to satisfy the support obligation for the present month as opposed to satisfaction of a support debt.

(9) "Date the state assumes responsibility for the support of a dependent child on whose behalf support is sought" means the date payment of an AFDC-R, AFDC-E, AFDC-FC, a state only foster care, or a family independence program grant is authorized. For purposes of this chapter, the state shall continue to be responsible for the support of a dependent child until public assistance or family independence program payments terminate, or support enforcement services terminate, whichever occurs later.

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

(11) "Dependent child" means a person:

(a) Seventeen years of age or younger who is not self-supporting, married, or a member of the United States armed forces;

(b) Eighteen years of age or older for whom a court order requires support payments past eighteen years of age or older, or

(c) Eighteen years of age or older, but under nineteen years of age, for whom an administrative support order exists if the child is:

(i) A full-time student; and

(ii) Reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the end of the month in which the child becomes nineteen years of age.

(12) "Fraud" means, for the purposes of WAC 388-11-115:

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

(b) Its materiality;

(c) Its falsity;

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

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

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

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

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

(i) His or her subsequent damage.

(13) "Good cause for failure to make a timely request for an adjudicative proceeding" means there is substantial reason or legal justification for delay, including a showing of those grounds enumerated in Civil Rule 60.

(14) "Health care costs" means medical, dental, and optical costs and expenses.

(15) "Locate" means service of the notice and finding of financial responsibility or the notice and finding of parental responsibility in a manner prescribed by WAC 388-11-040.

(16) "Medical support" means health care costs incurred for and health insurance coverage for a dependent child's benefit.

(17) "Other ordinary expense" means an expense incurred by a responsible parent:

(a) Directly benefiting a dependent child; and

(b) Relating to the parent's residential time or visitation with a child.

(18) "Reasonable efforts to locate" means any of the following actions taken by the office of support enforcement (OSE):

(a) Mailing the notice and finding of financial responsibility or the notice and finding of parental responsibility by certified mail, return receipt requested, to the responsible parent;

(b) Referral to a sheriff, other server of process or locate service, or department employee for locate activities;

(c) Tracing activity as follows:

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

(ii) Contacting state agencies, union, financial, or fraternal organizations;

(iii) Periodic searches for identification information recorded by other state agencies, federal agencies, credit bureaus, or other record keeping agencies or entities;

(iv) Case maintenance in OSE's automated locate program.

(d) Referral to state or federal parent locator service;

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

(f) Attempts to confirm the existence of and to obtain a copy of a paternity acknowledgment.

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

(20) "Responsible parent" means the natural parent, adoptive parent, responsible stepparent, or a person having signed an affidavit acknowledging paternity which has been filed with the state office of vital statistics, from whom the department seeks support for a dependent child.

(21) "Responsible stepparent" means a stepparent having established an in loco parentis relationship with the dependent child or children.

(a) The status shall continue until the relationship is terminated by death, dissolution of marriage, or by superior court order as provided under RCW 26.16.205.

(b) A rebuttable presumption of an in loco parentis relationship is created when the stepparent;

(i) Lives with the child and the parent; or

(ii) Provides care, support, or guidance for the child.

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

(23) "State" means a state or political subdivision, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(24) "Superior court order" means a judgment, decree, or order of a Washington state superior court or another state's court of comparable jurisdiction:

(a) Establishing a support obligation and ordering payment thereon of a set or determinable amount; or

(b) Specifically relieving a responsible parent of a support obligation.

(25) "Support debt" means:

(a) A delinquent amount of support money due, owing, and unpaid under a superior court order or an administrative order;

(b) A debt for the payment of expenses for the reasonable or necessary care, support and maintenance, including health care, birth costs, child care, special child rearing expenses, and an accrued debt under RCW 74.20A.056, of a dependent child or other person for whom a support obligation is owed;

(c) A debt under RCW 74.20A.100 or 74.20A.270; or

(d) Accrued interest, fees, or penalties charged on a support debt, and attorneys' fees and other costs of litigation awarded in an action under Title IV-D of the Social Security Act establishing and enforcing a support obligation or support debt.

(26) "Support money" means money paid to satisfy a support obligation whether named child support, spousal support, alimony, maintenance, medical support, birth costs, or other money intended to satisfy a support obligation for a person or satisfy wholly or partly a support debt.

(27) "Support obligation" means the obligation to provide for the necessary care, support, and maintenance, including health care, birth costs, child care and special child rearing expenses of a dependent child or other person as required by law.

AMENDATORY SECTION (Amending order 2689, filed 8/30/88)

WAC 388-11-015 CREDITS (~~ALLOWABLE IN~~) ALLOWED—DEBT SATISFACTION (~~OF DEBT~~). (1) (~~Under RCW 74.20.101,~~) After the office of support enforcement (OSE) serves a notice and finding of financial responsibility or a notice and finding of parental responsibility on the responsible parent, (~~satisfaction of~~) the responsible parent may only obtain credit against the parent's current and future support obligation (~~may be obtained only~~):

(a) By cash, check, or money order payments through (~~the office of support enforcement~~) OSE or payment of health insurance premiums; or

(b) As provided under subsections (3) and (6) of this section.

(2) (~~The office of support enforcement~~) OSE shall allow credit against (~~the~~) a responsible parent's support debt for family (~~necessaries~~) needs provided directly to (~~the~~) a caretaker/custodian, (~~or children~~) a child, or provided through a vendor(s) or third (~~parties~~) party only if:

(a) The items are provided (~~prior to~~) before service of the notice and finding of financial responsibility or the notice and finding of parental responsibility on (~~the~~) a responsible parent; (~~and~~)

(b) (~~The~~) A responsible parent proves the items(, when) provided (, were) intended to satisfy the responsible parent's support obligation; and

(c) The items are food, clothing, shelter, or medical attendance directly related to the care, support, and maintenance of (~~the children~~) a child.

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

(a) The department determines there:

(i) Is no prejudice to (~~the~~);

(A) A custodial parent, a child, or other person; or

(B) An agency entitled to receive the support payments(, or to the children, and that there);

(ii) Are special circumstances of an equitable nature (~~which justify~~) justifying credit for (~~such~~) payments(, or);

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

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

(5) Credit for shelter payments made (~~prior to~~) before service of the notice (~~and finding of financial responsibility~~) shall not be (~~credited against any debt for any period determined under chapter 388-11 WAC in an amount~~) greater than the shelter allocation in the public assistance standards for the (~~same~~) period when payments were made or one-half of the actual shelter payment (~~made~~), whichever is the greater. (~~Any credit given shall be classified as a payment of child support and shall be treated consistent with rules of eligibility in effect at the time of payment. No credit~~) The department shall (~~be allowed~~) not allow credit for shelter payments made after service of the notice (~~and finding of financial responsibility~~).

(6)(a) Effective July 1, 1990, and for months thereafter, the department shall give credit for disability benefits made on behalf of the responsible parent's child by:

(i) Labor and industries or a self-insurer under chapter 51.32 RCW; or

(ii) The Social Security Administration.

(b) The department shall only give credit against the current support obligation owed for the month in which the benefit is paid.

(c) A responsible parent must prove payment of these benefits.

(d) A responsible parent has no right to reimbursement of disability benefits because of a credit allowed under this subsection.

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 2689, filed 8/30/88)

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

(a) (~~The~~) Amount the responsible parent owes as (~~an accrued~~) a support debt, and a (~~statement of the~~) demand for payment (~~thereon~~);

(b) (~~The~~) Amount the responsible parent should pay for current and future support using:

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

(ii) (~~Under WAC 388-29-100 if~~) Inputted income (~~is unknown~~); or

(iii) Income from the approximate median net income chart, when actual income is not known and cannot be inputted.

(c) (~~The~~) Responsible parent's responsibility for medical support under WAC 388-11-215.

(2) (~~The~~) OSE's notice and finding of financial responsibility shall also include the following information, when known:

(a) The residential parent's name (~~of the residential parent~~) and Social Security number,

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

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

(d) The responsible parent's employer, and

(e) A statement that:

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

(ii) ~~((Any))~~ The responsible parent shall serve a written objection ((shall be communicated, in writing, and served)) on the ((district)) OSE field office ((of the office of support enforcement)) issuing the notice and finding of financial responsibility;

(iii) The support debt or current support amount become final and subject to collection action without further action or notice if the responsible parent fails to object in writing, within twenty days ((to the support debt and the current support amounts stated in the notice and finding of financial responsibility, the support debt and/or current support amount shall become final and subject to collection action without further action or notice));

(iv) OSE may issue a notice of payroll deduction ((may be issued)) under chapter 26.23 RCW or take other income withholding action under chapters 26.18 or 74.20A RCW ((may be taken)), without further notice to the responsible parent, ((if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month)) at any time;

(v) After service of the notice, the responsible parent shall make all payments ((made which are)) intended to satisfy a current support obligation ((and/or)) or support debt alleged in the notice ((must be made)) directly to ((the office of support enforcement)) OSE. OSE shall not credit payments made to any other party ((will not be credited)) against the support obligation whether or not ((such)) the payment is in cash, check, money order, in-kind services, merchandise, or anything else of value, except as provided under WAC ((388-11-030)) 388-11-015.

AMENDATORY SECTION (Amending Order 2689, filed 8/30/88)

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

(a) Superseded by a superior court order;

(b) Modified ~~((pursuant to))~~ under WAC 388-11-140;

(c) The child reaches ~~((the age of majority))~~ eighteen years of age;

(d) The child is emancipated;

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

(f) The child becomes a member of the United States armed forces;

(g) The child or the responsible parent die;

(h) A responsible stepparent's marriage is dissolved;

or

(i) A superior court order terminates the responsible parent's liability as provided under RCW 26.16.205.

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

(a) Under nineteen years of age; and

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

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

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

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

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

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

(a) The child or the responsible parent dies; or

(b) A responsible stepparent's marriage is dissolved.)

AMENDATORY SECTION (Amending Order 1305, filed 6/15/78)

WAC 388-11-170 COLLECTION OF DEBTS DETERMINED. ~~((Whenever an order designating the amount of periodic payments to be made to satisfy a past liability or periodic future support obligation has not been complied with, the accrued debt, not paid, and any current delinquency;))~~ (1) As authorized under chapters 26.18, 26.23, 74.20, and 74.20A RCW, the office of support enforcement (OSE) shall take action enforcing and collecting support obligations. OSE may take collection action against the responsible parent's income and assets to collect a support debt even if the parent makes payments under a support order, unless OSE agrees, in writing, to limit OSE's right to take action.

(2) If a responsible parent fails to make the total support payment when due under an administrative order:

(a) The entire support debt shall become due in full; and

(b) The portion of the administrative order designating periodic payments to satisfy ((past, accrued liability)) the support debt shall be deemed ((to be)) vacated

without the necessity of further action by the (~~hearing examiner~~) presiding officer.

(3) After (~~such vacation~~) vacating, the presiding officer may not stop collection action (~~pursuant to chapter 74.20A RCW~~) by (~~the office of support enforcement as authorized representative of the secretary as to debts determined, accrued, and unpaid may not be stayed by the hearing examiner~~) OSE and the action is subject only to review by the superior court (~~pursuant to~~) under RCW 74.20A.200 or other applicable state statutes.

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 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.

AMENDATORY SECTION (Amending Order 2689, filed 8/30/88)

WAC 388-11-195 (~~ECONOMIC TABLE~~) WASHINGTON STATE CHILD SUPPORT SCHEDULE. (1) (~~As of~~) Effective July 1, 1988, the department shall use (~~the economic table adopted by~~) the Washington state child support schedule (~~commission~~) to assess all child support obligations, including obligations owed for periods before July 1, 1988. This (~~economic table~~) schedule is incorporated by reference.

(~~2~~) The economic table is expanded as follows:

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

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

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

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

(2) State public policy intends:

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

(b) (~~To give preference for supporting~~) Dependent children be supported from the funds of (~~their~~) the responsible parents, when possible.

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 2689, filed 8/30/88)

WAC 388-11-200 FINANCIAL WORKSHEET CALCULATIONS. (1) (~~The department shall require~~) A responsible parent(s) and any residential parent(s to each) shall complete a financial worksheet under penalty of perjury when a hearing has been requested or when support is determined by consent order or agreed settlement. The department shall only accept (~~those~~) approved worksheets (~~that are approved by the Washington state child support schedule commission~~) under chapter 26.19 RCW. The department may complete a worksheet on behalf of a residential parent (~~who receives~~) receiving public assistance or (~~who resides~~) residing in another state.

(2) A parent shall include as gross income money from any source, including, but not limited to(;;):

(a) Salaries(;;);

(b) Wages(;;);

(c) Commissions(;;);

(d) Bonuses(;;);

(e) Deferred compensation(;;);

(f) Overtime(;;);

(g) Dividends(;;);

(h) Interest(;;);

(i) Trust income(;;);

(j) Severance pay(;;);

(k) Annuities(;;);

(l) Capital gains(;;);

(m) Social security benefits(;;);

(n) Worker's compensation(;;);

(o) Unemployment compensation(;;);

(p) Disability insurance benefits(;;);

(q) Gifts(;;); and

(r) Prizes.

(3) A parent shall disclose the receipt of AFDC, SSI, general assistance, and food stamps (~~and spousal maintenance from any relationship~~), but (~~such~~) these benefits shall not be counted as income or used as a reason for deviation from the economic table.

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

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

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

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

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

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

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

(6) If a parent's actual income is unknown or there is insufficient information to impute income, the department shall apply the approximate median net income chart published in the Washington state child support schedule.

AMENDATORY SECTION (Amending Order 2689, filed 8/30/88)

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

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

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

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

(c) In total; and ~~((then))~~

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

(3) The department shall adjust ~~((the))~~ a responsible parent's share of the basic support obligation to reflect circumstances in ~~((their))~~ the parent's household and the household of any residential parent. ~~((Such adjustments shall not reduce the responsible parent's share of the basic support obligation by more than fifty percent, nor increase it by more than fifty percent.))~~ The department ~~((shall make adjustments only for the reasons and in the amounts listed below))~~ may, in its discretion, deviate from the amount of child support calculated using the standard calculation. No deviation from the standard may be made without specific reasons for these deviations set forth in the order and supported by the evidence. Reasons for deviation include:

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

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

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

~~(iii) If such child lives in the responsible parent's household and has no other source of support other than the responsible parent, then reduce the responsible parent's share of the basic support obligation fifteen percent for each such child.))~~ The existence of another dependent child for whom a responsible or residential parent has a duty to support;

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

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

~~(d) ((If the responsible parent lives with another adult, regardless of whether than [that] adult contributes to their household, then increase the responsible parent's share of the support obligation five percent. However, if the other adult is the responsible parent's spouse and is unemployable, no increase shall occur))~~ Extraordinary debt, not voluntarily incurred by the responsible or residential parent;

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

~~(f) ((If a child on whose behalf support is sought has their own recurrent income equal to at least the amount the responsible parent would be obligated to pay for him or her under the economic table, then reduce the responsible parent's share of the support obligation five percent))~~ Unavoidable living costs exceeding twice the need standard of WAC 388-29-100 for the responsible or residential parent;

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

~~(i) Medical bills;~~

~~(ii) Court-ordered restitution; and~~

~~(iii) Civil judgments.~~

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

- (i) Medical bills;
- (ii) Court-ordered restitution; and
- (iii) Civil judgments.

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

- ~~(i) Equity in real or personal property;~~
- ~~(ii) Stocks or bonds;~~
- ~~(iii) Automobiles, recreational vehicles, or boats;~~
- ~~(iv) Artwork;~~
- ~~(v) Pension or insurance plans, and/or~~
- ~~(vi) IRAs, bank accounts, or cash.~~

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

- ~~(i) Equity in real or personal property;~~
- ~~(ii) Stocks or bonds;~~
- ~~(iii) Automobiles, recreational vehicles, or boats;~~
- ~~(iv) Artwork;~~
- ~~(v) Pension or insurance plans, and~~
- ~~(vi) IRAs, bank accounts, or cash.~~

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

- ~~(i) Food;~~
- ~~(ii) Clothing;~~
- ~~(iii) Shelter;~~
- ~~(iv) Utilities;~~
- ~~(v) Medical attendance; and~~
- ~~(vi) Job-related transportation.~~

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

- ~~(i) Food;~~
- ~~(ii) Clothing;~~
- ~~(iii) Shelter;~~
- ~~(iv) Utilities;~~
- ~~(v) Medical attendance; and~~
- ~~(vi) Job-related transportation.~~

~~(m) If a child on whose behalf support is sought would receive greater benefits under a proposed tax planning scheme than that which would be assessed under the economic table, then reduce the responsible parent's share of the support obligation five percent;~~

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

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

~~(4) If requested ((by any parent or their agent)), the department shall ((determine)):~~

~~(a) Assess responsibility for known health care, day care, and special child rearing expenses ((for such items as day care, tuition, extraordinary uninsured medical expenses, and long distance transportation. The department shall allocate these)) under the Washington state child support schedule, worksheet A, part II;~~

~~(b) Apportion responsibility for unknown and or future health care, day care, and special child-rearing expenses between the parents in the same proportion as the basic support obligation; and~~

~~(c) Assess responsibility for birth costs under WAC 388-11-XX(5).~~

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

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

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

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

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

~~(a) ((Their)) The responsible parent's adjusted share of the basic support obligation;~~

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

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

~~((7) The)) (6) A responsible parent shall pay ((any amounts they are determined to owe for)) health insurance premiums directly to ((their)) the responsible parent's insurance provider. The responsible parent shall pay all other amounts ((they are determined to owe)), including ((any)) amounts currently paid to third parties for special child-rearing expenses, to ((the office of support enforcement)) OSE.~~

~~((8) The)) (7) A responsible parent's total administrative support obligation shall not exceed fifty percent of ((their)) the responsible parent's net income((-However, this)) unless the presiding officer finds the fifty percent limitation shall not apply ((if)) because:~~

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

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

(c) The department assesses support for five or more children ((is sought)); or

(d) There are special child-rearing expenses ((are assessed)).

(8) When the parents' combined monthly net income exceeds the highest level in the economic table, set support at the schedule amount for that income level plus any additional amount supported by written findings of fact.

(9) In cases where the department is assessing a child support debt for a dependent child placed in foster care or living with a non-needy relative, calculate the support obligation using the child support schedule as follows:

(a) Combine the net income of both parents in the "father" column on the worksheet and attribute no income in the "mother" column when the responsible parents reside together;

(b) Calculate each parent's support obligation independently and attribute no income to the other parent when the responsible parents do not reside together, and

(c) Assess support only for the child named in the notice.

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

AMENDATORY SECTION (Amending Order 2689, filed 8/30/88)

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

(1) ~~((The))~~ Responsible parent's and residential parent's net income ((of the responsible parent and any residential parent));

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

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

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

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

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

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

(8) ~~((The))~~ Residential parent's Social Security number;

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

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

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

(12) ~~((A))~~ Statement that the department may issue a notice of payroll deduction under chapter 26.23 RCW or may take other income withholding action under chapters 26.18 or 74.20A RCW at any time, without further notice to the responsible parent(, if a support payment

is more than fifteen days past due in an amount equal to or greater than the support payable for one month));

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

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

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

(b) Superseded by a superior court order, or

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

(15) Statement that the responsible parent is liable for the following costs based on the parent's proportionate share of the basic support obligation, if these costs are known when the order is entered:

(a) Health care costs, including extraordinary health care costs, not covered by health insurance;

(b) Day care expenses; and

(c) Approved special child rearing expenses.

AMENDATORY SECTION (Amending Order 2689, filed 8/30/88)

WAC 388-11-215 HEALTH INSURANCE. (1) ~~((Any))~~ A parent owing a duty of support shall be obligated to provide health insurance for ((his or her)) the parent's dependent child if the coverage is:

(a) Available or becomes available through employment or is union related; and

(b) Available at a cost not greater than twenty-five percent of the parent's basic support obligation.

(2) ~~((When))~~ Following the entry of an administrative order requiring health insurance ((for the dependent child is available to the responsible parent through employment or through some other group insurance organization, unless the residential parent has satisfactory health insurance other than Medicaid for the child)), the responsible parent shall within twenty days:

(a) Provide health insurance coverage, ((and))

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

(i) ~~((The subscriber or policy holder through whom))~~ Name of the insurer providing the health insurance ((is available)) coverage;

(ii) ~~((The))~~ Names of the beneficiaries covered;

(iii) ~~((The))~~ Policy number, ((and))

(iv) Coverage is current; and

(v) Name and address of the responsible parent's employer.

(c) Inform OSE if coverage is not currently available.

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

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

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

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

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

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

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

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

(5) Health insurance shall not include medical assistance provided by the department under Chapter 74.09 RCW.

NEW SECTION

WAC 388-11-220 **LIABILITY FOR BIRTH COSTS.** (1) The department may assess a responsible parent's liability for a dependent child's birth costs, not covered by health insurance, if there is no superior court order assessing or relieving the responsible parent of liability for birth costs. The department shall assess liability for birth costs based on the parent's proportionate share of the basic support obligation for the child, except as provided under subsection (4) of this section. Medical assistance provided by the department under chapter 74.09 RCW is not health insurance.

(2) The office of support enforcement (OSE) may serve an affidavit of birth costs on the responsible parent by certified mail to the parent's last known address if the actual costs of birth were not included in the notice and finding of parental responsibility.

(3) OSE may take action to collect the birth costs under chapter 26.23 and 74.20A RCW:

(a) Twenty days after service of the affidavit of birth costs or service of a notice and finding of parental responsibility stating birth costs, unless the responsible parent requests an adjudicative proceeding under subsection (4) of this section; or

(b) After the entry of a support order requiring payment of birth costs.

(4) A responsible parent may request an adjudicative proceeding seeking a reduction of, or relief from, the parent's liability for birth costs. The department shall:

(a) Assess liability for birth costs in the lesser of the following amounts:

(i) The actual birth costs the department paid; or

(ii) Twenty-five percent of the greater of the:

(A) Responsible parent's annual net income; or

(B) Approximate median net annual income for a person in the responsible parent's age group as published in the Washington state support schedule.

(b) Relieve the responsible parent from liability based on a written finding supported by evidence the parent is unemployable and disability benefits are the parent's only source income.

WSR 90-16-001

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-60—Filed July 19, 1990, 9:30 a.m.]

Date of Adoption: July 18, 1990.

Purpose: Commercial bottomfish regulation.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000E; and amending WAC 220-44-050.

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 Pacific Fishery Management Council has concluded that the nontrawl quota for sablefish will be landed before the end of the year, unless the 200 pound trip limit is implemented. The council concluded that the yellowtail rockfish harvest guideline will be reached before the end of the year unless the reduced trip limits are implemented.

Effective Date of Rule: 12:01 a.m., July 25, 1990.

July 18, 1990

Judith Merchant

Deputy

for Joseph R. Blum

Director

NEW SECTION

WAC 220-44-05000F **COASTAL BOTTOMFISH CATCH LIMITS.** Notwithstanding the provisions of WAC 220-44-050, effective 12:01 AM, July 25, 1990, until further notice it is unlawful to possess, transport through the waters of the state, or land in any Washington State port bottomfish taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Areas 29, 58B, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

(1) Widow Rockfish (*Sebastes entomelas*) – 15,000 pounds per vessel trip per week, Wednesday through the following Tuesday. A fisherman may choose to make one landing of 25,000 pounds per vessel trip biweekly, defined as Wednesday through the second Tuesday following, by filing a declaration of intent. There is no limit on the number of landings less than 3000 pounds.

(2) Shortbelly rockfish (*Sebastes alutus*) and idiot rockfish (*Sebastes spp.*) – no maximum poundage per vessel trip; no minimum size.

(3) Pacific ocean perch (*Sebastes alutus*) – No restrictions on landings up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if Pacific ocean perch represent 20 percent or less of the total weight of fish on board. Under no circumstances may a vessel land more than 3,000 pounds of Pacific ocean perch in any one vessel trip.

(4) All other species of rockfish (includes all rockfish except Pacific ocean perch (*Sebastes alutus*), widow

rockfish (*Sebastes entomelas*), shortbelly rockfish (*Sebastes jordani*) and idiot rockfish (*Sebastes spp.*) – 25,000 pounds of all other species of rockfish combined per vessel trip per calendar week, defined as Wednesday through the following Tuesday, of which no more than 3,000 pounds or 20 percent, whichever is greater, may be yellowtail rockfish (*Sebastes flavidus*) except that a fisherman having made a 1990 declaration of intent, may make either one landing of no more than 50,000 pounds of all other species of rockfish combined per vessel trip biweekly, defined as Wednesday through the second Tuesday following of which no more than 3,000 pounds or 20 percent, whichever is greater, may be yellowtail rockfish or two landings of not more than 12,500 pounds of all other species of rockfish in any one calendar week of which no more than 1,500 pounds or 20 percent, whichever is greater, in any one landing may be yellowtail rockfish. It is unlawful for any vessel to make other than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, if no declaration to land other species of rockfish twice weekly has been made.

(5) Sablefish

(a) Trawl Vessels – No trip limit. No restrictions on landings up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if sablefish represent 25 percent or less of total combined round weight of sablefish, dover sole, arrowtooth flounder, and thornyhead rockfish on board. To convert from round weight to dressed weight multiply the dressed weight by 1.75. Minimum size 22 inches in length, unless dressed in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail. Trawl vessels are allowed an incidental catch less than the minimum size of 1,000 pounds or 25 percent of the total combined round weight of the deep water complex on board but not to exceed 5,000 pounds per trip.

(b) Non-Trawl Vessels – Vessel trip limit, 200 pounds round weight. No size limit.

(6) 1990 Declarations of Intent – A 1990 Declaration of Intent must be made to make other than one vessel trip per week and land in excess of the minimum amounts as provided for in this section. The new declaration form must be completed as provided for in this subsection. The 1990 declaration of intent to make other than one vessel trip per week must be mailed or delivered to the Department of Fisheries, 115 General Administration Building Olympia, Wa., 98504, and must be received prior to the beginning of such fishing. The declaration of intent must contain the name and address of the fishermen, the name and registration number of the vessel, the date on which such fishing will commence and must be signed and dated by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing by filing a declaration of intent to stop fishing other than once weekly with the department in the above manner. The declaration to stop such fishing and begin one vessel trip per calendar week fishing must be received prior to the beginning of the week in which the one vessel trip per calendar week fishing will resume. The date of first landing will determine the beginning of bi-weekly periodicity. Biweekly periodicity will restart

after a landing that occurs more than four calendar weeks after the immediate prior landing. A calendar week is defined as Wednesday through the following Tuesday.

(7) It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.

(8) For purposes of this section, a vessel trip is defined as having occurred upon the initiation of transfer of catch from the fishing vessel, and all fish aboard the vessel are considered part of the vessel trip limit at the initiation of transfer of catch.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM July 25, 1990:

WAC 220-44-05000E COASTAL BOTTOMFISH CATCH LIMITS. (90-53)

WSR 90-16-002

PERMANENT RULES

**SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Order 18—Filed July 19, 1990, 4:05 p.m.]

Date of Adoption: July 3, 1990.

Purpose: To implement new numbering system of Title 28A RCW as recodified in HB 2276.

Citation of Existing Rules Affected by this Order: Amending Title 392 WAC.

Statutory Authority for Adoption: HB 2276.

Pursuant to notice filed as WSR 90-11-128 on May 23, 1990.

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

July 18, 1990

Judith A. Billings
Superintendent of
Public Instruction

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 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 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 non-class 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 nongeneral 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 [11], filed 1/11/88 [6/1/90])

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.

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 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-58-0461)) 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 80-6, 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 80-7, 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 nonhigh 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 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 90-16-003
PERMANENT RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND

[Filed July 19, 1990, 4:06 p.m.]

Date of Adoption: June 14, 1990.

Purpose: To assist interested persons in dealing with the Washington State School for the Blind.

Statutory Authority for Adoption: RCW 72.40.022.

Pursuant to notice filed as WSR 90-10-101 on May 2, 1990.

Effective Date of Rule: Thirty days after filing.

June 19, 1990
 Dr. Roy J. Brothers
 Superintendent

Chapter 72-100 WAC
ORGANIZATION

NEW SECTION

WAC 72-100-001 DESCRIPTION OF ORGANIZATION. (1) The Washington state school for the blind is a state agency established and organized under the authority of chapter 72.40 RCW. The primary purpose of the school is to educate and train visually impaired children.

(2) The school operates under the direction and control of the superintendent. A board of trustees serves as an advisory board to the superintendent and to the legislature and performs various other functions as provided in chapter 72.42 RCW. The school for the blind is comprised of three components: Education; residential life; and support services. The school principal directs the education component. The director of residential life oversees the residential life component. Support services are provided by consolidated services under an interagency agreement between the Washington state school for the blind and the Washington state school for the deaf. Medical services and outreach programs are under the direction of the superintendent. A detailed organizational chart is available at the administrative office of the school.

(3) The administrative office of the school is located at 2214 East 13th Street, Vancouver, Washington 98661. Any person may obtain additional information and make submissions and requests at the administrative office.

WSR 90-16-004
PERMANENT RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND

[Filed July 19, 1990, 4:07 p.m.]

Date of Adoption: June 14, 1990.

Purpose: To substantially adopt the model rules of procedure set forth by the chief administrative law judge.

Statutory Authority for Adoption: RCW 72.40.022.

Other Authority: RCW 34.05.220 (1)(a) and 34.05.250.

Pursuant to notice filed as WSR 90-10-102 on May 2, 1990.

Effective Date of Rule: Thirty days after filing.

June 19, 1990
 Dr. Roy J. Brothers
 Superintendent

Chapter 72-108 WAC
PRACTICE AND PROCEDURE

NEW SECTION

WAC 72-108-010 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at the school, with the following exception: WAC 10-08-190 Adjudicative proceedings—Cameras—Recording devices. See WAC 72-108-090 which determines the use of cameras and recording devices at adjudicative proceedings. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by the school shall govern.

NEW SECTION

WAC 72-108-020 APPOINTMENT OF PRESIDING OFFICERS. Unless the hearing is assigned to the office of administrative hearings, the superintendent or the superintendent's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the superintendent or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the superintendent or the superintendent's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 72-108-030 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 72-108-040 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address:

Washington State School for the Blind
2214 East 13th Street, S-27
Vancouver, Washington 98661

Written application for an adjudicative proceeding should be submitted to the above address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 72-108-060 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 72-108-070 CONFIDENTIALITY OF FORMAL ADJUDICATIVE PROCEEDINGS. In formal adjudicative proceedings, the presiding officer shall have the power to close all or part of the hearing to public observation. The presiding officer shall have the power to impose reasonable conditions upon observation of the proceeding and regulate the use of photographic and recording equipment to preserve confidentiality.

NEW SECTION

WAC 72-108-080 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS. A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within twenty days of receiving the request.

NEW SECTION

WAC 72-108-090 RECORDING DEVICES. No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 72-108-070, except for the method of official recording selected by the school.

NEW SECTION

WAC 72-108-100 BRIEF ADJUDICATIVE PROCEDURE. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of

which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Student conduct or disciplinary proceedings pursuant to WAC 72-120-225;
- (2) Amendment of education records pursuant to WAC 72-280-030; and
- (3) Residency determinations made pursuant to WAC 72-130-040.

WSR 90-16-005
PERMANENT RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND

[Filed July 19, 1990, 4:08 p.m.]

Date of Adoption: June 14, 1990.

Purpose: To provide a comprehensive student conduct code and set forth the disciplinary process.

Statutory Authority for Adoption: RCW 72.40.022.

Pursuant to notice filed as WSR 90-10-103 on May 2, 1990.

Changes Other than Editing from Proposed to Adopted Version: WAC 72-120-230 Long-term suspension, the changes clarify the sequence of procedures to be followed prior to imposing long-term suspension in accordance with *Honig v. Doe*, ___ U.S. ___, 108 S.Ct. 592, 98 L.Ed.2d 686 (1988).

Effective Date of Rule: Thirty days after filing.

June 19, 1990

Dr. Roy J. Brothers
Superintendent

Chapter 72-120 WAC
STUDENT CONDUCT CODE

NEW SECTION

WAC 72-120-010 STUDENT RESPONSIBILITIES AND DUTIES. The mission of the Washington state school for the blind is to provide specialized educational services to visually impaired students which will assist those students to develop skills, competencies and attitudes that are fundamental to the development of responsible, contributing citizens. Admission to the Washington state school for the blind carries with it the obligation of responsibility for the welfare of the school. In order to advance the mission of the school, it shall be the responsibility and duty of each student to pursue his/her course of studies, respect the rights of others, comply with written rules adopted herein, and submit to reasonable disciplinary action for violation(s) of such rules. This chapter is intended to assure that disciplinary action is imposed for just cause and in a fair and reasonable manner.

NEW SECTION

WAC 72-120-015 STUDENT RIGHTS. (1) Each student is guaranteed the following rights, within the limitations of statutory law and school policy which are deemed necessary to achieve the school's educational goals:

(a) Students possess the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and sexual harassment.

(b) Students possess the rights, guaranteed under the Constitution, to freedom of expression, free inquiry, and peaceable assembly upon and within school facilities that are generally open and available to the public.

(c) Students possess the rights, guaranteed under the Constitution, to the free exercise of religion and to have their school free from sectarian control or influence, subject to reasonable limitations upon the time, place, and manner of exercising such right.

(d) Students possess the constitutional right to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures, subject to limitations set forth in RCW 28A.67.300, 28A.67.310, 28A.67.320, and 28A.67.330.

(e) Students shall have the right to be free from unlawful interference in their pursuit of an education while enrolled at the Washington state school for the blind.

(f) Students shall not be deprived of the right to an equal educational opportunity in whole or in part by the Washington state school for the blind without due process including:

(i) Notice to the accused of the nature of the charges and the proposed disciplinary action; and

(ii) The opportunity to request a hearing as set forth in this chapter.

(2) The foregoing enumeration of rights shall not be construed to deny or disparage other rights guaranteed in the Constitution and the laws of the state of Washington.

(3) The school shall publish and make available to all students and parents, on an annual basis, written rules which state with reasonable clarity the types of misconduct for which disciplinary action may be imposed.

CONDUCT RULES

NEW SECTION

WAC 72-120-100 CONDUCT VIOLATIONS. A student who, either as actor, aider, abettor, or accomplice as defined in RCW 9A.08.020, violates any provision of this chapter shall be subject to the disciplinary actions herein adopted.

The following offenses are prohibited:

(1) Physical abuse. Actual, attempted, or threatened physical abuse of any person or conduct which threatens or endangers the health and safety of any person or which intentionally causes a reasonable apprehension of harm to any person.

(2) Destroying or damaging property. Destroying, defacing, or damaging school property or the property of others on school premises or at school-sponsored activities.

(3) Sexual harassment. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.

(4) Disruption. Disorderly or abusive behavior which interferes with the rights of others, school, or school-sponsored activities; obstructing the free movement of people or vehicles; inciting others to engage in prohibited conduct; or threatening disruption.

(5) Disturbing the peace. Creating noise in such a way as to interfere with school functions.

(6) Insubordination. Refusal or failure to follow instructions and proper orders of school officials, while on school premises or at school-sponsored activities, thereby infringing upon the rights and privileges of others, and/or refusal to desist from prohibited conduct.

(7) False alarms. Falsely setting off, improper use or disabling of any safety equipment, alarm, exit sign, or other device.

(8) False information. Filing a formal complaint which falsely accuses another with violation of this chapter, falsifying information to school officials, or forging or tendering any forged instrument to the school.

(9) Theft. Actual or attempted theft of property or services belonging to the school, any student, school employee or school visitor, including knowing possession of stolen property.

(10) Conversion. Unauthorized use of school equipment or services.

(11) Academic dishonesty. All forms of cheating, plagiarism and fabrication, including submitting any work product that the student misrepresents as his/her work product for the purpose of fulfilling any assignment or task required as part of the student's course of studies.

(12) Unlawful entry and trespassing. Entering and/or remaining in any administrative or other employee office or any locked or otherwise closed school facility, in any manner, at any time, without permission.

(13) Smoking. The Washington state school for the blind supports the goal of the governor's nonsmoking policy and the policy of the public schools mandating a total ban on the use of all tobacco products by September 1, 1991. Students are not allowed to smoke or use tobacco products on school premises or during school-sponsored activities.

(14) Alcohol. Use, possession, distribution of, or visible intoxication from alcoholic beverages is prohibited on school property or at school-sponsored activities.

(15) Drugs and controlled substances. Use, possession, distribution, or being visibly under the influence of any narcotic or controlled substance as defined in the Uniform Controlled Substances Act, chapter 69.50 RCW, as amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist.

(16) Weapons and dangerous chemicals. Unauthorized use, possession or storage of any weapon, explosives, dangerous chemicals, substances or instruments, which may be used to inflict bodily harm on another or damage upon school property or personal property.

(17) Other conduct. Any other conduct or action, the terms and violations of which are published annually in the student/parent handbook, in which the school can

demonstrate a clear and distinct interest and which substantially threatens the educational process or other legitimate function of the school or the health or safety of any member of the school community is prohibited.

DISCIPLINARY PROCESS AND PROCEDURES

NEW SECTION

WAC 72-120-200 POLICY. The Washington state school for the blind has established standards of conduct for students and the disciplinary process to protect members of the school community, maintain and advance its educational mission, and provide for the orderly conduct of the school's activities. Disciplinary procedures used by the school are considered part of its educational process. In every case of misconduct, the nature and circumstances of the violation will be considered and appropriate disciplinary actions will be administered on a less restrictive alternative basis, including but not limited to time out, detention, behavior contracts, restriction of privileges, reprimand, restitution, or suspension.

NEW SECTION

WAC 72-120-205 LIMITATIONS. (1) No form of disciplinary action shall be enforced in such a manner as to prevent a student from accomplishing specific academic grade, subject, or graduation requirement: PROVIDED, That a student's academic grade or credit in a particular subject or course may be adversely affected as a result of excessive tardiness or absences.

(2) Corporal punishment as defined by the board of education in WAC 180-40-235 and the unreasonable use of force on children described in RCW 9A.16.100 as now or hereafter amended, is prohibited.

NEW SECTION

WAC 72-120-210 EMERGENCY REMOVAL FROM CLASS OR ACTIVITY. (1) Notwithstanding any other provision of this chapter, a student may be removed immediately from a class, subject, or activity by a certificated teacher or an administrator and sent to the principal or a designated school authority: PROVIDED, That the teacher or administrator has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students, or school personnel, or an immediate and continuing threat of substantial disruption of the class, subject, activity, or educational process of the school. The removal from classes, subjects, or activities shall continue only until:

- (a) The danger or threat ceases; or
- (b) The principal or designated school authority acts to impose disciplinary action pursuant to this chapter.

(2) The principal or school authority shall meet with the student as soon as reasonably possible following the student's removal and take appropriate disciplinary action. In no case shall the student's opportunity for such meeting be delayed beyond the commencement of the next school day. Prior to or at the time any such student is returned to the class(es), subject(s), or activity(ies), the principal or school authority shall notify the teacher

or administrator who removed the student therefrom of the action which has been taken.

NEW SECTION

WAC 72-120-220 SHORT-TERM SUSPENSION. (1) As used in this chapter "short-term suspension" shall mean a denial of attendance at any class or admission to or entry upon school property for up to and not exceeding ten consecutive school days.

(2) Unless otherwise prohibited, short-term suspensions may be imposed upon a student for violation(s) of rules adopted in WAC 72-120-100.

(3) A student may be suspended for a short term after another less restrictive form of disciplinary action, reasonably calculated to modify his or her conduct, has been imposed as a consequence of misconduct of the same nature: PROVIDED, That the school may resort to immediate short-term suspension in cases involving exceptional misconduct. For the purposes of this section, "exceptional misconduct" means misconduct, other than absenteeism, of such frequent occurrence, notwithstanding prior attempts by the school to control such misconduct through the use of other forms of disciplinary action, and/or so serious in nature as to warrant immediate resort to short-term suspension.

(4) Any student subject to short-term suspension shall be provided the opportunity upon return to make up assignments and tests missed by reason of the suspension if such assignments or tests have a substantial effect upon the semester grade.

NEW SECTION

WAC 72-120-225 SHORT-TERM SUSPENSION—NOTICE AND CONFERENCE—GRIEVANCE PROCEDURE. (1) Prior to the short-term suspension of any student pursuant to WAC 72-120-220, a conference shall be conducted with the student as follows:

(a) An oral or written notice of the alleged misconduct and violation(s) of school rules shall be provided to the student;

(b) An oral or written explanation of the evidence in support of the allegation(s) shall be provided to the student;

(c) An oral or written explanation of the disciplinary action which may be imposed shall be provided to the student; and

(d) The student shall have the opportunity to present his/her explanation.

(2) In the event a suspension is to exceed one calendar day the parent(s) or guardian(s) of the student shall be notified of the reason for the student's suspension and the duration of the suspension orally and/or by letter deposited in the United States mail as soon as reasonably possible. The notice shall also inform the parent or guardian of the right to a brief adjudicative proceeding and that the suspension may possibly be reduced as a result of such proceeding.

(3) Any student, parent, or guardian aggrieved by the imposition of a short-term suspension pursuant to WAC 72-120-220, shall have the right to a brief adjudicative

proceeding in accordance with WAC 72-108-100. The school personnel member whose action is being grieved shall be notified of the initiation of a brief adjudicative proceeding as soon as reasonably possible. During the brief adjudicative proceeding the parties shall be entitled to question school personnel involved in the matter. The disciplinary action may continue notwithstanding the implementation of the grievance procedure set forth in this section.

NEW SECTION

WAC 72-120-230 LONG-TERM SUSPENSION.

(1) As used in this chapter "long-term suspension" shall mean a denial of attendance at any class or admission to or entry upon school property in excess of ten consecutive school days.

(2) Unless otherwise prohibited, long-term suspensions may be imposed on a student for violation(s) of rules adopted in WAC 72-120-100.

(3) When a student engages in conduct that would warrant long-term suspension, the student, parent(s) or guardian(s) shall be notified immediately (within twenty-four hours) of the nature and circumstances of the misconduct, the disciplinary action proposed, and the time and location of any individualized education program (IEP) team meeting review.

(4) If long-term suspension is recommended, the school shall convene a meeting to review the student's individualized education program (IEP) pursuant to WAC 72-171-210. The IEP team shall determine whether the misconduct is a manifestation of or is substantially related to the student's handicapping condition(s).

(5) If the IEP team concludes that the misconduct is not a manifestation of the student's handicapping condition(s), the student may be disciplined under the procedures set forth in WAC 72-120-234 through 72-120-236.

(6) If the IEP team concludes that the misconduct is a manifestation of the student's handicapping condition(s), suspension for more than ten days shall not be imposed unless:

(a) The school and parent(s) or guardian(s) agree otherwise; or

(b) The IEP team recommends a change of placement.

(7) A student involved in the complaint shall remain at the school during the pendency of any administrative or judicial proceeding, unless:

(a) The student's misconduct poses an immediate threat to the safety of others or where maintaining the student in his/her current placement at the school has a substantial likelihood of resulting in injury either to the student or to others; or

(b) The school, student, and parent(s) agree otherwise.

(8) A party may request a hearing pursuant to WAC 72-171-600, on any matter described in this section.

(9) Nothing in this section shall be construed to limit the superintendent's ability to seek injunctive relief in appropriate cases from a court of competent jurisdiction.

NEW SECTION

WAC 72-120-234 LONG-TERM SUSPENSION—MISCONDUCT UNRELATED TO HANDICAPPING CONDITION(S)—NOTICE. (1) A student may be suspended for a long term after another less restrictive form of disciplinary action, reasonably calculated to modify his or her conduct, has been imposed as a consequence of misconduct of the same nature: PROVIDED, That the school may resort to immediate long-term suspension in cases involving exceptional misconduct. For the purposes of this section, "exceptional misconduct" means misconduct, other than absenteeism, of such frequent occurrence, notwithstanding prior attempt by the school to control such misconduct through the use of other forms of disciplinary action, and/or so serious in nature as to warrant immediate resort to long-term suspension.

(2) Prior to the long-term suspension of any student for misconduct unrelated to his/her handicapping condition(s):

(a) A conference shall be conducted with the student according to the procedures in WAC 72-120-225(1);

(b) Written notice of an opportunity for a hearing shall be delivered in person or by certified mail to the student and parent(s) or guardian(s). The notice shall:

(i) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible;

(ii) Specify the alleged misconduct and the rule(s) alleged to have been violated;

(iii) Set forth the disciplinary action proposed;

(iv) Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s);

(v) State that a written request for a hearing must be received by the school employee designated, or by his or her office within twenty days after receipt of the notice of opportunity for a hearing; and

(vi) State that if such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the proposed long-term suspension may be imposed.

NEW SECTION

WAC 72-120-236 LONG-TERM SUSPENSION—MISCONDUCT UNRELATED TO HANDICAPPING CONDITION(S)—HEARING. (1) If a request for a hearing is received pursuant to WAC 72-120-234 within the required time period, the superintendent or his or her designee shall schedule a hearing to commence within seven school days after the date upon which the request for a hearing was received according to the requirements in chapter 10-08 WAC adopted in WAC 72-108-010.

(2) The hearing shall be an adjudicative proceeding governed by the Administrative Procedure Act, chapter 34.05 RCW and chapter 72-108 WAC.

(3) During the pendency of any administrative or judicial proceeding involving suspension under this section, unless the school and the parent(s) of the student (or the

eligible student as defined in WAC 72-171-010(1)) agree otherwise, the student shall remain in the educational placement he or she was in when the request for hearing was made.

WSR 90-16-006
PERMANENT RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND
 [Filed July 19, 1990, 4:09 p.m.]

Date of Adoption: June 14, 1990.

Purpose: To implement RCW 72.40.050 by establishing a reasonable and uniform tuition charge for nonresident students whose admission is deemed appropriate by the school superintendent.

Statutory Authority for Adoption: RCW 72.40.022.

Pursuant to notice filed as WSR 90-10-104 on May 2, 1990.

Effective Date of Rule: Thirty days after filing.

June 19, 1990

Dr. Roy J. Brothers
 Superintendent

Chapter 72-130 WAC
 NONRESIDENT TUITION

NEW SECTION

WAC 72-130-010 PURPOSE. The purpose of this chapter is to implement RCW 72.40.050 by establishing a reasonable and uniform tuition charge for nonresident students whose attendance at the Washington state school for the blind is deemed appropriate by the school superintendent.

NEW SECTION

WAC 72-130-020 DEFINITIONS. As used in this chapter, the term:

(1) "Residence" shall mean the physical location of a student's principal abode—i.e., the home, house, apartment, facility, structure, etc., within which the student lives the majority of the time. The mailing address of the student—e.g., the parents' address or post office box—may be different than the student's principal abode. The lack of a mailing address does not preclude residency under this section.

(2) "Nonresident student" shall mean a student, otherwise eligible for enrollment, who is between the ages of three and twenty-one, and whose residence is located outside the state of Washington.

NEW SECTION

WAC 72-130-030 ADMISSION OF NONRESIDENT STUDENTS. (1) The school shall consider requests for the admission of nonresident students on the basis of the order in which such requests are made and without preference; provided however, that a conclusive preference in favor of admitting resident students shall be maintained.

(2) A nonresident student may be admitted only pursuant to a written agreement between the school superintendent and the student's parent(s) or guardian(s) (or, the nonresident student if such student is eighteen years or older).

NEW SECTION

WAC 72-130-035 CONTENTS OF ADMISSION AGREEMENTS. Agreements required by WAC 72-130-030 shall set forth:

(1) The name, age, and grade level of attendance of the nonresident student;

(2) The duration of the agreement;

(3) A finding that the nonresident student satisfies the admissions criteria set forth in WAC 72-171-150; and

(4) Such other terms and conditions as the parties deem advisable and as are consistent with this chapter.

NEW SECTION

WAC 72-130-040 CHALLENGES TO RESIDENCY DETERMINATIONS. (1) A parent, guardian, or adult student who wishes to challenge a residency determination shall utilize the brief adjudicative procedures set forth in RCW 34.05.482 through 34.05.494, as adopted in WAC 72-108-100.

(2) Requests for brief adjudicative procedures shall be written, signed, and directed to the superintendent within twenty days from the date that the original determination was rendered.

NEW SECTION

WAC 72-130-050 NONRESIDENT TUITION.

(1) Uniform rate. The tuition for nonresident students who are enrolled pursuant to the provisions of this chapter shall be assessed at a uniform rate, consistent with the annual per capita cost of maintaining and educating a student.

(2) Tuition reduction. Any such tuition charge, however, may be ratably reduced in the event the nonresident student is enrolled part time and/or for less than a full school year.

(3) Annual adjustments. Nonresident tuition and fees shall be adjusted annually to reflect the actual per capita cost of education.

(4) Billing. Tuition for nonresident students shall be assessed on a quarterly basis. Quarterly payments shall be due in full prior to the first day of the quarter in which the nonresident student seeks to enroll.

WSR 90-16-007
PERMANENT RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND
 [Filed July 19, 1990, 4:10 p.m.]

Date of Adoption: June 14, 1990.

Purpose: To inform the public of the school's policy on the public use of its facilities.

Statutory Authority for Adoption: RCW 72.40.022.

Pursuant to notice filed as WSR 90-10-105 on May 2, 1990.

Effective Date of Rule: Thirty days after filing.

June 19, 1990

Dr. Roy J. Brothers
Superintendent

Chapter 72-140 WAC
USE OF SCHOOL FACILITIES

NEW SECTION

WAC 72-140-010 POLICY ON PUBLIC USE OF SCHOOL FACILITIES. Because the Washington state school for the blind is an educational institution provided and maintained by the people of the state, its campus, buildings, properties, and facilities shall be reserved at all times for those activities which are either directly related to its educational mission or are justified on the basis of their contributions to the cultural, social, or economic development of the state and its visually impaired citizens. The school is not obligated to make its public facilities available to the community for private purposes.

NEW SECTION

WAC 72-140-020 APPLICATION FOR USE OF SCHOOL FACILITIES. (1) Applications for use of school facilities should be made on the Facilities Request Form, available from the administrative office of the school, 2214 East 13th Street, Vancouver, Washington 98661.

(2) Reasonable conditions may be imposed upon the applicant to regulate the timeliness of the request, to determine the appropriateness of intended use of the space assigned, and to ensure proper maintenance of the facilities. A detailed listing of such conditions is available from the school's administrative office.

(3) The school may restrict an individual's or a group's use of school facilities if that person or group has, in the past, physically abused school facilities. Charges may be imposed for damage or for any unusual costs related to the use of facilities.

NEW SECTION

WAC 72-140-030 ALLOCATION OF SPACE. Allocation of space shall be made in accordance with school regulations and on the basis of time, space, priority of request, and the demonstrated needs of the applicant. When allocating the use of school facilities, top priority will always be given to activities directly related to the school's mission. No arrangement shall be made that may interfere with, or operate to the detriment of, the school's own educational, research, residential, or public service programs.

NEW SECTION

WAC 72-140-040 BASIS OF FEE ASSESSMENT. (1) The school has established a three-tiered fee schedule for the use of school facilities. The schedule reflects the school's cost of operation and its evaluation

of the intended purpose of the use. Groups closely affiliated with the school's mission, such as other state agencies or groups specifically promoting the education of the visually impaired, may be allowed access to school facilities free of charge. However, a small rental fee may be imposed if special operating costs are necessarily incurred. Other community groups will be charged according to the schedule. A current copy of the fee schedule is available from the school's administrative office.

(2) The school neither intends nor desires to compete with private enterprise in making its facilities available to the public. The school encourages the community to patronize local businesses whose privately operated facilities are well qualified to meet community needs.

NEW SECTION

WAC 72-140-050 GENERAL POLICIES LIMITING USE. (1) School facilities may not be used for purposes of political campaigning by or for candidates who have filed for public office except for student-sponsored activities or forums.

(2) Religious groups shall not, under any circumstances, use the facilities as a permanent meeting place. Use shall be intermittent only.

(3) The school reserves the right to prohibit the use of school facilities by groups which restrict membership or participation in a manner inconsistent with the school's commitment to nondiscrimination as set forth in its written policies and commitments.

(4) Activities of a political or commercial nature will not be approved if they involve the use of promotional signs or posters on buildings, trees, walls, or bulletin boards, or the distribution of samples outside the rooms or facilities to which access has been granted.

(5) These general policies shall apply to recognized student groups using school facilities.

NEW SECTION

WAC 72-140-060 SPECIFIC LIMITATIONS ON USE. (1) The permissible use of facilities is limited to the purpose stated in the application and approved by the superintendent.

(2) Only that portion of the building listed and approved on the application shall be available for use by the organization.

(3) The facility shall be vacated by the time listed on the facility usage form.

(4) The user group shall abide by these and all other limitations established by the superintendent and set forth in the superintendent's policy on use of school facilities. A copy of such policy is available at the administrative office of the school.

NEW SECTION

WAC 72-140-070 SUPERVISION. (1) Adult supervisors of student organizations using school facilities shall remain with their groups during usage, and shall ensure compliance with school regulations governing the use of facilities.

(2) A designated school employee or representative will be on site during usage, and will be compensated by the using organization when the event occurs outside of normal scheduled coverage.

NEW SECTION

WAC 72-140-080 PROHIBITED CONDUCT AT SCHOOL FACILITIES. (1) State law relative to public institutions governs the use or possession of intoxicants on campus or at school functions. The use or possession of unlawful drugs or narcotics, not medically prescribed, on school property or at school functions, is prohibited. Students obviously under the influence of intoxicants, unlawful drugs, or narcotics while in school facilities shall be subject to disciplinary action.

(2) The use of tobacco is restricted in accordance with published policy.

(3) Destruction of property is also prohibited by state law in reference to public institutions.

(4) No person or group may use or enter onto school facilities having in their possession firearms or other weapons, even if licensed to do so, except duly appointed and commissioned law enforcement officers.

WSR 90-16-008
PERMANENT RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND
[Filed July 19, 1990, 4:11 p.m.]

Date of Adoption: June 14, 1990.

Purpose: To implement chapter 72.40 RCW in a manner that is compatible with chapter 28A.13 RCW and is in compliance with the Education for All Handicapped Children Act, Public Law 94-142, 20 U.S.C. §§ 1401, 1412-1417.

Statutory Authority for Adoption: RCW 72.40.022.

Other Authority: 20 U.S.C. §§ 1401, 1412-1417.

Pursuant to notice filed as WSR 90-10-106 on May 2, 1990.

Changes Other than Editing from Proposed to Adopted Version: WAC 72-171-650, the school will not be adopting WAC 72-171-650 at this time and will be publishing supplemental notice for comment; WAC 72-171-410(2), changes provide the standard to be applied in reassessment determinations, consistent with the practice of the Superintendent of Public Instruction; WAC 72-171-430 (1)(b), changes clarify when the reassessment notice must include additional information; and WAC 72-171-600(1), changes delete reference to Superintendent of Public Instruction WAC provision. Washington State School for the Blind will contract directly with the Office of Administrative Hearings.

Effective Date of Rule: Thirty days after filing.

June 19, 1990
Dr. Roy J. Brothers
Superintendent

Chapter 72-171 WAC SPECIAL EDUCATION PROGRAMS

NEW SECTION

WAC 72-171-001 PURPOSES. The purposes of this chapter are:

(1) To implement chapter 72.40 RCW in a manner that is compatible with chapter 28A.13 RCW and in compliance with the Education for All Handicapped Children Act, 20 U.S.C. Sec. 1401 et seq.;

(2) To assure that all handicapped children have an opportunity for a free appropriate public education which emphasizes special education and related services designed to meet their unique needs;

(3) To assure that the rights of handicapped children and their parents are protected; and

(4) To assess and assure the effectiveness of efforts to educate the handicapped students.

DEFINITIONS OF GENERAL APPLICATION

NEW SECTION

WAC 72-171-010 DEFINITIONS. As used in this chapter:

(1) "Eligible student" means a student or handicapped student not otherwise incompetent, who has reached eighteen years of age.

(2) "Handicapped student" and "student" (depending upon the context in which the term is used) means:

(a) A person under the age of twenty-one, who has been determined pursuant to this chapter to have one or more of the disabilities set forth in WAC 72-171-015 or 72-171-016 and to be in need of special education and related services: PROVIDED, That a student enrolled at the Washington state school for the blind may continue past the age of twenty-one at the superintendent's discretion; 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 72-171-015 or 72-171-016 in the judgment of the school superintendent or his or her designee, or the parent(s), or the eligible student; or

(c) 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."

(3) "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 72-171-650, who represents a nonadult student. The term does not include the state if the child is a dependent of the state.

(4) "School" means Washington state school for the blind.

(5) "Assessment" means procedures used in accordance with WAC 72-171-110 through 72-171-130 to determine whether a student is visually handicapped or deaf-blind and/or the nature and extent of the special education and related services that the student needs.

The term means procedures used selectively with an individual student and does not include basic tests administered to or procedures used with all students in a school, grade, or class.

The purposes of assessment are to:

(a) Measure the student's present level of educational performance to identify the student's unique needs, abilities, and limitations;

(b) Draw conclusions regarding the significance of the findings as related to the student's instructional program;

(c) Provide appropriate personnel with information for determining appropriate placement and developing the individualized education program in accordance with WAC 72-171-240; and

(d) Assure appropriate identification of the handicapping condition.

(6) "Current assessment" means:

(a) Intellectual assessment data shall be considered current if obtained during a one calendar year period prior to the formal assessment or if obtained during the formal assessment period.

(b) Academic assessment data, including perceptual assessment data, shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(c) Psychological and social assessment data shall be considered "current" if obtained during a thirty calendar day period prior to formal assessment or if obtained during the formal assessment period.

(d) Adaptive behavior assessment data, including vocational and career assessment data, shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(e) Speech/language (communication skills) assessment data shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(f) Vision screening and audiological assessment data shall be considered "current" if obtained during a one calendar year period prior to formal assessment or if obtained during the formal assessment period.

(g) Medical assessment data shall be considered "current" if obtained during a one hundred eighty calendar day period prior to formal assessment or if obtained during the formal assessment period.

(7) "Reassessment" means procedures used in accordance with WAC 72-171-110 through 72-171-130 to determine the student's eligibility for and need for continuing special education and related services pursuant to WAC 72-171-430(2).

(8) "Consent" means that:

(a) The parent (or eligible student) has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication, including being informed of existing assessment data to be used within the definitions of current assessment;

(b) The parent (or eligible student) understands and agrees in writing to the carrying out of the activity for

which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and

(c) The parent (or eligible student) understands that the granting of consent is voluntary on the part of the parent (or eligible student) and may be revoked at any time.

(9) "Special education" has the meaning given that term by WAC 392-171-315.

(10) "Related services" has the meaning given that term by WAC 392-171-320.

(11) "Superintendent" means the superintendent of the Washington state school for the blind.

NEW SECTION

WAC 72-171-015 DEFINITION AND ELIGIBILITY CRITERIA FOR VISUALLY HANDICAPPED. WAC 392-171-446 shall be applicable to all students provided for by this chapter.

NEW SECTION

WAC 72-171-016 DEFINITION AND ELIGIBILITY CRITERIA FOR DEAF-BLIND. WAC 392-171-451 shall be applicable to all students provided for by this chapter.

ASSESSMENT AND PLACEMENT

NEW SECTION

WAC 72-171-100 INITIAL ASSESSMENT. (1) Prior to any action taken with respect to the initial placement of a student at the Washington state school for the blind, a full and individual assessment of the student's educational needs shall be conducted.

(2) A student may be admitted for the purpose of assessment.

(3) The school shall fully assess the student and arrive at a decision pursuant to WAC 72-171-130 within (a) thirty school days after written consent for assessment has been provided by the parent(s) or eligible student, or (b) such other time period as may be agreed to by the parent(s), eligible student, and school.

(4) If temporary (not to exceed thirty school days) special education programming is necessary for diagnostic reasons during the assessment period, the school shall obtain written permission for such diagnostic placement from the parent(s).

(5) The school shall request that the parent(s) sign consent form(s) for the mutual exchange of pertinent information where such information is available between the school, other agencies, and/or professionals.

NEW SECTION

WAC 72-171-110 GENERAL AREAS OF ASSESSMENT. The assessment of a student shall be in all areas related to the suspected disability. The assessment procedures outlined in this chapter are to be considered minimal, required procedures. Where concerns are indicated as judged by the multidisciplinary team, additional

or more in-depth assessment in each of the following areas shall be conducted.

(1) Scholastic assessment. This area may include assessment of the intellectual, language and communication, academic and cognitive development of the student, and any other scholastic area as deemed appropriate by the multidisciplinary team.

(2) Physical assessment. This area may include a review of the general health status of the student, vision screening and complete audiological examination, oral-peripheral examination, evaluation of musculo-skeletal, neurological, and developmental modalities, and any other physical area as deemed necessary by the multidisciplinary team.

(3) Adjustment assessment. This area may include assessment of the social skills and emotional status of the student, career and vocational assessment, and assessment of adaptive behaviors (e.g., self-help, interpersonal communication, survival skills, and practical application of academic skills).

NEW SECTION

WAC 72-171-120 GENERAL ASSESSMENT SAFEGUARDS—PERSONNEL, MATERIALS, AND PROCEDURES. Every student who is assessed or reassessed shall be assessed according to the procedures established in this chapter.

(1) The initial assessment of a student shall be made by a multidisciplinary team (i.e., a group of professionals) including at least one special education teacher and at least one person qualified to conduct individual diagnostic assessment in the area of suspected disability. In a reassessment of a student, the multidisciplinary team also shall include a representative from each service area involved in the student's individualized education program and such other professional service providers as recommended by any professional involved in the reassessment. Each member of the team shall be licensed, registered, credentialed, or certificated according to his or her professional standards in accordance with state statutes and rules.

(2) No single test instrument or single procedure shall be the sole criterion for determining a student's eligibility and/or for determining the appropriate educational program for a student.

(3) Assessment materials, procedures, and instruments used for the purpose of assessment and placement shall be selected and administered so as not to be racially or culturally or educationally discriminatory.

(4) All tests and other evaluation materials shall have been validated for the specific purpose for which they are used and shall accurately reflect whatever factors the tests purport to measure. If properly validated tests are unavailable, the professional judgment of each member of the multidisciplinary team may determine eligibility for special education based on other evidence of the existence of a specific handicap and need. This professional judgment shall be documented in a written narrative.

(5) All tests and other evaluation materials shall be administered by qualified personnel in conformance with the instructions of their producer. Tests designed to measure intellectual functioning shall be administered

and interpreted by a qualified psychologist: PROVIDED, That cognitive tests for developmentally delayed students other than an intelligence quotient test shall be administered by a qualified psychologist or by professionals with other titles who have considerable training and experience in individual psychological or psychoeducational assessment.

(6) Assessment materials, procedures, or instruments shall be provided and administered in a student's native language or mode of communication, unless it is clearly not feasible to do so. Tests shall be selected and administered so as to ensure that the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors the test purports to measure).

(7) In interpreting assessment data and in making placement recommendations, the assessment team shall:

(a) Collect and review information from a variety of sources, including but not limited to all available existing academic, medical, and other records pertinent to the suspected handicapping condition(s) of the student, aptitude and achievement tests, teacher recommendations or recommendations of related service providers, physical condition, social or cultural background, and adaptive behavior;

(b) Ensure that information obtained from all of these sources is documented and carefully considered.

(8) Assessment data shall be summarized in writing, dated, and signed by each person conducting an assessment. Information used to support the assessment, but which is not incorporated into the file, (e.g., review of health record), shall be referenced as to date of record, location, and source person. The summaries shall specify the procedures and instruments used, the results obtained, and the apparent significance of findings as related to the student's instructional program, including a description of the specific factors which are interfering with the student's educational performance and the special education and related services needed to assist the student in benefiting from his or her educational placement.

NEW SECTION

WAC 72-171-130 SUMMARY ANALYSIS OF ASSESSMENT DATA. (1) The leader of the student's assessment team shall review and analyze the summaries of assessment data provided for in WAC 72-171-120(8) and any other available data in each of the areas assessed. The conclusions, recommendations, and the facts and/or reasons resulting in the placement decision pursuant to WAC 72-171-150 shall:

(a) Describe the discrepancy which exists between the student's actual performance and his or her expected performance;

(b) Identify the disability, if any, that qualifies the student as a handicapped student;

(c) Set forth the nature and extent of the special education and related services that the student needs, if any;

(d) Reconcile any inconsistent or contradictory information and/or opinions evidenced in the assessment

data, if any, supporting conclusion(s) with appropriate data;

(e) Relate the apparent significance, as appropriate, of such factors as test measurement error or cultural, environmental, economic, and behavioral factors to the assessment results.

Where specific test results obtained in any assessment do not appear to the multidisciplinary team to accurately reflect a student's expected performance the multidisciplinary team shall apply professional judgment to determine eligibility for special education and related services. In such event, the multidisciplinary team shall document in a written narrative the basis for such determination, the instruments used, and the data used for a determination of eligibility;

(f) Make recommendations to the individualized education program committee regarding placement, special education and related services needed, needs for specialized materials or equipment, learning modalities, and student management strategies (e.g., reinforcement schedules, etc.), as determined by the multidisciplinary team to be significant to the student's program;

(g) Provide any necessary professional judgment(s) and the facts or reasons in support of the judgment(s).

(2) The summary analysis shall be signed and dated by the multidisciplinary team.

(3) Each multidisciplinary team member shall certify in writing whether the summary analysis reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusion(s) and the reasons therefor.

NEW SECTION

WAC 72-171-140 INDEPENDENT EDUCATIONAL ASSESSMENT. (1)(a) The parent(s) of a student (or an eligible student) assessed or any student reassessed has the right to obtain an independent educational assessment, subject to subsections (3) and (4) of this section.

(b) The school shall provide to parent(s) (or eligible student), 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 responsible for the education of the student in question; and

(ii) "Public expense" means that the school either pays for the full cost of the assessment or assures that the assessment is otherwise provided at no cost to the parent (or eligible student).

(2) A parent (or eligible student) has the right to an independent educational assessment at public expense if the parent (or eligible student) disagrees with the assessment results obtained by the school, as follows:

(a) The parent(s) (or eligible student) shall provide a written notice to the superintendent which:

(i) Specifies the portion(s) of the assessment results with which the parent(s) (or eligible student) disagrees; and

(ii) Requests an independent educational assessment at public expense;

(b) The school shall have the prior opportunity to initiate mediation or an adjudicative proceeding pursuant to WAC 72-171-600 et seq., to show that its assessment is appropriate: PROVIDED, That the school shall provide the parent(s) (or eligible student) written notice of the election to initiate mediation or an adjudicative proceeding no later than the tenth day after the date of receipt of the parent's (or eligible student's) written notice of disagreement;

(c) If the final decision is that the school assessment is appropriate, the parent (or eligible student) still has the right to an independent educational assessment, but not at public expense; and

(d) If the school elects not to initiate an adjudicative proceeding or is not upheld by the final decision, the independent assessment requested by the parent (or eligible student) shall be provided at public expense in accordance with the same criteria which the school uses when it initiates an assessment including, but not limited to, the location of the assessment and the qualifications of the examiner.

(3) If the parent (or eligible student) obtains an independent educational assessment at private expense, the results of the assessment:

(a) Shall be considered by the school 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 the adjudicative proceeding regarding that student.

(4) If the administrative law judge requests an independent educational assessment as part of the adjudicative proceeding, such assessment shall be at public expense.

NEW SECTION

WAC 72-171-150 ADMISSION AND PLACEMENT. In accordance with the least restrictive environment mandate of Public Law 94-142: A student may be admitted and enrolled at the Washington state school for the blind when:

(1) The school district of that student's residence refers the student or agrees that the student can be served at the Washington state school for the blind;

(2) The student's parents request that their child be served through the educational program available at the Washington state school for the blind;

(3) Assessment pursuant to the procedures in this chapter has been completed and vision loss or impairment is documented;

(4) Upon completion of assessment pursuant to this chapter, the multidisciplinary team described in WAC 72-171-120(1), the parents and a representative of the school district of the student's residence shall meet and consider the following to determine the most appropriate placement for the student:

(a) The summaries of assessment data pursuant to WAC 72-171-130;

(b) The nature and extent of the specific special education and related services needed by the student, if any;

(c) Any inconsistent or contradictory information and/or opinions evidenced in the assessment data, if any;

(d) The availability and identity of current educational programs appropriate to the student's needs; and

(e) The parent(s)' and school district's commitment to work in cooperation to meet the student's needs; and

(5) The multidisciplinary team described in WAC 72-171-120(1) recommends placement at the Washington state school for the blind.

INDIVIDUALIZED EDUCATION PROGRAMS

NEW SECTION

WAC 72-171-200 DEFINITION. As used in this chapter, the term "individualized education program" (IEP) means a written statement for a handicapped student that is developed and implemented in accordance with 20 U.S.C. Sec. 1401(19).

NEW SECTION

WAC 72-171-210 MEETINGS. (1) The school shall hold a meeting for the purpose of developing a student's individualized education program within thirty calendar days of the determination that the student is in need of special education and related services currently available at the school.

(2) Meetings consistent with this section shall be held by the school at least once a year for the purpose of reviewing and revising as necessary each student's IEP.

NEW SECTION

WAC 72-171-220 PARTICIPANTS IN IEP MEETINGS. (1) Each IEP meeting shall include the following participants:

(a) A representative of the school other than the student's teacher who is qualified to provide or supervise the provision of special education and related services;

(b) The student's teacher;

(c) One or both parents, subject to WAC 72-171-230;

(d) The student, if appropriate or the eligible student; and

(e) Other individuals at the discretion of the school, parent(s), or eligible student. Either the teacher or school representative should be qualified in the area of the student's disability.

(2) IEP meetings involving a student who has been assessed for the first time shall include the following participant in addition to those enumerated as follows: A member of the student's assessment team who is knowledgeable about the assessment procedures used and is familiar with the results of the evaluation.

NEW SECTION

WAC 72-171-230 PARENT PARTICIPATION.

(1) The school shall take steps to ensure (in the case of nonadult students) that one or both parents of the handicapped student are present at each meeting or are afforded the opportunity to participate, including:

(a) Notifying the parent(s) of the meeting early enough to ensure his or her participation; and

(b) Scheduling the meeting at a mutually agreed upon place and time.

(2) The notice to the parent(s) shall include the purpose, time, and location of the meeting and who will be in attendance.

(3) If a parent cannot attend, the school shall use other methods to ensure participation, including individual or conference telephone calls.

(4) A meeting may be conducted (in the case of a nonadult student) without a parent in attendance if the school is unable to convince the parents they should attend. In such a case the school shall make a record of its attempts to arrange a mutually agreed upon time and place. The record shall contain such information as:

(a) Detailed records of telephone calls made or attempted and the results of those calls;

(b) Copies of correspondence sent to the parent(s) and any responses received; and

(c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(5) The school shall take whatever action is necessary to ensure that the parent (or eligible student) understands the proceedings at a meeting, including arranging for an interpreter for parents (or eligible students) who are deaf or whose native language is other than English.

(6) The school shall document the parent(s)' and other IEP participants' presence at the IEP meeting.

(7) The school shall provide the parent a copy of the IEP upon request.

NEW SECTION

WAC 72-171-240 CONTENT OF THE IEP. The individualized education program shall be developed on the basis of assessment analysis and parent input, where it is provided, and shall include:

(1) A statement of the student's present levels of educational performance;

(2) A statement of specific annual goals including short-term instructional objectives which are stated in terms that provide for measurement of progress, expected levels of performance, and the schedules for their accomplishments;

(3) A statement of the specific special education and related services needed by the student, and the extent to which the student will be able to participate in the regular educational program, including physical education;

(4) The IEP developed for a handicapped student whose chronological age is fourteen or above shall also include career development and/or vocational education goals and short-term instructional objectives, where appropriate: PROVIDED, That if the career development and/or vocational education is specially designed instruction, goals and short-term instructional objectives shall be included;

(5) The projected dates for the initiation of services and the anticipated duration of the services, including the number of school days, and the number of hours per day; and

(6) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being met.

Nothing in this chapter may be construed as promising or guaranteeing that a handicapped student will in fact achieve the growth projected in his or her annual goals and short-term objectives.

ANNUAL REVIEW OR PLACEMENT AND STUDENT PROGRESS-REASSESSMENT

NEW SECTION

WAC 72-171-400 ANNUAL REVIEW OF PLACEMENT AND STUDENT PROGRESS—PROGRAM EVALUATION. (1) The placement of each student shall be evaluated and redetermined annually at a meeting conducted pursuant to WAC 72-171-210.

(2) Evaluation of the program for each student shall be based upon his or her progress toward the accomplishment of the goals and objectives set forth in the student's IEP. Specific methods of evaluating and demonstrating program results shall be determined in accordance with the school's policies and procedures and the student's IEP.

(3) The program's performance measurement shall be recorded and reported at all stages of implementation, and the results of the evaluation shall be reported to parent(s) (or the eligible student).

(4) Program evaluations shall serve two purposes:

- (a) To compare a student's measured performance with established goals and objectives; and
- (b) To attempt to identify causal factors that account for significant differences between actual and anticipated achievement.

(5) The school shall continually develop alternatives to improve methods and results that are based upon the evaluation of a student's achievement.

NEW SECTION

WAC 72-171-410 REASSESSMENT. (1) Each student shall be reassessed in accordance with the procedures specified in WAC 72-171-110 through 72-171-130:

- (a) At a minimum, once every three years unless conditions warrant earlier reassessment; or
- (b) Upon the request of the parents, an eligible student, teacher, or IEP team.

(2) If reassessment is the result of the three-year reassessment requirement, the multidisciplinary team, based on the professional judgment of the members, to a reasonable degree of professional certainty, shall determine and document the following:

- (a) Whether the student is appropriately classified;
- (b) Whether the student meets the continuing eligibility criteria of WAC 392-171-325(3) or 392-171-331. The basis for this determination shall be documented in a written narrative including any relevant data or assessment process used;

(c) Whether the current program is appropriate to the student's unique needs, abilities, and limitations;

(d) Whether assessment procedures should be replicated or conducted by members of the multidisciplinary team or other professionals not represented on the multidisciplinary team to provide reasonable professional certainty that the reassessment results are accurate. In making such determination, members of the multidisciplinary team shall be governed by the generally recognized professional practice standards of their respective disciplines. Members of the multidisciplinary team shall defer to the professional judgment of a team member who requests the replication or conduction of a particular assessment procedure.

NEW SECTION

WAC 72-171-420 REASSESSMENT PURPOSES. The purposes of reassessment are to determine:

- (1) Whether the student is appropriately classified as visually handicapped or deaf-blind;
- (2) Whether the program designed for the student is appropriate to meet his or her unique needs, abilities, and limitations; and
- (3) Whether the student meets the continuing eligibility requirement of WAC 392-171-325(3) or 392-171-331.

NEW SECTION

WAC 72-171-430 REASSESSMENT NOTICE. (1) The school shall provide written notice to parent(s) (or an eligible student) ten calendar days prior to conducting reassessment. Such notice shall include:

- (a) Procedural safeguard requirements provided in WAC 72-171-510;
- (b) The reasons for reassessment i.e., required three-year reassessment or reassessment upon request. If the reassessment is upon request, the notice shall include the source of and reasons for such request;

(c) A statement that the student's records will be reviewed as a part of the reassessment and that the parent(s) (or eligible student) have the right to submit to the multidisciplinary team any information they deem important to the reassessment;

(d) A statement that the multidisciplinary team will determine the need, if any, for replication of previous assessment procedures and the need, if any, for additional assessment procedures; and

(e) A list of the disciplines to be represented on the multidisciplinary team as required by WAC 72-171-120.

(2) Following completion of the reassessment, the superintendent or his or her designee shall record the determinations set forth in WAC 72-171-420. In accordance with WAC 72-171-500, the parent(s) (or the eligible student) shall be notified of the school's decision within ten calendar days following completion of reassessment. If the program is found to be inappropriate, an individualized education program meeting shall be convened in accordance with WAC 72-171-200 through

72-171-240 and the multidisciplinary team shall document in a written narrative the basis for such determination, including any relevant data or assessment procedures utilized.

NOTICE REQUIREMENTS

NEW SECTION

WAC 72-171-500 WHEN NOTICE MUST BE GIVEN. Written notice in accordance with WAC 72-171-510 shall be given to the parent(s) (or the eligible student) a reasonable time before the school:

(1) Proposes to initiate or change the identification, evaluation, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter; or

(2) Refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter.

NEW SECTION

WAC 72-171-510 CONTENTS OF THE NOTICE. (1) The notice required by WAC 72-171-500 shall include:

(a) A full explanation of all of the procedural safeguards available to the parent(s) (or eligible student) under this chapter;

(b) A description of the action proposed or refused by the school, and explanation of why the school proposes or refuses to take the action, and a description of any options the school considered and the reasons why those options were rejected;

(c) A description of each evaluation procedure, test, record, or report used as a basis for the proposal or refusal; and

(d) A description of any other factors which are relevant to the school's proposal or refusal.

(2) The notice shall be:

(a) Written in language understandable to the general public; and

(b) Provided in the native language of the parent (or eligible student) or other mode of communication used by the parent (or eligible student), unless it is clearly not feasible to do so.

(3) If the native language or other mode of communication of the parent (or eligible student) is not a written language, the school shall take steps to ensure that:

(a) The notice is translated orally or by other means to the parent (or eligible student) in his or her native language or other mode of communication;

(b) The parent (or eligible student) understands the content of the notice; and

(c) There is written evidence that the requirements in (a) and (b) of this subsection have been met.

HEARINGS

NEW SECTION

WAC 72-171-600 RIGHT TO INITIATE. (1) A parent, eligible student, or the superintendent (or his or

her designee) may initiate a hearing on any of the matters described in WAC 72-171-500 (1) and (2). The hearing is an adjudicative proceeding governed by Public Law 94-142 and the Administrative Procedure Act, chapter 34.05 RCW. The hearing shall be conducted by an administrative law judge with the office of administrative hearings.

(2) A request by parents or an eligible student for a hearing pursuant to this section shall:

(a) Be in writing;

(b) Be mailed or provided directly to the superintendent of the Washington state school for the blind with copies of the request mailed or provided directly to the following, at the time the request is made:

(i) Office of Superintendent of Public Instruction, Office of Legal Services, Old Capitol Building, Olympia, Washington 98504;

(ii) Office of Administrative Hearings, Room 606, Securities Building, 1904 Third Avenue, Seattle, Washington 98101; and

(iii) Superintendent of the school district of the student's residence;

(c) Explain the complaint of the parent(s) or eligible student in specific terms.

(3) A request by the school for a hearing pursuant to this section shall:

(a) Be in writing;

(b) Be mailed or provided directly to the Office of Administrative Hearings, Room 606, Securities Building, 1904 Third Avenue, Seattle, Washington 98101, with copies of the request and attachments mailed or provided directly to the following, at the time the request is made:

(i) The student's parent(s) or the eligible student;

(ii) Office of Superintendent of Public Instruction, Office of Legal Services, Old Capitol Building, Olympia, Washington 98504; and

(iii) The superintendent of the school district of the student's resident;

(c) Have attached to such request (and all copies) a copy of the notice to parent(s) or eligible student required by WAC 72-171-500. If the hearing request is in response to a request for an independent educational assessment pursuant to WAC 72-171-140, the school's request for hearing shall also have attached a copy of the written notice to the superintendent required by WAC 72-171-140(2).

(4) A notice of hearing requested by a student's parent(s) (or eligible student) or by the school pursuant to this section shall be served by the office of administrative hearings as set forth in WAC 10-08-040. In addition to the information specified in RCW 34.05.434 the notice shall include:

(a) The issue(s) to be addressed at the hearing to the extent the issue(s) has/have been identified at the time of the notice;

(b) The rights, procedures, and other matters set forth in WAC 72-171-610 through 72-171-640; and

(c) The right of the parent(s) or eligible student to seek an independent assessment at public expense pursuant to WAC 72-171-140.

(5) The hearing shall be conducted in accordance with the provisions of chapter 10-08 WAC unless modified by this chapter.

NEW SECTION

WAC 72-171-610 HEARING RIGHTS. (1) Any party to a hearing initiated pursuant to WAC 72-171-600 has the right to:

- (a) Be accompanied and advised by persons with special knowledge or training with respect to the problems of handicapped students;
- (b) Be advised and/or represented by an attorney;
- (c) Present evidence, including the opinion(s) of qualified experts, confront, cross-examine, and compel the attendance of witnesses;
- (d) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;
- (e) Obtain a written or electronic verbatim record of the hearing at a cost no greater than actual fees for recording and transcription; and
- (f) Obtain written findings of fact, conclusions of law, and decisions (which shall be transmitted, after deleting any personally identifiable information, to the state advisory council on the education of handicapped children as set forth in WAC 392-171-305).

(2) Parents who are a party to a hearing have the right to have the child who is the subject of the hearing present.

(3) Parents (or eligible students) who are a party to a hearing have the right to open the hearing to the public.

NEW SECTION

WAC 72-171-620 TIMELINE FOR DECISION. (1) A final decision in the hearing will be made not later than forty-five days after the date of receipt of a request for hearing: **PROVIDED**, That the presiding officer may grant specific extensions of time beyond the period set forth in this section at the request of either party.

(2) A copy of the decision consisting of the findings of fact, conclusions of law, and decisions shall be mailed or provided directly to each of the parties and to the superintendent of public instruction by the presiding officer together with a certification of the date of mailing and the parties to whom it was mailed.

(3) In addition to the requirements set forth in RCW 34.05.461 and WAC 10-08-210, the decision of the presiding officer shall be drafted in a manner which avoids the revelation of personally identifiable information that is unnecessary to reaching and understanding the decision reached. The surnames of students and their parents shall be indicated by use of their last initial and shall not be spelled out.

(4) Each hearing involving oral arguments shall be conducted at a time and place which is reasonably convenient to the parent(s) and student involved.

(5) A decision made in a hearing conducted under this chapter is final unless a petition for review is filed under WAC 72-171-630.

NEW SECTION

WAC 72-171-630 PETITION FOR REVIEW. (1) Any party aggrieved by the decision in the hearing may petition for review.

(2) The petition for review shall be filed with the office of administrative hearings within twenty days of the date of service of the decision. Copies of the petition shall be served upon all other parties or their representatives at the time the petition is filed.

(3) The petition for review shall specify the portions of the decision in the hearing to which exception is taken and shall refer to the evidence of the record which is relied upon to support the petition.

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

(5) In addition to the requirements set forth in RCW 34.05.464, the reviewing officer shall:

- (a) Ensure that the procedures at the hearing were consistent with the requirements of due process;
- (b) Seek additional evidence if necessary. If a hearing is held to receive additional evidence, the rights in WAC 72-171-610 apply; and
- (c) Make an independent decision within thirty days after the receipt of the petition for review, including all matters set forth in WAC 72-171-620 (2) and (3).

(6) The decision made by the reviewing officer is final unless modified or overturned by a court of law.

NEW SECTION

WAC 72-171-640 STUDENT'S STATUS DURING PROCEEDINGS. (1) During the pendency of any administrative or judicial proceeding regarding a complaint initiated pursuant to WAC 72-171-600, unless the school and the parent(s) of the student (or the eligible student) agree otherwise, the student involved in the complaint shall remain in the educational placement he or she was in at the time the complaint was made.

(2) The student, with the consent of the parent(s) or the eligible student, shall be placed in the regular school program until the completion of all such proceedings if the complaint involves an application for initial admission to the school.

WSR 90-16-009
PERMANENT RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND
[Filed July 19, 1990, 4:12 p.m.]

Date of Adoption: June 14, 1990.

Purpose: To provide information and instruction on how to request, inspect, and obtain copies of public records at the school.

Statutory Authority for Adoption: RCW 72.40.022.

Other Authority: RCW 42.17.250.

Pursuant to notice filed as WSR 90-10-107 on May 2, 1990.

Effective Date of Rule: Thirty days after filing.

June 19, 1990
Dr. Roy J. Brothers
Superintendent

Chapter 72-276 WAC
PUBLIC RECORDS

NEW SECTION

WAC 72-276-010 PURPOSE. The purpose of this chapter is to ensure that the school complies with the public records provisions of RCW 42.17.250 through 42.17.340.

NEW SECTION

WAC 72-276-020 DEFINITIONS. (1) Public records. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics: PROVIDED, HOWEVER, That the personal and other records cited in RCW 42.17.310 are exempt from definition of public record.

(2) Writing. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds or symbols, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums, and other documents.

(3) Washington state school for the blind. "Washington state school for the blind" is an agency organized by statute pursuant to RCW 72.40.010. Washington state school for the blind shall hereafter be referred to as the "school." Where appropriate, the term "school" also refers to staff and employees of the school.

NEW SECTION

WAC 72-276-030 DESCRIPTION OF CENTRAL ORGANIZATION OF WASHINGTON STATE SCHOOL FOR THE BLIND. (1) Washington state school for the blind is a state agency established and organized under the authority of chapter 72.40 RCW for the purpose of implementing the educational goals established by the legislature in RCW 72.40.010. The administrative office of the school is located in Vancouver, Washington. The Vancouver campus comprises the central headquarters for all operations of the school.

(2) The school operates under the supervision and control of the superintendent of the state school for the blind, appointed by the governor. The superintendent takes such actions and promulgates such rules, regulations, and policies in harmony with the rules and regulations established by the office of superintendent of public instruction and the United States Department of Education, as are necessary to the administration and operation of the school.

(3) A board of trustees serves as an advisory board to the superintendent and to the legislature. The board consists of a member from each of the states' congressional districts and ex-officio members representing specific interests and constituents of the school. The responsibilities and functions of the board are provided in chapter 72.41 RCW.

(4) The school is comprised of three components. The education component is under the direction of the school principal. The residential life component is under the supervision of the director of residential life. The support services component is provided by consolidated services under an interagency agreement between the Washington state school for the blind and the Washington state school for the deaf. Medical services and outreach programs are under the direction of the superintendent. A detailed description of the administrative organization of the school is available at the administrative office of the school.

NEW SECTION

WAC 72-276-040 OPERATIONS AND PROCEDURES. Formal decision-making procedures are established by the superintendent through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act (APA).

NEW SECTION

WAC 72-276-050 PUBLIC RECORDS AVAILABLE. All public records of the school, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310.

NEW SECTION

WAC 72-276-060 PUBLIC RECORDS OFFICER. The school's public records shall be in the charge of the public records officer designated by the superintendent of the school. The person so designated shall be located in the school administrative office. The public records officer shall be responsible for the following: Implementation of the school's rules and regulations regarding release of public records, coordinating the school employees in this regard, and generally ensuring compliance by school employees with the public records disclosure requirements in chapter 42.17 RCW.

NEW SECTION

WAC 72-276-070 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the school. For purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., excluding legal holidays and holidays established by the school calendar.

NEW SECTION

WAC 72-276-080 REQUESTS FOR PUBLIC RECORDS. In accordance with the requirements of

RCW 42.17.290 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

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

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

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

NEW SECTION

WAC 72-276-090 **COPYING.** No fee shall be charged for the inspection of public records. The school may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the school for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record had tendered payment for such copying to the appropriate school official. All charges must be paid by money order, cashier's check, or cash in advance.

NEW SECTION

WAC 72-276-100 **DETERMINATION REGARDING EXEMPT RECORDS.** (1) The school reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 72-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 and 42.17.315. Such determination may be made in consultation with the public records officer, the school superintendent, or an assistant attorney general assigned to the school.

(2) Pursuant to RCW 42.17.260, the school reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy; provided,

however, in each case, the justification for deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within two business days as to whether his request for a public record will be honored.

(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or his/her designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record, and a brief explanation of how the exemption applies to the public record withheld.

NEW SECTION

WAC 72-276-110 **REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the superintendent, or his or her designee.

(3) Within two business days after receiving the written request by a person petitioning for a prompt review of a decision denying public record, the superintendent, or his or her designee, shall complete such review.

(4) During the course of the review, the superintendent or his or her designee, shall consider the obligations of the school fully to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider both the exemptions provided in RCW 42.17.310 through 42.17.315, and the provisions of the statute which require the school to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

NEW SECTION

WAC 72-276-120 **PROTECTION OF PUBLIC RECORDS.** Requests for public records shall be made at the administrative office of the school in Vancouver, Washington. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 72-276-090.

NEW SECTION

WAC 72-276-130 **RECORDS INDEX.** (1) The school has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the school after January 1, 1973:

(a) Final opinions, including concurring and dissenting opinions, as well as orders made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index maintained by the school shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

NEW SECTION

WAC 72-276-140 ADOPTION OF FORM. The school hereby adopts for use by all persons requesting inspection and/or copying or copies of its records the following form:

REQUEST FOR PUBLIC RECORD TO WASHINGTON STATE SCHOOL FOR THE BLIND

(a) Name (please print) Signature

Name or Organization, if applicable

Mailing Address of Applicant Phone Number

(b) Date Request Made Time of Day Request Made

(c) Nature of Request

(d) Identification Reference on Current Index (Please Describe)

(e) Description of Record, or Matter, Requested if not Identifiable by Reference to the Washington State School for the Blind

Request: APPROVED _____ DENIED _____ Date _____

By _____ Name _____ Title _____

Reasons for Denial: _____

Referred to _____ Date _____

By _____ Name _____ Title _____

WSR 90-16-010 PERMANENT RULES WASHINGTON STATE SCHOOL FOR THE BLIND [Filed July 19, 1990, 4:13 p.m.]

Date of Adoption: June 14, 1990.

Purpose: To insure compliance with the Family Educational Rights and Privacy Act and the Education of the Handicapped Act by establishing guidelines for the responsible handling of student education records.

Statutory Authority for Adoption: RCW 72.40.022.

Other Authority: 20 U.S.C. §§ 1232(g), 1412 (2)(D), 1414 (a)(1)(B) and 1417(c).

Pursuant to notice filed as WSR 90-10-108 on May 2, 1990.

Effective Date of Rule: Thirty days after filing.

June 19, 1990

Dr. Roy J. Brothers Superintendent

Chapter 72-280 WAC FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

NEW SECTION

WAC 72-280-010 CONFIDENTIALITY OF STUDENT RECORDS. In compliance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Sec. 1232(g), and the Education of the Handicapped Act, 20 U.S.C. Secs. 1400 through 1420, this policy has been created:

(1) To ensure that information contained in student education records is treated in a responsible manner with due regard for the personal nature of such information;

(2) To ensure the accuracy of information contained in student education records by providing parents (or eligible students) with the opportunity to inspect the records; and

(3) To ensure the continued confidentiality of such records by establishing procedures governing the release of information contained therein.

NEW SECTION

WAC 72-280-011 DEFINITIONS. As used in this chapter:

(1) "Directory information" means information contained in an education record of a student which would not generally be considered harmful or an invasion of

privacy if disclosed. It includes, but is not limited to the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended.

(2) "Disclosure" means to permit access to or the release, transfer, or other communication of education records, or the personally identifiable information contained in those records, to any party, by any means, including oral, written, or electronic means.

(3) "Education records" means those records, files, documents, and other materials that are:

- (a) Maintained by the school; and
- (b) Directly related to a student.

The term "education records" does not include:

(i) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;

(ii) Records of the school security department that are kept apart from education records, maintained solely for law enforcement purposes, and are not available to persons other than law enforcement officials of the same jurisdiction;

(iii) In the case of persons who are employed by but do not attend the school, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose: PROVIDED, That this exception from the definition of "education records" does not apply to records relating to an individual in attendance at the school who is employed as a result of his or her status as a student;

(iv) Records on a student who is eighteen years of age or older that are created and maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity and that are created, maintained, or used only in connection with the treatment of the student; and are not available to anyone other than persons providing such treatment; provided, however, that such records can be personally reviewed by a physician or other appropriate professional of the student's choice;

(v) Records that contain only information relating to an individual after he or she is no longer a student at the school.

(4) "Eligible student" means a student who has reached eighteen years of age. When a student becomes an "eligible student," the rights accorded to, and the consent required of, parents under this chapter, transfer from the parents to the student.

(5) "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

(6) "Party" means an individual, agency, institution, or organization.

(7) "Personally identifiable information" includes, but is not limited to the student's name; the name of the student's parent or other family member; the address of the student or student's family; a personal identifier, such as the student's Social Security number or student number; a list of personal characteristics that would make the student's identity easily traceable; or other information that would make the student's identity easily traceable.

(8) "Student" means any individual who is or has been in attendance at the school and regarding whom the school maintains education records.

NEW SECTION

WAC 72-280-015 NOTICE. The school shall provide parents of student (or eligible students) currently in attendance with annual notice of their rights under this chapter. The notice shall inform parents (or eligible students) of their right to:

- (1) Inspect and review the student's education records;
- (2) Request amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
- (3) Consent to disclosure of personally identifiable information contained in the student's education records;
- (4) Obtain a copy of the school's policy on access to and disclosure of education records; and
- (5) File with the United States Department of Education a complaint concerning alleged failures to comply with the requirements of the Family Educational Rights and Privacy Act.

NEW SECTION

WAC 72-280-020 EDUCATION RECORDS—PARENTS' (OR ELIGIBLE STUDENTS') RIGHT TO INSPECT. (1) A parent, eligible student, or representative of the parent has the right to inspect and review the education records of the student.

(2) Where the education record or data includes information on more than one student, the parent(s) of those students (or the eligible students) shall have the right to inspect and review only the information relating to their child (or themselves) or to be informed of that specific information.

(3) The parent (or eligible student) has the right to obtain copies of the student's education records. Charges for the copies shall not exceed the cost normally charged by the school. However, if the fee effectively prevents the parent (or eligible student) from exercising the right to inspect and review the student's education records, the school may provide such copies free of charge.

(4) The school may presume that a parent has authority to inspect and review records relating to his/her child unless the school has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and dissolution.

NEW SECTION

WAC 72-280-025 EDUCATION RECORDS—ACCESS PROCEDURES. (1) A list of the types and locations of education records collected, maintained, or used by the school may be obtained by the parent at the superintendent's office.

(2) A request by a parent (or eligible student) for review of information should be made in writing to the individual or office having custody of the record.

(3) The custodian of the record shall respond to reasonable requests for inspection, explanation, and interpretation of education records within forty-five days from the date the request was received and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or placement of the student. If the records custodian is unable to comply with a request within the above stated period, he or she shall inform the parent (or eligible student) of that fact and the reasons in writing.

NEW SECTION

WAC 72-280-030 EDUCATION RECORDS—AMENDMENT. (1)(a) A parent (or eligible student) who believes that information contained in the education record is inaccurate, misleading, or violates the privacy or other rights of the student, may request the school to amend the information.

(b) The right to challenge, under this chapter, shall not be used to contest grades which are correctly recorded.

(2) The school shall decide whether to amend the record as requested within a reasonable time after receipt of the request.

(3) If the school decides not to amend the record as requested, it shall inform the parent (or eligible student) of the decision and of the right to a brief adjudicative proceeding under WAC 72-108-100.

(4) The school shall, on request, provide an opportunity for a brief adjudicative proceeding to challenge information in the education record on the grounds provided for in subsection (1) of this section.

(5) For the purpose of this chapter:

(a) The decision of the brief adjudicative proceeding must be based solely on the evidence presented at the brief adjudicative proceeding and must include a summary of the evidence and the reasons for the decision.

(b) The parent (or eligible student) may, at their own expense, be assisted or represented by one or more individuals of his or her choice, including an attorney. Where the parent (or eligible student) is represented by an attorney, the school may be represented by an assistant attorney general.

(6) If, as a result of the brief adjudicative proceeding, the school decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the information accordingly and so inform the parent (or eligible student) in writing.

(7) If, as a result of the brief adjudicative proceeding, the school decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or

other rights of the student, it shall inform the parent (or eligible student) of the right to place in the records it maintains on the student a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the school, (or both).

(8) Any explanation placed in the records of the student under this section must:

(a) Be maintained by the school as part of the records of the student as long as the record or contested portion is maintained by the school; and

(b) Be included with any disclosure of the record or contested portion to which the explanation relates.

NEW SECTION

WAC 72-280-040 DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION FROM EDUCATION RECORDS. (1) The school shall not permit access to or the release of education records or personally identifiable information contained there (other than "directory information") without the written consent of the parent (or eligible student) to any party other than the following:

(a) School officials, including teachers, when the information is required for a legitimate educational interest within the performance of their responsibilities to the school, with the understanding that its use will be strictly limited to the performance of those responsibilities;

(b) Officials of another school, school system, or institution of postsecondary education who have requested the records and in which the student seeks or intends to enroll, upon condition that:

(i) The parent (or eligible student) be notified of the transfer (unless the disclosure is initiated by the parent or eligible student);

(ii) The parent (or eligible student), upon request, receive a copy of the record that was disclosed; and

(iii) The parent (or eligible student), upon request, receive an opportunity for a brief adjudicative proceeding to challenge the content of the record;

(c) Federal and state officials requiring access to education records in connection with the audit and evaluation of a federal or state-supported education program, or in connection with the enforcement of or compliance with federal or state legal requirements which relate to such programs. In such cases the information required shall be protected by the federal or state official in a manner which will not permit the personal identification of students and their parents to other than those officials and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, or enforcement of legal requirements;

(d) Organizations conducting studies for, or on behalf of the school, for purposes of developing, validating or administering predictive tests, administering student aid programs, and improving instruction: PROVIDED, That the study is conducted in such a manner that does not permit the personal identification of parents and students by persons other than representatives of such organizations, and such information is destroyed when no longer needed for the purposes for which it was provided;

(e) Accrediting organizations in order to carry out their accrediting functions;

(f) Any person or entity designated by judicial order or lawfully issued subpoena: PROVIDED, That the school makes a reasonable effort to notify the parent (or eligible student) of the order or subpoena in advance of compliance. Any school employee receiving a subpoena or judicial order for education records should immediately notify the attorney general;

(g) Those individuals or agencies to which a release of information without consent is permitted by the rules that implement the Family Educational Rights and Privacy Act of 1974, 34 C.F.R. Secs. 99.31 through 99.37.

(2) Where the consent of a parent (or eligible student) is obtained for the release of education records, it shall be in writing, signed and dated by the person giving such consent, and shall include:

- (a) A specification of the records to be released;
- (b) The reasons for such release; and
- (c) The names of the parties to whom such records will be released.

(3) When a disclosure is made under subsection (2) of this section, if a parent (or eligible student) so requests, the school shall provide him or her with a copy of the records disclosed.

(4) Personally identifiable education records released to third parties, with or without parent (or eligible student) consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released in a personally identifiable form to any other party without the prior consent of the parent (or eligible student).

(5) Unless otherwise prohibited by law, information from education records may be released to appropriate persons in connection with an emergency if knowledge of such information is necessary to protect the health or safety of a student or other person(s).

NEW SECTION

WAC 72-280-050 SAFEGUARDS. (1) The school shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

(2) A school official shall insure the confidentiality of any personally identifiable information.

(3) The school shall maintain, for public inspection, a current listing of the names and positions of those employees within the school who may have access to personally identifiable information.

NEW SECTION

WAC 72-280-055 RECORD OF ACCESS. (1) The school shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student.

(2) The school shall maintain the record with the education records of the student as long as the records are maintained.

(3) For each request or disclosure the record must include:

- (a) The name of the party;
- (b) The date access was given; and

(c) The legitimate interest or purpose for which the party is authorized to use the records.

(4) If the party receiving personally identifiable information makes further disclosures of the information on behalf of the school, the record must include:

(a) The names of additional parties to which the receiving party may disclose the information; and

(b) The legitimate interests under WAC 72-280-040 which each of the additional parties has in requesting or obtaining the information.

(5) Subsection (1) of this section does not apply if the request was from, or the disclosure was to:

- (a) The parent or eligible student;
- (b) A school official under WAC 72-280-040 (1)(a);
- (c) A party with written consent from the parent or eligible student; or
- (d) A party seeking directory information.

NEW SECTION

WAC 72-280-060 DESTRUCTION OF INFORMATION. (1) Student education records may be destroyed in accordance with state laws and regulations: PROVIDED, That the school shall not destroy any education records if there is an outstanding request to inspect and review the records under this chapter.

(2)(a) The school shall inform parents (or eligible students) when personally identifiable information is no longer needed to provide educational services to the student.

(b) At the request of a parent (or eligible student), the school shall destroy personally identifiable information. However, the school may maintain a permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year of completion without time limitation.

(3) For the purpose of this section, "destruction" means physical destruction or removal of personal identifiers.

NEW SECTION

WAC 72-280-070 DIRECTORY INFORMATION. (1) The school shall provide public notice to parents of students in attendance and eligible students in attendance at the school of:

(a) The types of personally identifiable information that the school has designated as directory information;

(b) A parent's or eligible student's right to refuse to let the school designate any or all of those types of information about the student as directory information; and

(c) The period of time within which a parent or eligible student has to notify the school in writing that he or she does not want any or all of those types of information about the student designated as directory information.

(2) The school shall not disclose directory information pertaining to a student in attendance at the school without prior written consent from the parents of such student or such eligible student.

WSR 90-16-011
PERMANENT RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND
 [Filed July 19, 1990, 4:14 p.m.]

Date of Adoption: June 14, 1990.
 Purpose: To implement the State Environmental Policy Act, chapter 43.21C RCW.
 Statutory Authority for Adoption: RCW 72.40.022.
 Pursuant to notice filed as WSR 90-10-109 on May 2, 1990.
 Effective Date of Rule: Thirty days after filing.
 June 19, 1990
 Dr. Roy J. Brothers
 Superintendent

Chapter 72-325 WAC
STATE ENVIRONMENTAL POLICY ACT RULES

NEW SECTION

WAC 72-325-010 IMPLEMENTATION OF STATE ENVIRONMENTAL POLICY ACT. (1) It shall be the policy of Washington state school for the blind that all actions taken by the school shall comply with the provisions of chapter 43.21C RCW (State Environmental Policy Act) and chapter 197-11 WAC as presently enacted or hereafter amended.

(2) The superintendent, or his or her designee, shall be responsible for administering and implementing this policy.

WSR 90-16-012
PERMANENT RULES
WASHINGTON STATE
SCHOOL FOR THE DEAF
 [Filed July 19, 1990, 4:15 p.m.]

Date of Adoption: June 13, 1990.
 Purpose: To assist interested persons in dealing with the Washington State School for the Deaf.
 Statutory Authority for Adoption: RCW 72.40.022.
 Other Authority: RCW 34.05.220 (1)(b).
 Pursuant to notice filed as WSR 90-10-110 on May 2, 1990.
 Effective Date of Rule: Thirty days after filing.
 June 19, 1990
 Dr. Gary L. Holman
 Superintendent

Chapter 148-100 WAC
ORGANIZATION

NEW SECTION

WAC 148-100-001 DESCRIPTION OF ORGANIZATION. (1) The Washington state school for the deaf is a state agency established and organized under the authority of chapter 72.40 RCW. The primary purpose of the school is to educate and train hearing impaired children.

(2) The school operates under the direction and control of the superintendent. The board of trustees serves as an advisory board to the superintendent and to the legislature and performs various other functions as provided in chapter 72.42 RCW. The school provides consolidated services for the use of the Washington state school for the deaf and the Washington state school for the blind under an interagency agreement. A description of the administrative organization of the school is available at the administrative office of the school.

(3) The administrative office of the school is located at 611 Grand Blvd., Vancouver, Washington 98661. Any person may obtain additional information and make submissions and requests at the administrative office.

WSR 90-16-013
PERMANENT RULES
WASHINGTON STATE
SCHOOL FOR THE DEAF
 [Filed July 19, 1990, 4:16 p.m.]

Date of Adoption: June 13, 1990.
 Purpose: To substantially adopt the model rules of procedure set forth by the chief administrative law judge.

Citation of Existing Rules Affected by this Order: Chapter 10-08 WAC.

Statutory Authority for Adoption: RCW 72.40.022.

Other Authority: RCW 34.05.220 (1)(a) and 34.05.250.

Pursuant to notice filed as WSR 90-10-111 on May 2, 1990.

Effective Date of Rule: Thirty days after filing.

June 19, 1990
 Dr. Gary L. Holman
 Superintendent

Chapter 148-108 WAC
PRACTICE AND PROCEDURE

NEW SECTION

WAC 148-108-010 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at the school, with the following exception: WAC 10-08-190 Adjudicative proceedings—Cameras—Recording devices. See WAC 148-108-090 which determines the use of cameras and recording devices at adjudicative proceedings. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by the school shall govern.

NEW SECTION

WAC 148-108-020 APPOINTMENT OF PRESIDING OFFICERS. Unless the hearing is assigned to

the office of administrative hearings, the superintendent or the superintendent's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the superintendent or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the superintendent or the superintendent's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 148-108-030 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 148-108-040 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address:

Washington State School for the Deaf
611 Grand Boulevard, S-26
Vancouver, Washington 98661

Written application for an adjudicative proceeding should be submitted to the above address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 148-108-060 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 148-108-070 CONFIDENTIALITY OF FORMAL ADJUDICATIVE PROCEEDINGS. In formal adjudicative proceedings, the presiding officer shall have the power to close all or part of the hearing to public observation. The presiding officer shall have the power to impose reasonable conditions upon observation of the proceeding and regulate the use of photographic and recording equipment to preserve confidentiality.

NEW SECTION

WAC 148-108-080 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS. A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for

making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceedings shall be closed, and state the reasons therefor in writing within twenty days of receiving the request.

NEW SECTION

WAC 148-108-090 RECORDING DEVICES. No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 148-108-070, except for the method of official recording selected by the school.

NEW SECTION

WAC 148-108-100 BRIEF ADJUDICATIVE PROCEDURE. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Student conduct or disciplinary proceedings pursuant to chapter 148-120 WAC;
- (2) Amendment of education records pursuant to WAC 148-280-030; and
- (3) Residency determinations made pursuant to WAC 148-130-040.

WSR 90-16-014
PERMANENT RULES
WASHINGTON STATE
SCHOOL FOR THE DEAF
[Filed July 19, 1990, 4:17 p.m.]

Date of Adoption: June 13, 1990.

Purpose: To implement RCW 72.40.050 by establishing a reasonable and uniform tuition charge for nonresident students whose admission is deemed appropriate by the school superintendent.

Statutory Authority for Adoption: RCW 72.40.022.

Pursuant to notice filed as WSR 90-10-112 on May 2, 1990.

Effective Date of Rule: Thirty days after filing.

June 19, 1990

Dr. Gary L. Holman
Superintendent

Chapter 148-130 WAC
NONRESIDENT TUITION

NEW SECTION

WAC 148-130-010 PURPOSE. The purpose of this chapter is to implement RCW 72.40.050 by establishing a reasonable and uniform tuition charge for nonresident students whose attendance at the Washington state school for the deaf is deemed appropriate by the school superintendent.

NEW SECTION

WAC 148-130-020 DEFINITIONS. As used in this chapter, the term:

(1) "Residence" shall mean the physical location of a student's principal abode—i.e., the home, house, apartment, facility, structure, etc., within which the student lives the majority of the time. The mailing address of the student—e.g., the parents' address or post office box—may be different than the student's principal abode. The lack of a mailing address does not preclude residency under this section.

(2) "Nonresident student" shall mean a student, otherwise eligible for enrollment, who is between the ages of three and twenty-one, and whose residence is located outside the state of Washington.

NEW SECTION

WAC 148-130-030 ADMISSION OF NONRESIDENT STUDENTS. (1) The school shall consider requests for the admission of nonresident students on the basis of the order in which such requests are made and without preference; provided however, that a conclusive preference in favor of admitting resident students shall be maintained.

(2) A nonresident student may be admitted only pursuant to a written agreement between the school superintendent and the student's parent(s) or guardian(s) (or, the nonresident student if such student is eighteen years or older).

NEW SECTION

WAC 148-130-035 CONTENTS OF ADMISSION AGREEMENTS. Agreements required by WAC 148-130-030 shall set forth:

(1) The name, age, and grade level of attendance of the nonresident student;

(2) The duration of the agreement;

(3) A finding that the nonresident student satisfies the admissions criteria set forth in WAC 148-171-150; and

(4) Such other terms and conditions as the parties deem advisable and as are consistent with this chapter.

NEW SECTION

WAC 148-130-040 CHALLENGES TO RESIDENCY DETERMINATIONS. (1) A parent, guardian, or adult student who wishes to challenge a residency determination shall utilize the brief adjudicative procedures set forth in RCW 34.05.482 through 34.05.494, as adopted in WAC 148-108-100.

(2) Requests for brief adjudicative procedures shall be written, signed, and directed to the superintendent within twenty days from the date that the original determination was rendered.

NEW SECTION

WAC 148-130-050 NONRESIDENT TUITION. (1) Uniform rate. The tuition for nonresident students who are enrolled pursuant to the provisions of this chapter shall be assessed at a uniform rate, consistent with

the annual per capita cost of maintaining and educating a student.

(2) Tuition reduction. Any such tuition charge, however, may be ratably reduced in the event the nonresident student is enrolled part time and/or for less than a full school year.

(3) Annual adjustments. Nonresident tuition and fees shall be adjusted annually to reflect the actual per capita cost of education.

(4) Billing. Tuition for nonresident students shall be assessed on a quarterly basis. Quarterly payments shall be due in full prior to the first day of the quarter in which the nonresident student seeks to enroll.

WSR 90-16-015**PERMANENT RULES****WASHINGTON STATE
SCHOOL FOR THE DEAF**

[Filed July 19, 1990, 4:18 p.m.]

Date of Adoption: June 13, 1990.

Purpose: To inform the public of the school's policy on the public use of its facilities.

Statutory Authority for Adoption: RCW 72.40.022.

Pursuant to notice filed as WSR 90-10-113 on May 2, 1990.

Effective Date of Rule: Thirty days after filing.

June 19, 1990

Dr. Gary L. Holman
Superintendent

**Chapter 148-140 WAC
USE OF SCHOOL FACILITIES****NEW SECTION**

WAC 148-140-010 POLICY ON PUBLIC USE OF SCHOOL FACILITIES. Because the Washington state school for the deaf is an educational institution provided and maintained by the people of the state, its campus, buildings, properties, and facilities shall be reserved at all times for those activities which are either directly related to its educational mission or are justified on the basis of their contributions to the cultural, social, or economic development of the state and its hearing impaired citizens. The school is not obligated to make its public facilities available to the community for private purposes.

NEW SECTION

WAC 148-140-020 APPLICATION FOR USE OF SCHOOL FACILITIES. (1) Applications for use of school facilities should be made on the Facilities Request Form, available from the administrative office of the school, 611 Grand Boulevard, Vancouver, Washington 98661.

(2) Reasonable conditions may be imposed upon the applicant to regulate the timeliness of the request, to determine the appropriateness of intended use of the space assigned, and to ensure proper maintenance of the

facilities. A detailed listing of such conditions is available from the school's administrative office.

(3) The school may restrict an individual's or a group's use of school facilities if that person or group has, in the past, physically abused school facilities. Charges may be imposed for damage or for any unusual costs related to the use of facilities.

NEW SECTION

WAC 148-140-030 ALLOCATION OF SPACE. Allocation of space shall be made in accordance with school regulations and on the basis of time, space, priority of request, and the demonstrated needs of the applicant. When allocating the use of school facilities, top priority will always be given to activities directly related to the school's mission. No arrangement shall be made that may interfere with, or operate to the detriment of, the school's own educational, research, residential, or public service programs.

NEW SECTION

WAC 148-140-040 BASIS OF FEE ASSESSMENT. (1) The school has established a three-tiered fee schedule for the use of school facilities. The schedule reflects the school's cost of operation and its evaluation of the intended purpose of the use. Groups closely affiliated with the school's mission, such as other state agencies or groups specifically promoting the education of the hearing impaired, may be allowed access to school facilities free of charge. However, a small rental fee may be imposed if special operating costs are necessarily incurred. Other community groups will be charged according to the schedule. A current copy of the fee schedule is available from the school's administrative office.

(2) The school neither intends nor desires to compete with private enterprise in making its facilities available to the public. The school encourages the community to patronize local businesses whose privately operated facilities are well qualified to meet community needs.

NEW SECTION

WAC 148-140-050 GENERAL POLICIES LIMITING USE. (1) School facilities may not be used for purposes of political campaigning by or for candidates who have filed for public office except for student-sponsored activities or forums.

(2) Religious groups shall not, under any circumstances, use the facilities as a permanent meeting place. Use shall be intermittent only.

(3) The school reserves the right to prohibit the use of school facilities by groups which restrict membership or participation in a manner inconsistent with the school's commitment to nondiscrimination as set forth in its written policies and commitments.

(4) Activities of a political or commercial nature will not be approved if they involve the use of promotional signs or posters on buildings, trees, walls, or bulletin boards, or the distribution of samples outside the rooms or facilities to which access has been granted.

(5) These general policies shall apply to recognized student groups using school facilities.

NEW SECTION

WAC 148-140-060 SPECIFIC LIMITATIONS ON USE. (1) The permissible use of facilities is limited to the purpose stated in the application and approved by the superintendent.

(2) Only that portion of the building listed and approved on the application shall be available for use by the organization.

(3) The facility shall be vacated by the time listed on the facility usage form.

(4) The user group shall abide by these and all other limitations established by the superintendent and set forth in the superintendent's policy on use of school facilities. A copy of such policy is available at the administrative office of the school.

NEW SECTION

WAC 148-140-070 SUPERVISION. (1) Adult supervisors of student organizations using school facilities shall remain with their groups during usage, and shall ensure compliance with school regulations governing the use of facilities.

(2) A designated school employee or representative will be on site during usage, and will be compensated by the using organization when the event occurs outside of normal scheduled coverage.

NEW SECTION

WAC 148-140-080 PROHIBITED CONDUCT AT SCHOOL FACILITIES. (1) State law relative to public institutions governs the use or possession of intoxicants on campus or at school functions. The use or possession of unlawful drugs or narcotics, not medically prescribed, on school property or at school functions, is prohibited. Students obviously under the influence of intoxicants, unlawful drugs, or narcotics while in school facilities shall be subject to disciplinary action.

(2) The use of tobacco is restricted in accordance with published policy.

(3) Destruction of property is also prohibited by state law in reference to public institutions.

(4) No person or group may use or enter onto school facilities having in their possession firearms or other weapons, even if licensed to do so, except duly appointed and commissioned law enforcement officers.

WSR 90-16-016
PERMANENT RULES
WASHINGTON STATE
SCHOOL FOR THE DEAF
[Filed July 19, 1990, 4:19 p.m.]

Date of Adoption: June 13, 1990.

Purpose: To implement chapter 72.40 RCW in a manner that is compatible with the Education for All

Handicapped Children Act, Public Law 94-142, 20 U.S.C. §§ 1401, 1412-1417.

Statutory Authority for Adoption: RCW 72.40.022.

Other Authority: 20 U.S.C. §§ 1401, 1412-1417.

Pursuant to notice filed as WSR 90-10-114 on May 2, 1990.

Changes Other than Editing from Proposed to Adopted Version: WAC 148-171-410(2), changes provide the standard to be applied in reassessment determinations, consistent with the practice of the Superintendent of Public Instruction; WAC 148-171-430 (1)(b), changes clarify when the reassessment notice must include additional information; and WAC 148-171-600(1), changes delete reference to Superintendent of Public Instruction WAC provision. Washington State School for the Deaf will contract directly with the Office of Administrative Hearings.

Effective Date of Rule: Thirty days after filing.

June 19, 1990

Dr. Gary L. Holman
Superintendent

Chapter 148-171 WAC SPECIAL EDUCATION PROGRAMS

NEW SECTION

WAC 148-171-001 PURPOSES. The purposes of this chapter are:

(1) To implement chapter 72.40 RCW in a manner that is compatible with chapter 28A.13 RCW and in compliance with the Education for All Handicapped Children Act, 20 U.S.C. Sec. 1401 et seq.;

(2) To assure that all handicapped children have an opportunity for a free appropriate public education which emphasizes special education and related services designed to meet their unique needs;

(3) To assure that the rights of handicapped children and their parents are protected; and

(4) To assess and assure the effectiveness of efforts to educate the handicapped students.

DEFINITIONS OF GENERAL APPLICATION

NEW SECTION

WAC 148-171-010 DEFINITIONS. As used in this chapter:

(1) "Adult student" means a student or handicapped student not otherwise incompetent, who has reached eighteen years of age.

(2) "Handicapped student" and "student" (depending upon the context in which the term is used) means:

(a) A person under the age of twenty-one, who has been determined pursuant to this chapter to have one or more of the disabilities set forth in WAC 148-171-015 and to be in need of special education and related services: PROVIDED, That a student enrolled at the Washington state school for the deaf may continue past the age of twenty-one at the superintendent's discretion; 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 148-171-015 in the judgment of the school superintendent or his or her designee, or the parent(s), or the adult student; or

(c) 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."

(3) "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 148-171-650, who represents a nonadult student. The term does not include the state if the child is a dependent of the state.

(4) "School" means Washington state school for the deaf.

(5) "Assessment" means procedures used in accordance with WAC 148-171-110 through 148-171-130 to determine whether a student is deaf or hard of hearing and/or the nature and extent of the special education and related services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to or procedures used with all students in a school, grade, or class.

The purposes of assessment are to:

(a) Measure the student's present level of educational performance to identify the student's unique needs, abilities, and limitations;

(b) Draw conclusions regarding the significance of the findings as related to the student's instructional program;

(c) Provide appropriate personnel with information for determining appropriate placement and developing the individualized education program in accordance with WAC 148-171-240;

(d) Assure appropriate identification of the handicapping condition; and

(e) Determine the student's eligibility for funding for special education and related services.

(6) "Current assessment" means:

(a) Intellectual assessment data shall be considered current if obtained during a one calendar year period prior to the formal assessment or if obtained during the formal assessment period.

(b) Academic assessment data, including perceptual assessment data, shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(c) Psychological and social assessment data shall be considered "current" if obtained during a thirty calendar day period prior to formal assessment or if obtained during the formal assessment period.

(d) Adaptive behavior assessment data, including vocational and career assessment data, shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(e) Speech/language/sign language (communication skills) assessment data shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(f) Vision screening and audiological assessment data shall be considered "current" if obtained during a one calendar year period prior to formal assessment or if obtained during the formal assessment period.

(g) Medical assessment data shall be considered "current" if obtained during a one hundred eighty calendar day period prior to formal assessment or if obtained during the formal assessment period.

(7) "Reassessment" means procedures used in accordance with WAC 148-171-110 through 148-171-130 to determine the student's eligibility for and need for continuing special education and related services pursuant to WAC 148-171-430(2).

(8) "Consent" means that:

(a) The parent (or adult student) has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication, including being informed of existing assessment data to be used within the definitions of current assessment;

(b) The parent (or adult student) understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and

(c) The parent (or adult student) understands that the granting of consent is voluntary on the part of the parent (or adult student) and may be revoked at any time.

(9) "Special education" has the meaning given that term by WAC 392-171-315.

(10) "Related services" has the meaning given that term by WAC 392-171-320.

(11) "Superintendent" means the superintendent of the Washington state school for the deaf.

NEW SECTION

WAC 148-171-015 DEFINITION AND ELIGIBILITY CRITERIA FOR DEAF AND HARD OF HEARING. (1) WAC 392-171-436 and 392-171-441 shall be applicable to all students provided for by this chapter.

(2) Assessments and evaluations conducted according to this section shall be performed by professionals qualified in the area of assessment who are specially trained and experienced in the area of deafness or deaf education.

ASSESSMENT AND PLACEMENT

NEW SECTION

WAC 148-171-100 INITIAL ASSESSMENT. (1) Prior to any action taken with respect to the initial placement of a student at the Washington state school for the deaf, a full and individual assessment of the student's educational needs shall be conducted.

(2) A student may be admitted for the purpose of assessment.

(3) The school shall fully assess the student and arrive at a decision pursuant to WAC 148-171-130 within (a) thirty school days after written consent for assessment has been provided by the parent(s) or adult student, or

(b) such other time period as may be agreed to by the parent(s), adult student, and school.

(4) If temporary (not to exceed thirty school days) special education programming is necessary for diagnostic reasons during the assessment period, the school shall obtain written permission for such diagnostic placement from the parent(s).

(5) The school shall request that the parent(s) sign consent form(s) for the mutual exchange of pertinent information where such information is available between the school, other agencies, and/or professionals.

NEW SECTION

WAC 148-171-110 GENERAL AREAS OF ASSESSMENT. The assessment of a student shall be in all areas related to the suspected disability. The assessment procedures outlined in this chapter are to be considered minimal, required procedures. Where concerns are indicated as judged by the multidisciplinary team, additional or more in-depth assessment in each of the following areas shall be conducted.

(1) Scholastic assessment. This area may include assessment of the intellectual, language and communication, academic and cognitive development of the student and any other scholastic area as deemed appropriate by the multidisciplinary team.

(2) Physical assessment. This area may include a review of the general health status of the student, vision screening and complete audiological examination, oral-peripheral examination, evaluation of musculo-skeletal, neurological, and developmental modalities, and any other physical area as deemed necessary by the multidisciplinary team.

(3) Adjustment assessment. This area may include assessment of the social skills and emotional status of the student, career and vocational assessment, and assessment of adaptive behaviors (e.g., self-help, interpersonal communication, survival skills, and practical application of academic skills).

NEW SECTION

WAC 148-171-120 GENERAL ASSESSMENT SAFEGUARDS—PERSONNEL, MATERIALS, AND PROCEDURES. Every student who is assessed or reassessed shall be assessed according to the procedures established in this chapter.

(1) The initial assessment of a student shall be made by a multidisciplinary team (i.e., a group of professionals) including at least one qualified teacher of the deaf and at least one person qualified to conduct individual diagnostic assessment in the area of suspected disability. In a reassessment of a student, the multidisciplinary team also shall include a representative from each service area involved in the student's individualized education program and such other professional service providers as recommended by any professional involved in the reassessment. Each member of the team shall be licensed, registered, credentialed, or certificated according to his or her professional standards in accordance with state statutes and rules, and experienced in the area of deafness.

(2) No single test instrument or single procedure shall be the sole criterion for determining a student's eligibility and/or for determining the appropriate educational program for a student.

(3) Assessment materials, procedures, and instruments used for the purpose of assessment and placement shall be selected and administered so as not to be racially or culturally or educationally discriminatory.

(4) All tests and other evaluation materials shall have been validated for the specific purpose for which they are used and shall accurately reflect whatever factors the tests purport to measure. If properly validated tests are unavailable, the professional judgment of each member of the multidisciplinary team may determine eligibility for special education based on other evidence of the existence of a specific handicap and need. This professional judgment shall be documented in a written narrative.

(5) All tests and other evaluation materials shall be administered by qualified personnel in conformance with the instructions of their producer. Tests designed to measure intellectual functioning shall be administered and interpreted by a qualified psychologist experienced in deafness: PROVIDED, That cognitive tests for developmentally delayed students other than an intelligence quotient test shall be administered by a qualified psychologist or by professionals with other titles who have considerable training and experience in individual psychological or psychoeducational assessment and deafness.

(6) Assessment materials, procedures, or instruments shall be provided and administered in a student's native language or mode of communication, unless it is clearly not feasible to do so. Tests shall be selected and administered so as to ensure that the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors the test purports to measure).

(7) In interpreting assessment data and in making placement recommendations, the assessment team shall:

(a) Collect and review information from a variety of sources, including but not limited to all available existing academic, medical, and other records pertinent to the area of deafness, aptitude and achievement tests, teacher recommendations or recommendations of related service providers, physical condition, social or cultural background, and adaptive behavior;

(b) Ensure that information obtained from all of these sources is documented and carefully considered.

(8) Assessment data shall be summarized in writing, dated, and signed by each person conducting an assessment. Information used to support the assessment, but which is not incorporated into the file, (e.g., review of health record), shall be referenced as to date of record, location, and source person. The summaries shall specify the procedures and instruments used, the results obtained, and the apparent significance of findings as related to the student's instructional program, including a description of the specific factors which are interfering

with the student's educational performance and the special education and related services needed to assist the student in benefiting from his or her educational placement.

NEW SECTION

WAC 148-171-130 SUMMARY ANALYSIS OF ASSESSMENT DATA. (1) The multidisciplinary team shall review and analyze the summaries of assessment data provided for in WAC 148-171-120(8) and any other available data in each of the areas assessed. The conclusions, recommendations, and the facts and/or reasons resulting in the placement decision pursuant to WAC 148-171-150 shall:

(a) Describe the discrepancy which exists between the student's actual performance and his or her expected performance;

(b) Identify the handicapping condition(s), if any, that qualifies the student as a handicapped student;

(c) Set forth the nature and extent of the special education and related services that the student needs, if any;

(d) Reconcile any inconsistent or contradictory information and/or opinions evidenced in the assessment data, if any, supporting conclusion(s) with appropriate data;

(e) Relate the apparent significance, as appropriate, of such factors as test measurement error or cultural, environmental, economic, and behavioral factors to the assessment results.

Where specific test results obtained in any assessment do not appear to the multidisciplinary team to accurately reflect a student's expected performance the multidisciplinary team shall apply professional judgment to determine eligibility for special education and related services. In such event, the multidisciplinary team shall document in a written narrative the basis for such determination, the instruments used, and the data used for a determination of eligibility;

(f) Make recommendations to the individualized education program committee regarding placement, special education and related services needed, needs for specialized materials or equipment, learning modalities (e.g., visual), and student management strategies (e.g., reinforcement schedules, etc.), as determined by the multidisciplinary team to be significant to the student's program;

(g) Provide any necessary professional judgment(s) and the facts or reasons in support of the judgment(s).

(2) The summary analysis shall be signed and dated by the multidisciplinary team.

(3) Each multidisciplinary team member shall certify in writing whether the summary analysis reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusion(s) and the reasons therefor.

NEW SECTION

WAC 148-171-140 INDEPENDENT EDUCATIONAL ASSESSMENT. (1)(a) The parent(s) of a

student (or an adult student) assessed or any student re-assessed has the right to obtain an independent educational assessment, subject to subsections (3) and (4) of this section.

(b) The school shall provide to parent(s), 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 responsible for the education of the student in question; and

(ii) "Public expense" means that the school either pays for the full cost of the assessment or assures that the assessment is otherwise provided at no cost to the parent.

(2) A parent (or adult student) has the right to an independent educational assessment at public expense if the parent (or adult student) disagrees with the assessment results obtained by the school, as follows:

(a) The parent(s) (or adult student) shall provide a written notice to the superintendent which:

(i) Specifies the portion(s) of the assessment results with which the parent(s) (or adult student) disagrees; and

(ii) Requests an independent educational assessment at public expense;

(b) The school shall have the prior opportunity to initiate mediation or an adjudicative proceeding pursuant to WAC 148-171-600 et seq., to show that its assessment is appropriate: PROVIDED, That the school shall provide the parent(s) (or adult student) written notice of the election to initiate mediation or an adjudicative proceeding no later than the tenth day after the date of receipt of the parent's (or adult student's) written notice of disagreement;

(c) If the final decision is that the school 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 school elects not to initiate an adjudicative proceeding or is not upheld by the final decision, the independent assessment requested by the parent (or adult student) shall be provided at public expense in accordance with the same criteria which the school uses when it initiates an assessment including, but not limited to, the location of the assessment and the qualifications of the examiner.

(3) 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 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 the adjudicative proceeding regarding that student.

(4) If the administrative law judge requests an independent educational assessment as part of the adjudicative proceeding, such assessment shall be at public expense.

NEW SECTION

WAC 148-171-150 **ADMISSION AND PLACEMENT.** In accordance with the least restrictive environment mandate of Public Law 94-142: A student may be admitted and enrolled at the Washington state school for the deaf when:

(1) The school district of that student's residence refers the student or agrees that the student can be served at the Washington state school for the deaf;

(2) The student's parents request that their child be served through the educational program available at the Washington state school for the deaf;

(3) Assessment pursuant to the procedures in this chapter has been completed and is documented;

(4) Upon completion of assessment pursuant to this chapter, the multidisciplinary team described in WAC 148-171-120(1), the parents and a representative of the school district of the student's residence shall meet and consider the following to determine the most appropriate placement for the student:

(a) The summaries of assessment data pursuant to WAC 148-171-130;

(b) The nature and extent of the specific special education and related services needed by the student, if any;

(c) Any inconsistent or contradictory information and/or opinions evidenced in the assessment data, if any;

(d) The availability and identity of current educational programs appropriate to the student's needs; and

(e) The parent(s') and school district's commitment to work in cooperation to meet the student's needs; and

(5) The multidisciplinary team described in WAC 148-171-120(1) recommends placement at the Washington state school for the deaf.

INDIVIDUALIZED EDUCATION PROGRAMS

NEW SECTION

WAC 148-171-200 **DEFINITION.** As used in this chapter, the term "individualized education program" (IEP) means a written statement for a handicapped student that is developed and implemented in accordance with 20 U.S.C. Sec. 1401(19).

NEW SECTION

WAC 148-171-210 **MEETINGS.** (1) The school shall hold a meeting for the purpose of developing a student's individualized education program within thirty calendar days of the determination that the student is in need of special education and related services currently available at the school.

(2) Meetings consistent with this section shall be held by the school at least once a year for the purpose of reviewing and revising as necessary each student's IEP.

NEW SECTION

WAC 148-171-220 **PARTICIPANTS IN IEP MEETINGS.** (1) Each IEP meeting shall include the following participants:

(a) A representative of the school other than the student's teacher who is qualified to provide or supervise the provision of special education and related services;

(b) The student's teacher;

(c) One or both parents, subject to WAC 148-171-230;

(d) The student, if appropriate or the adult student; and

(e) Other individuals at the discretion of the school, parent(s), or adult student. Either the teacher or school representative should be qualified in the area of the student's disability.

(2) IEP meetings involving a student who has been assessed for the first time shall include the following participant in addition to those enumerated as follows: A member of the student's assessment team who is knowledgeable about the assessment procedures used and is familiar with the results of the evaluation.

NEW SECTION

WAC 148-171-230 PARENT PARTICIPATION.

(1) The school shall take steps to ensure (in the case of nonadult students) that one or both parents of the handicapped student are present at each meeting or are afforded the opportunity to participate, including:

(a) Notifying the parent(s) of the meeting early enough to ensure his or her participation; and

(b) Scheduling the meeting at a mutually agreed upon place and time.

(2) The notice to the parent(s) shall include the purpose, time, and location of the meeting and who will be in attendance.

(3) If a parent cannot attend, the school shall use other methods to ensure participation, including individual or conference telephone calls.

(4) A meeting may be conducted (in the case of a nonadult student) without a parent in attendance if the school is unable to convince the parents they should attend. In such a case the school shall make a record of its attempts to arrange a mutually agreed upon time and place. The record shall contain such information as:

(a) Detailed records of telephone calls made or attempted and the results of those calls;

(b) Copies of correspondence sent to the parent(s) and any responses received; and

(c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(5) The school shall take whatever action is necessary to ensure that the parent (or adult student) understands the proceedings at a meeting, including arranging for an interpreter for parents (or adult students) who are deaf or whose native language is other than English.

(6) The school shall document the parent(s)' and other IEP participants' presence at the IEP meeting.

(7) The school shall provide the parent(s) a copy of the IEP upon request.

NEW SECTION

WAC 148-171-240 CONTENT OF THE IEP. The individualized education program shall be developed

on the basis of assessment analysis and parent input, where it is provided, and shall include:

(1) A statement of the student's present levels of educational performance;

(2) A statement of specific annual goals including short-term instructional objectives which are stated in terms that provide for measurement of progress, expected levels of performance, and the schedules for their accomplishments;

(3) A statement of the specific special education and related services needed by the student, and the extent to which the student will be able to participate in the regular educational program, including physical education;

(4) The IEP developed for a handicapped student whose chronological age is fourteen or above shall also include career development and/or vocational education goals and short-term instructional objectives, where appropriate: **PROVIDED**, That if the career development and/or vocational education is specially designed instruction, goals and short-term instructional objectives shall be included;

(5) The projected dates for the initiation of services and the anticipated duration of the services, including the number of school days, and the number of hours per day; and

(6) Appropriate objectives criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being met.

Nothing in this chapter may be construed as promising or guaranteeing that a handicapped student will in fact achieve the growth projected in his or her annual goals and short-term objectives.

ANNUAL REVIEW OF PLACEMENT AND STUDENT PROGRESS—REASSESSMENT

NEW SECTION

WAC 148-171-400 ANNUAL REVIEW OF PLACEMENT AND STUDENT PROGRESS—PROGRAM EVALUATION. (1) The placement of each student shall be evaluated and redetermined annually at a meeting conducted pursuant to WAC 148-171-210.

(2) Evaluation of the program for each student shall be based upon his or her progress toward the accomplishment of the goals and objectives set forth in the student's IEP. Specific methods of evaluating and demonstrating program results shall be determined in accordance with the school's policies and procedures and the student's IEP.

(3) The program's performance measurement shall be recorded and reported at all stages of implementation, and the results of the evaluation shall be reported to parent(s) (or the adult student).

(4) Program evaluations shall serve two purposes:

(a) To compare a student's measured performance with established goals and objectives; and

(b) To attempt to identify causal factors that account for significant differences between actual and anticipated achievement.

(5) The school shall continually develop alternatives to improve methods and results that are based upon the evaluation of a student's achievement.

NEW SECTION

WAC 148-171-410 REASSESSMENT. (1) Each student shall be reassessed in accordance with the procedures specified in WAC 148-171-110 through 148-171-130:

(a) At a minimum, once every three years unless conditions warrant earlier reassessment; or

(b) Upon the request of the parents, an adult student, teacher, or IEP team.

(2) If reassessment is the result of the three-year reassessment requirement, the multidisciplinary team, based on the professional judgment of the members, to a reasonable degree of professional certainty, shall determine and document the following:

(a) Whether the student is appropriately classified;

(b) Whether the student meets the continuing eligibility criteria of WAC 392-171-325(3) or 392-171-331. The basis for this determination shall be documented in a written narrative including any relevant data or assessment process used;

(c) Whether the current program is appropriate to the student's unique needs, abilities, and limitations;

(d) Whether assessment procedures should be replicated or conducted by members of the multidisciplinary team or other professionals not represented on the multidisciplinary team to provide reasonable professional certainty that the reassessment results are accurate. In making such determination, members of the multidisciplinary team shall be governed by the generally recognized professional practice standards of their respective disciplines. Members of the multidisciplinary team shall defer to the professional judgment of a team member who requests the replication or conduction of a particular assessment procedure.

NEW SECTION

WAC 148-171-420 REASSESSMENT PURPOSES. The purposes of reassessment are to determine:

(1) Whether the student is appropriately classified as deaf or hard of hearing;

(2) Whether the program designed for the student is appropriate to meet his or her unique needs, abilities, and limitations; and

(3) Whether the student meets the continuing eligibility requirement of WAC 392-171-325(3) or 392-171-331.

NEW SECTION

WAC 148-171-430 REASSESSMENT NOTICE. (1) The school shall provide written notice to parent(s) (or an adult student) ten calendar days prior to conducting reassessment. Such notice shall include:

(a) Procedural safeguard requirements provided in WAC 148-171-510;

(b) The reasons for reassessment i.e., required three-year reassessment or reassessment upon request. If the

reassessment is upon request, the notice shall include the source of and reasons for such request;

(c) A statement that the student's records will be reviewed as a part of the reassessment and that the parent(s) (or adult student) have the right to submit to the multidisciplinary team any information they deem important to the reassessment;

(d) A statement that the multidisciplinary team will determine the need, if any, for replication of previous assessment procedures and the need, if any, for additional assessment procedures; and

(e) A list of the disciplines to be represented on the multidisciplinary team as required by WAC 148-171-120.

(2) Following completion of the reassessment, the superintendent or his or her designee shall record the determinations set forth in WAC 148-171-420. In accordance with WAC 148-171-500, the parent(s) (or the adult student) shall be notified of the school's decision within ten calendar days following completion of reassessment. If the program is found to be inappropriate, an individualized education program meeting shall be convened in accordance with WAC 148-171-200 through 148-171-240 and the multidisciplinary team shall document in a written narrative the basis for such determination, including any relevant data or assessment procedures utilized.

NOTICE REQUIREMENTS

NEW SECTION

WAC 148-171-500 WHEN NOTICE MUST BE GIVEN. Written notice in accordance with WAC 148-171-510 shall be given to the parent(s) (or the adult student) a reasonable time before the school:

(1) Proposes to initiate or change the identification, evaluation, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter; or

(2) Refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter.

NEW SECTION

WAC 148-171-510 CONTENTS OF THE NOTICE. (1) The notice required by WAC 148-171-500 shall include:

(a) A full explanation of all of the procedural safeguards available to the parent(s) (or adult student) under this chapter;

(b) A description of the action proposed or refused by the school, and explanation of why the school proposes or refuses to take the action, and a description of any options the school considered and the reasons why those options were rejected;

(c) A description of each evaluation procedure, test, record, or report used as a basis for the proposal or refusal; and

(d) A description of any other factors which are relevant to the school's proposal or refusal.

(2) The notice shall be:

(a) Written in language understandable to the general public; and

(b) Provided in the native language of the parent (or adult student) or other mode of communication used by the parent (or adult student), unless it is clearly not feasible to do so.

(3) If the native language or other mode of communication of the parent (or adult student) is not a written language, the school shall take steps to ensure that:

(a) The notice is translated orally or by other means to the parent (or adult student) in his or her native language or other mode of communication;

(b) The parent (or adult student) understands the content of the notice; and

(c) There is written evidence that the requirements in (a) and (b) of this subsection have been met.

HEARINGS

NEW SECTION

WAC 148-171-600 RIGHT TO INITIATE. (1) A parent, adult student, or the superintendent (or his or her designee) may initiate a hearing on any of the matters described in WAC 148-171-500 (1) and (2). The hearing is an adjudicative proceeding governed by Public Law 94-142 and the Administrative Procedure Act, chapter 34.05 RCW. The hearing shall be conducted by an administrative law judge with the office of administrative hearings.

(2) A request by parents or an adult student for a hearing pursuant to this section shall:

(a) Be in writing;

(b) Be mailed or provided directly to the superintendent of the Washington state school for the deaf with copies of the request mailed or provided directly to the following, at the time the request is made:

(i) Office of Superintendent of Public Instruction, Office of Legal Services, Old Capitol Building, Olympia, Washington 98504;

(ii) Office of Administrative Hearings, Room 606, Securities Building, 1904 Third Avenue, Seattle, Washington 98101; and

(iii) Superintendent of the school district of the student's residence;

(c) Explain the complaint of the parent(s) or adult student in specific terms.

(3) A request by the school for a hearing pursuant to this section shall:

(a) Be in writing;

(b) Be mailed or provided directly to the Office of Administrative Hearings, Room 606, Securities Building, 1904 Third Avenue, Seattle, Washington 98101, with copies of the request and attachments mailed or provided directly to the following, at the time the request is made:

(i) The student's parent(s) or the adult student;

(ii) Office of Superintendent of Public Instruction, Office of Legal Services, Old Capitol Building, Olympia, Washington 98504; and

(iii) The superintendent of the school district of the student's residence;

(c) Have attached to such request (and all copies) a copy of the notice to parent(s) or adult student required by WAC 148-171-500. If the hearing request is in response to a request for an independent educational assessment pursuant to WAC 148-171-140, the school's request for hearing shall also have attached a copy of the written notice to the superintendent required by WAC 148-171-140(2).

(4) A notice of hearing requested by a student's parent(s) (or adult student) or by the school pursuant to this section shall be served by the office of administrative hearings as set forth in WAC 10-08-040. In addition to the information specified in RCW 34.05.434 the notice shall include:

(a) The issue(s) to be addressed at the hearing to the extent the issue(s) has/have been identified at the time of the notice;

(b) The rights, procedures, and other matters set forth in WAC 148-171-610 through 148-171-640; and

(c) The right of the parent(s) or adult student to seek an independent assessment at public expense pursuant to WAC 148-171-140.

(5) The hearing shall be conducted in accordance with the provisions of chapter 10-08 WAC unless modified by this chapter.

NEW SECTION

WAC 148-171-610 HEARING RIGHTS. (1) Any party to a hearing initiated pursuant to WAC 148-171-600 has the right to:

(a) Be accompanied and advised by persons with special knowledge or training with respect to the problems of handicapped students;

(b) Be advised and/or represented by an attorney;

(c) Present evidence, including the opinion(s) of qualified experts, confront, cross-examine, and compel the attendance of witnesses;

(d) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;

(e) Obtain a written or electronic verbatim record of the hearing at a cost no greater than actual fees for recording and transcription; and

(f) Obtain written findings of fact, conclusions of law, and decisions (which shall be transmitted, after deleting any personally identifiable information, to the state advisory council on the education of handicapped children) as set forth in WAC 392-171-305.

(2) Parents who are a party to a hearing have the right to have the child who is the subject of the hearing present.

(3) Parents (or adult students) who are a party to a hearing have the right to open the hearing to the public.

NEW SECTION

WAC 148-171-620 TIMELINE FOR DECISION.

(1) A final decision in the hearing will be made not later than forty-five days after the date of receipt of a request for hearing: **PROVIDED**, That the presiding officer may

grant specific extensions of time beyond the period set forth in this section at the request of either party.

(2) A copy of the decision consisting of the findings of fact, conclusions of law, and decisions shall be mailed or provided directly to each of the parties and to the superintendent of public instruction by the presiding officer together with a certification of the date of mailing and the parties to whom it was mailed.

(3) In addition to the requirements set forth in RCW 34.05.461 and WAC 10-08-210, the decision of the presiding officer shall be drafted in a manner which avoids the revelation of personally identifiable information that is unnecessary to reaching and understanding the decision reached. The surnames of students and their parents shall be indicated by use of their last initial and shall not be spelled out.

(4) Each hearing involving oral arguments shall be conducted at a time and place which is reasonably convenient to the parent(s) and student involved.

(5) A decision made in a hearing conducted under this chapter is final unless a petition for review is filed under WAC 148-171-630.

NEW SECTION

WAC 148-171-630 PETITION FOR REVIEW.

(1) Any party aggrieved by the decision in the hearing may petition for review.

(2) The petition for review shall be filed with the office of administrative hearings within twenty days of the date of service of the decision. Copies of the petition shall be served upon all other parties or their representatives at the time the petition is filed.

(3) The petition for review shall specify the portions of the decision in the hearing to which exception is taken and shall refer to the evidence of the record which is relied upon to support the petition.

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

(5) In addition to the requirements set forth in RCW 34.05.464, the reviewing officer shall:

(a) Ensure that the procedures at the hearing were consistent with the requirements of due process;

(b) Seek additional evidence if necessary. If a hearing is held to receive additional evidence, the rights in WAC 148-171-610 apply; and

(c) Make an independent decision within thirty days after the receipt of the petition for review, including all matters set forth in WAC 148-171-620 (2) and (3).

(6) The decision made by the reviewing officer is final unless modified or overturned by a court of law.

NEW SECTION

WAC 148-171-640 STUDENT'S STATUS DURING PROCEEDINGS. (1) During the pendency of any administrative or judicial proceeding regarding a complaint initiated pursuant to WAC 148-171-600, unless the school and the parent(s) of the student (or the adult student) agree otherwise, the student involved in the

complaint shall remain in the educational placement he or she was in at the time the complaint was made.

(2) The student, with the consent of the parent(s), or the adult student, shall be placed in the regular school program until the completion of all such proceedings if the complaint involves an application for initial admission to the school.

NEW SECTION

WAC 148-171-650 SURROGATE PARENTS.

(1) The school shall ensure that the rights of the non-adult student are protected when:

(a) No parent (as defined in WAC 148-171-010(3)) can be identified;

(b) The school, after reasonable efforts, cannot discover the whereabouts of a parent; or

(c) The student is a dependent of the state.

(2) Duty of school. The duty of the school under this section includes the assignment of a person to act as a surrogate for the parents. This duty includes the establishment of a method:

(a) For determining whether a nonadult student needs a surrogate parent; and

(b) For assigning a surrogate parent to the student.

(3) Criteria for selection of surrogates. The school shall ensure that a person selected as a surrogate:

(a) Has no interest that conflicts with the interests of the student he or she represents; and

(b) Has knowledge and skills that assure adequate representation of the student.

(4) Nonemployee requirement—Compensation:

(a) A person assigned as a surrogate may not be an employee of the school and/or other agency which is involved in the education or care of the student; and

(b) A person who otherwise qualifies as a surrogate parent pursuant to this section is not an "employee" of the school and/or other agency solely because he or she is paid by the school and/or agency to serve as a surrogate parent.

(5) Responsibilities. A surrogate parent may represent the student in all matters relating to:

(a) The identification, assessment, and educational placement of the student; and

(b) The provision of free appropriate public education to the student.

WSR 90-16-017
PERMANENT RULES
WASHINGTON STATE
SCHOOL FOR THE DEAF
[Filed July 19, 1990, 4:20 p.m.]

Date of Adoption: June 13, 1990.

Purpose: To provide information and instruction on how to access and inspect public records at the school.

Statutory Authority for Adoption: RCW 74.40.022 [72.40.022].

Other Authority: RCW 42.17.250.

Pursuant to notice filed as WSR 90-10-115 on May 2, 1990.

Effective Date of Rule: Thirty days after filing.

June 19, 1990
Dr. Gary L. Holman
Superintendent

Chapter 148-276 WAC
PUBLIC RECORDS

NEW SECTION

WAC 148-276-010 PURPOSE. The purpose of this chapter is to ensure that the school complies with the public records provisions of RCW 42.17.250 through 42.17.340.

NEW SECTION

WAC 148-276-020 DEFINITIONS. (1) Public records. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics: PROVIDED, HOWEVER, That the personal and other records cited in RCW 42.17.310 are exempt from definition of public record.

(2) Writing. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds or symbols, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums, and other documents.

(3) Washington state school for the deaf. "Washington state school for the deaf" is an agency organized by statute pursuant to RCW 72.40.010. Washington state school for the deaf shall hereafter be referred to as the "school." Where appropriate, the term "school" also refers to staff and employees of the school.

NEW SECTION

WAC 148-276-030 DESCRIPTION OF CENTRAL ORGANIZATION OF WASHINGTON STATE SCHOOL FOR THE DEAF. (1) Washington state school for the deaf is a state agency established and organized under the authority of chapter 72.40 RCW for the purpose of implementing the educational goals established by the legislature in RCW 72.40.010. The administrative office of the school is located in Vancouver, Washington. The Vancouver campus comprises the central headquarters for all operations of the school.

(2) The school operates under the supervision and control of the superintendent of the state school for the deaf, appointed by the governor. The superintendent takes such actions and promulgates such rules, regulations, and policies in harmony with the rules and regulations established by the office of superintendent of public instruction and the United States Department of Education, as are necessary to the administration and operation of the school.

(3) A board of trustees serves as an advisory board to the superintendent and to the legislature. The board consists of a member from each of the state's congressional districts and ex-officio members representing specific interests and constituents of the school. The responsibilities and functions of the board are provided in chapter 72.42 RCW.

(4) Elementary and high school education is under the direction of a principal or separate principals as student population increases and educational needs demand. Academic support services, including but not limited to outreach, nursing, and audiology are under the supervision of the director of academic support services. The director of media manages the learning resource center. Residential services are under the direction of the director of student life. Consolidated services, serving both the Washington state school for the blind and the Washington state school for the deaf, are administered by personnel located at the school for the deaf. Consolidated services include: The commissary, business, and personnel offices, the maintenance department, and custodial and food services.

NEW SECTION

WAC 148-276-040 OPERATIONS AND PROCEDURES. Formal decision-making procedures are established by the superintendent through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act (APA).

NEW SECTION

WAC 148-276-050 PUBLIC RECORDS AVAILABLE. All public records of the school, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310.

NEW SECTION

WAC 148-276-060 PUBLIC RECORDS OFFICER. The school's public records shall be in the charge of the public records officer designated by the superintendent of the school. The person so designated shall be located in the school administrative office. The public records officer shall be responsible for the following: Implementation of the school's rules and regulations regarding release of public records, coordinating the school employees in this regard, and generally ensuring compliance by school employees with the public records disclosure requirements in chapter 42.17 RCW.

NEW SECTION

WAC 148-276-070 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the school. For purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., excluding legal holidays and holidays established by the school calendar.

NEW SECTION

WAC 148-276-080 REQUESTS FOR PUBLIC RECORDS. In accordance with the requirements of RCW 42.17.290 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

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

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

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

NEW SECTION

WAC 148-276-090 COPYING. No fee shall be charged for the inspection of public records. The school may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the school for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record had tendered payment for such copying to the appropriate school official. All charges must be paid by money order, cashier's check, or cash in advance.

NEW SECTION

WAC 148-276-100 DETERMINATION REGARDING EXEMPT RECORDS. (1) The school reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 148-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 and 42.17.315. Such determination may be made in consultation with the public records officer, the school superintendent, or an assistant attorney general assigned to the school.

(2) Pursuant to RCW 42.17.260, the school reserves the right to delete identifying details when it makes available or publishes any public record when there is

reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy; provided, however, in each case, the justification for deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within two business days as to whether his request for a public record will be honored.

(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or his/her designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record, and a brief explanation of how the exemption applies to the public record withheld.

NEW SECTION

WAC 148-276-110 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the superintendent, or his or her designee.

(3) Within two business days after receiving the written request by a person petitioning for a prompt review of a decision denying public record, the superintendent, or his or her designee, shall complete such review.

(4) During the course of the review, the superintendent or his or her designee, shall consider the obligations of the school fully to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider both the exemptions provided in RCW 42.17.310 through 42.17.315, and the provisions of the statute which require the school to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

NEW SECTION

WAC 148-276-120 PROTECTION OF PUBLIC RECORDS. Requests for public records shall be made at the administrative office of the school in Vancouver, Washington. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 148-276-090.

NEW SECTION

WAC 148-276-130 RECORDS INDEX. (1) The school has available for the use of all persons a current index which provides identifying information as to the

privacy if disclosed. It includes, but is not limited to the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended.

(2) "Disclosure" means to permit access to or the release, transfer, or other communication of education records, or the personally identifiable information contained in those records, to any party, by any means, including oral, written, or electronic means.

(3) "Education records" means those records, files, documents, and other materials that are:

(a) Maintained by the school; and

(b) Directly related to a student.

The term "education records" does not include:

(i) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;

(ii) Records of the school security department that are kept apart from education records, maintained solely for law enforcement purposes, and are not available to persons other than law enforcement officials of the same jurisdiction;

(iii) In the case of persons who are employed by but do not attend the school, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose: **PROVIDED**, That this exception from the definition of "education records" does not apply to records relating to an individual in attendance at the school who is employed as a result of his or her status as a student;

(iv) Records on a student who is eighteen years of age or older that are created and maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity and that are created, maintained, or used only in connection with the treatment of the student; and are not available to anyone other than persons providing such treatment; provided, however, that such records can be personally reviewed by a physician or other appropriate professional of the student's choice; and

(v) Records that contain only information relating to an individual after he or she is no longer a student at the school.

(4) "Eligible student" means a student who has reached eighteen years of age. When a student becomes an "eligible student," the rights accorded to, and the consent required of, parents under this chapter transfer from the parents to the student.

(5) "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

(6) "Party" means an individual, agency, institution, or organization.

(7) "Personally identifiable information" includes, but is not limited to the student's name; the name of the student's parent or other family member; the address of the student or student's family; a personal identifier, such as the student's Social Security number or student number; a list of personal characteristics that would make the student's identity easily traceable; or other information that would make the student's identity easily traceable.

(8) "Student" means any individual who is or has been in attendance at the school and regarding whom the school maintains education records.

NEW SECTION

WAC 148-280-015 NOTICE. The school shall provide parents of students (or eligible students) currently in attendance with annual notice of their rights under this chapter. The notice shall inform parents (or eligible students) of their right to:

(1) Inspect and review the student's education records;

(2) Request amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;

(3) Consent to disclosure of personally identifiable information contained in the student's education records;

(4) Obtain a copy of the school's policy on access to and disclosure of education records; and

(5) File with the United States Department of Education a complaint concerning alleged failures to comply with the requirements of the Family Educational Rights and Privacy Act.

NEW SECTION

WAC 148-280-020 EDUCATION RECORDS—PARENTS' (OR ELIGIBLE STUDENTS') RIGHT TO INSPECT. (1) A parent, eligible student, or representative of the parent has the right to inspect and review the education records of the student.

(2) Where the education record or data includes information on more than one student, the parent(s) of those students (or the eligible students) shall have the right to inspect and review only the information relating to their child (or themselves) or to be informed of that specific information.

(3) The parent (or eligible student) has the right to obtain copies of the student's education records. Charges for the copies shall not exceed the cost normally charged by the school. However, if the fee effectively prevents the parent (or eligible student) from exercising the right to inspect and review the student's education records, the school may provide such copies free of charge.

(4) The school may presume that a parent has authority to inspect and review records relating to his/her child unless the school has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and dissolution.

NEW SECTION

WAC 148-280-025 EDUCATION RECORDS—ACCESS PROCEDURES. (1) A list of the types and locations of education records collected, maintained, or used by the school may be obtained by the parent at the superintendent's office.

(2) A request by a parent (or eligible student) for review of information should be made in writing to the individual or office having custody of the record.

(3) The custodian of the record shall respond to reasonable requests for inspection, explanation, and interpretation of education records within forty-five days from the date the request was received and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or placement of the student. If the records custodian is unable to comply with a request within the above stated period, he or she shall inform the parent (or eligible student) of that fact and the reasons in writing.

NEW SECTION

WAC 148-280-030 EDUCATION RECORDS—AMENDMENT. (1)(a) A parent (or eligible student) who believes that information contained in the education record is inaccurate, misleading, or violates the privacy or other rights of the student, may request the school to amend the information.

(b) The right to challenge, under this chapter, shall not be used to contest grades which are correctly recorded.

(2) The school shall decide whether to amend the record as requested within a reasonable time after receipt of the request.

(3) If the school decides not to amend the record as requested, it shall inform the parent (or eligible student) of the decision and of the right to a brief adjudicative proceeding under WAC 148-108-100.

(4) The school shall, on request, provide an opportunity for a brief adjudicative proceeding to challenge information in the education record on the grounds provided for in subsection (1) of this section.

(5) For the purpose of this chapter:

(a) The decision of the brief adjudicative proceeding must be based solely on the evidence presented at the brief adjudicative proceeding and must include a summary of the evidence and the reasons for the decision.

(b) The parent (or eligible student) may, at their own expense, be assisted or represented by one or more individuals of his or her choice, including an attorney. Where the parent (or eligible student) is represented by an attorney, the school may be represented by an assistant attorney general.

(6) If, as a result of the brief adjudicative proceeding, the school decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the information accordingly and so inform the parent (or eligible student) in writing.

(7) If, as a result of the brief adjudicative proceeding, the school decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or

other rights of the student, it shall inform the parent (or eligible student) of the right to place in the records it maintains on the student a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the school, (or both).

(8) Any explanation placed in the records of the student under this section must:

(a) Be maintained by the school as part of the records of the student as long as the record or contested portion is maintained by the school; and

(b) Be included with any disclosure of the record or contested portion to which the explanation relates.

NEW SECTION

WAC 148-280-040 DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION FROM EDUCATION RECORDS. (1) The school shall not permit access to or the release of education records or personally identifiable information contained there (other than "directory information") without the written consent of the parent (or eligible student) to any party other than the following:

(a) School officials, including teachers, when the information is required for a legitimate educational interest within the performance of their responsibilities to the school, with the understanding that its use will be strictly limited to the performance of those responsibilities;

(b) Officials of another school, school system, or institution of postsecondary education who have requested the records and in which the student seeks or intends to enroll, upon condition that:

(i) The parent (or eligible student) be notified of the transfer (unless the disclosure is initiated by the parent or eligible student);

(ii) The parent (or eligible student), upon request, receive a copy of the record that was disclosed; and

(iii) The parent (or eligible student), upon request, receive an opportunity for a brief adjudicative proceeding to challenge the content of the record;

(c) Federal and state officials requiring access to education records in connection with the audit and evaluation of a federal or state-supported education program, or in connection with the enforcement of or compliance with federal or state legal requirements which relate to such programs. In such cases the information required shall be protected by the federal or state official in a manner which will not permit the personal identification of students and their parents to other than those officials and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, or enforcement of legal requirements;

(d) Organizations conducting studies for, or on behalf of the school, for purposes of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction: PROVIDED, That the study is conducted in such a manner that does not permit the personal identification of parents and students by persons other than representatives of such organizations, and such information is destroyed when no longer needed for the purposes for which it was provided;

(e) Accrediting organizations in order to carry out their accrediting functions;

(f) Any person or entity designated by judicial order or lawfully-issued subpoena: PROVIDED, That the school makes a reasonable effort to notify the parent (or eligible student) of the order or subpoena in advance of compliance. Any school employee receiving a subpoena or judicial order for education records should immediately notify the attorney general;

(g) Those individuals or agencies to which a release of information without consent is permitted by the rules that implement the Family Educational Rights and Privacy Act of 1974, 34 C.F.R. Secs. 99.31 through 99.37.

(2) Where the consent of a parent (or eligible student) is obtained for the release of education records, it shall be in writing, signed and dated by the person giving such consent, and shall include:

- (a) A specification of the records to be released;
- (b) The reasons for such release; and

(c) The names of the parties to whom such records will be released.

(3) When a disclosure is made under subsection (2) of this section, if a parent (or eligible student) so requests, the school shall provide him or her with a copy of the records disclosed.

(4) Personally identifiable education records released to third parties, with or without parent (or eligible student) consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released in a personally identifiable form to any other party without the prior consent of the parent (or eligible student).

(5) Unless otherwise prohibited by law, information from education records may be released to appropriate persons in connection with an emergency if knowledge of such information is necessary to protect the health or safety of a student or other person(s).

NEW SECTION

WAC 148-280-050 SAFEGUARDS. (1) The school shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

(2) A school official shall insure the confidentiality of any personally identifiable information.

(3) The school shall maintain, for public inspection, a current listing of the names and positions of those employees within the school who may have access to personally identifiable information.

NEW SECTION

WAC 148-280-055 RECORD OF ACCESS. (1) The school shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student.

(2) The school shall maintain the record with the education records of the student as long as the records are maintained.

(3) For each request or disclosure the record must include:

- (a) The name of the party;
- (b) The date access was given; and

(c) The legitimate interest or purpose for which the party is authorized to use the records.

(4) If the party receiving personally identifiable information makes further disclosures of the information on behalf of the school, the record must include:

(a) The names of additional parties to which the receiving party may disclose the information; and

(b) The legitimate interests under WAC 148-280-040 which each of the additional parties has in requesting or obtaining the information.

(5) Subsection (1) of this section does not apply if the request was from, or the disclosure was to:

- (a) The parent or eligible student;
- (b) A school official under WAC 148-280-040 (1)(a);
- (c) A party with written consent from the parent or eligible student; or
- (d) A party seeking directory information.

NEW SECTION

WAC 148-280-060 DESTRUCTION OF INFORMATION. (1) Student education records may be destroyed in accordance with state laws and regulations: PROVIDED, That the school shall not destroy any education records if there is an outstanding request to inspect and review the records under this chapter.

(2)(a) The school shall inform parents (or eligible students) when personally identifiable information is no longer needed to provide educational services to the student.

(b) At the request of a parent (or eligible student), the school shall destroy personally identifiable information. However, the school may maintain a permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year of completion without time limitation.

(3) For the purpose of this section, "destruction" shall mean physical destruction or removal of personal identifiers.

NEW SECTION

WAC 148-280-070 DIRECTORY INFORMATION. (1) The school shall provide public notice to parents of students in attendance and eligible students in attendance at the school of:

(a) The types of personally identifiable information that the school has designated as directory information;

(b) A parent's or eligible student's right to refuse to let the school designate any or all of those types of information about the student as directory information; and

(c) The period of time within which a parent or eligible student has to notify the school in writing that he or she does not want any or all of those types of information about the student designated as directory information.

(2) The school shall not disclose directory information pertaining to a student in attendance at the school without prior written consent from the parents of such student or such eligible student.

WSR 90-16-019
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Apprenticeship and Training Council)
 [Filed July 19, 1990, 4:33 p.m.]

Continuance of WSR 90-06-103 and 90-07-084.

Title of Rule: Apprenticeship committees, WAC 296-04-001 and 296-04-160.

Purpose: To establish additional guidelines for approval and operation of apprenticeship committees.

Statutory Authority for Adoption: RCW 49.04.010 and 49.04.040.

Statute Being Implemented: RCW 49.04.040.

Summary: WAC 296-04-001, expressing council policy regarding the operation of apprenticeship committees; and WAC 296-04-160, if existing committees refuse to provide access to all employers, council shall act to remove restrictions to access.

Reasons Supporting Proposal: Increasing numbers of employers seeking to train employees through apprenticeship programs. The proposed rules clarify criteria used by the council in determining whether to approve a new program or require the training to occur in an existing program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mark M. McDermott, 406 Legion Way S.E., Olympia, (206) 753-3487.

Name of Proponent: Washington State Apprenticeship and Training Council, governmental.

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

Submit Written Comments to: Mark M. McDermott, Supervisor of Apprenticeship, by October 1, 1990.

Date of Intended Adoption: October 18, 1990.

July 19, 1990

Harold G. Wilson
 Chairman

WSR 90-16-020
PERMANENT RULES
WASHINGTON STATE
SCHOOL FOR THE DEAF
 [Filed July 19, 1990, 4:34 p.m.]

Date of Adoption: June 13, 1990.

Purpose: To implement the State Environmental Policy Act, chapter 43.21C RCW.

Statutory Authority for Adoption: RCW 72.40.022.

Pursuant to notice filed as WSR 90-10-117 on May 2, 1990.

Effective Date of Rule: Thirty days after filing.

June 19, 1990
 Dr. Gary L. Holman
 Superintendent

Chapter 148-325 WAC
STATE ENVIRONMENTAL POLICY ACT RULES

NEW SECTION

WAC 148-325-010 IMPLEMENTATION OF STATE ENVIRONMENTAL POLICY ACT. (1) It shall be the policy of Washington state school for the deaf that all actions taken by the school shall comply with the provisions of chapter 43.21C RCW (State Environmental Policy Act) and chapter 197-11 WAC as presently enacted or hereafter amended.

(2) The superintendent, or his or her designee, shall be responsible for administering and implementing this policy.

WSR 90-16-021
NOTICE OF PUBLIC MEETINGS
CONVENTION AND
TRADE CENTER
 [Memorandum—July 16, 1990]

The Art Committee of the Washington State Convention and Trade Center will meet on Monday, July 23, 1990, at 12:00 noon in the 5th Floor Board Room of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call 447-5000.

WSR 90-16-022
NOTICE OF PUBLIC MEETINGS
COUNCIL ON
VOCATIONAL EDUCATION
 [Memorandum—July 19, 1990]

In compliance with RCW 42.30.075 (Open Public Meetings Act of 1971), the Washington State Council on Vocational Education hereby submits its regular meeting schedule for FY 19901 which was adopted by the council at its June 8, 1990, meeting:

August 21, 1990	Spokane
November 15-16, 1990	Seattle
February 21-22, 1991	Olympia
May 16-17, 1991	Bellingham

WSR 90-16-023
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD
 [Filed July 20, 1990, 10:29 a.m.]

Date of Adoption: July 18, 1990.

Purpose: Adoption of rules to establish the educational opportunity grant demonstration project.

Statutory Authority for Adoption: Chapter 288, Laws of 1990.

Pursuant to notice filed as WSR 90-11-130 on May 23, 1990.

Changes Other than Editing from Proposed to Adopted Version: WAC 250-70-020 (1)(a), include all of King County in UW Bothell-Woodinville branch campus service area; WAC 250-70-020(8), change definition of AA degree or equivalent to junior level or above by enrolling institution; WAC 250-70-020(10), change definition of award amount to allow a prorated award; WAC 250-70-040(4), change enrollment requirement from full-time to at least half-time; and WAC 250-70-040(8), delete 12 credit per quarter or semester requirement.

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

July 20, 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 King County.

(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.

(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 presumed 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 coursework comparable to admission at the junior level or above by the enrolling institution.

(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, prorated per term of attendance, 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 at least half-time with priority to full-time, as an 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) 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 enrolled 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.

NEW SECTION

WAC 250-70-090 STUDENT RESPONSIBILITIES. (1) A student must meet the academic progress required under terms of this program.

(2) A student who has incorrectly submitted information on his or her application, shall be required to repay grant funds to the program.

(3) 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.

WSR 90-16-024

RULES COORDINATOR DEPARTMENT OF CORRECTIONS

[Filed July 20, 1990, 11:28 a.m.]

In accordance with RCW 34.05.310, the rules coordinator for the Department of Corrections is Gary L. Banning, East Annex, 411 West 5th, Mailstop FN-61, Olympia, WA 98504, phone (206) 753-5770 or 234-5770 scan.

Chase Riveland
Secretary

WSR 90-16-025

EMERGENCY RULES COUNTY ROAD ADMINISTRATION BOARD

[Filed July 20, 1990, 11:42 a.m.]

Date of Adoption: July 20, 1990.

Purpose: Adopts emergency rule revisions to modify RATA matching ratio in the southwest region (SWR); add right of way eligibility for the southeast region (SER); modifying limits on sizes of submitted projects for the Puget Sound (PSR), southwest (SWR) and northwest (NWR) regions; permitting interim submittals of northeast region (NER) category 1 bridge projects; and minor editorial corrections.

Citation of Existing Rules Affected by this Order: Amending WAC 136-130-030 through 136-130-070, 136-160-060, 136-220-020 and 136-220-030.

Statutory Authority for Adoption: Chapter 49, Laws of 1983 ex. sess. (RCW 36.79.060).

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: Counties are now in the process of completing RATA project prospectuses for the 1990-92 biennium which are due September 1, 1990. The amendments are necessary to insure that the submitted projects will take full advantage of the recently increased RATA funding and meet the individual region needs.

Effective Date of Rule: Immediately.

July 20, 1990

Eric Berger
Administrative Engineer

AMENDATORY SECTION (Amending Order 61, filed 2/20/86)

WAC 136-130-030 PROJECT PRIORITIZATION IN PUGET SOUND REGION (PSR). Each county in the PSR (~~{region}~~) may submit (~~up to three~~) projects requesting RATA funds not to exceed \$400,000 per project and 30% of the regional allocation total. Each project shall be rated in accordance with the PSR RAP rating procedures. PSR RAP rating points shall be assigned on the basis of 50 points for traffic volume, 50 points for accident history, 45 points for structural condition, 45 points for geometric condition, and 10 points for special use and need. Prioritization of PSR projects shall be on the basis of total PSR RAP rating points shown on the project worksheet and the prospectus form of the project application.

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

WAC 136-130-040 PROJECT PRIORITIZATION IN NORTHWEST REGION (NWR). Each county in the NWR may submit projects requesting RATA funds not to exceed (~~two~~) five hundred (fifty) thousand dollars per project and (seven hundred fifty thousand dollars) thirty percent of the regional allocation total. No bridge replacement projects will be funded. Each project shall be rated in accordance with the NWR RAP rating procedures. NWR RAP rating points shall be assigned on the basis of forty points for structural condition, forty points for geometrics, ten points for traffic volume and ten points for traffic accidents and five points for any project on a major collector (07). Prioritization of NWR projects shall be on the basis of total NWR RAP rating points shown on the project worksheet and the prospectus form of the project application.

AMENDATORY SECTION (Amending Order 69, filed 6/1/88)

WAC 136-130-050 PROJECT PRIORITIZATION IN NORTHEAST REGION (NER). Each county in the NER may submit projects requesting RATA funds not to exceed 30% (~~{per county}~~) of the NER biennial apportionment. Each project shall be rated in accordance with the NER RAP rating procedures. The NER biennial apportionment shall be divided into the following categories at the percentages shown, provided sufficient projects are submitted for prioritization in each category:

- Category 1 - 10% for bridge projects where RATA funds are used as a match for federal bridge replacement funds;
- Category 2 - 45% for reconstruction of rural collectors; and
- Category 3 - 45% for resurfacing, restoration, rehabilitation (3R) type projects of rural collectors.

In the event that no projects or an insufficient number of projects are submitted in any of the above categories to utilize the RATA funds set aside for the category, all remaining funds in that category or categories shall be divided among the remaining categories as the CRA Board deems appropriate. The intent is to divide all available funds into categories having a sufficient number of submitted projects to fully utilize the funds available at each allocation during the biennium.

Bridge projects may be submitted requesting RATA funds under one of the following conditions:

1. Bridges must be approved for federal bridge replacement funding and RATA funds shall be used only as a match for such federal funding. Bridges will be ranked for RATA funding using the WSDOT priority list and may be added to the NER Category 1 priority array at any time during the biennium upon approval of the Bridge for Federal—Bridge Replacement funding.

2. A stand-alone bridge project may be submitted as an ordinary RAP project provided that its priority rating has been computed by the bridge rating method in the NER RAP rating procedures. Such projects shall not be considered for funding from the bridge reserve described above.

3. A RAP project may include a bridge when the cost of the bridge does not exceed 20% of the total project cost.

NER RAP rating points for reconstruction projects, 3R projects or non-federal bridge replacement projects shall be assigned on the basis of 100 points for a condition rating and 50 points for a service rating. The priority rating equals two and one half times the product of the service rating to the 1.25 power and the common logarithm of the number obtained by dividing 100 by the condition rating. Prioritization of NER projects shall be on the basis of total NER RAP rating points shown on the appropriate project worksheet and the prospectus form of the project application.

AMENDATORY SECTION (Amending Order 68, filed 2/16/88)

WAC 136-130-060 PROJECT PRIORITIZATION IN SOUTHEAST REGION (SER). Each county in the SER may submit projects requesting RATA funds not to exceed 30% per county of the SER biennial apportionment. Each project shall be rated in accordance with the SER RAP rating procedures. 10% of the SER biennial apportionment shall be reserved for stand-alone bridge projects (~~(in each biennium)~~). Whatever part of the bridge reserve that is not allocated to bridge projects (~~((in each biennium))~~) shall be available for allocation to other RAP projects. SER RAP rating points shall be assigned on the basis of 40 points for structural condition, 30 points for geometrics, 20 points for traffic volume and 10 points for traffic accidents. Prioritization of SER projects shall be on the basis of total SER RAP rating points shown on the project worksheet and the prospectus form of the project application.

AMENDATORY SECTION (Amending Order 68, filed 2/16/88)

WAC 136-130-070 PROJECT PRIORITIZATION IN SOUTHWEST REGION (SWR). Each county in the SWR may submit projects requesting RATA funds not to exceed (~~(\$200,000 per project and \$800,000 per county)~~) 30% of the SWR biennial apportionment. No bridge replacement projects will be funded. Each project shall be rated in accordance with the SWR RAP rating procedures. SWR RAP rating points shall be assigned on the basis of 25 points for structural condition, 25 points for road surface condition, 30 points for geometrics, 10 points for traffic volume and 10 points for traffic accidents, except that Portland cement surfaces and asphalt surfaces with cement concrete bases shall have 50 points for road surface condition and no points for structural condition. Prioritization of SWR projects shall be on the basis of total SWR RAP rating points shown on the project worksheets and the prospectus form of the (~~(project)~~) application. (Amended 2-13-86)

AMENDATORY SECTION (Amending Order 68, filed 7/25/88)

WAC 136-160-060 LIMITATION ON USE OF RATA FUNDS. The RATA funds requested in the project application are intended to reimburse a county for 80% of its RAP (~~(project)~~) construction costs up to the amount of the CRAB/county contract in the PSR(~~(:)~~) and NWR(~~(: and SWR)~~) and 90% in the SWR, NER and SER. ((RAP project)) RATA funds may be used to reimburse a county for 80% of its RAP project preliminary engineering costs in the PSR and 90% in the NER and SER. RATA funds may (~~(not)~~) be used for right-of-way acquisition in (~~(any region)~~) the SER only and be reimbursed at 90%.

AMENDATORY SECTION (Amending Order 68, filed 7/25/88)

WAC 136-220-020 ESTABLISHMENT OF MATCHING REQUIREMENTS. Counties will be required to match RATA funds with a minimum of 20% matching funds in the PSR(~~(:)~~) and NWR(~~(: and SWR)~~) and 10% matching funds in the SWR, NER and SER.

AMENDATORY SECTION (Amending Order 68, filed 7/25/88)

WAC 136-220-030 USE OF RATA FUNDS TO MATCH OTHER FUNDS. A county with an approved RAP project may use RATA funds to match any applicable funds available for such project, provided that the county will be required to match any RATA funds (~~(for)~~) allocated to the project with a minimum of 20% matching funds in the PSR(~~(:)~~) and NWR(~~(: and SWR)~~) and 10% matching funds in the SWR, NER and SER. Projects involving federal highway program funds will be administered through the state aid division of WSDOT except that reimbursement of RATA funds will be through the CRABoard.

WSR 90-16-026
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed July 20, 1990, 1:22 p.m.]

Original Notice.

Title of Rule: Chapter 388-73 WAC, Child care agencies.

Purpose: The revision will clarify the department's authority to require specific additional information of applicants, licensees, and others including psychiatric, psychological, medical, and other types of evaluations. Make clear that noncompliance with Indian child welfare laws is cause for revocation, denial or suspension of a license.

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: RCW 74.15.030.

Summary: The revision to WAC 388-73-030 specifies that DCFS may require applicants for child care licenses to submit a sexual deviancy evaluation, substance and alcohol abuse evaluation, psychiatric evaluation, psychological evaluation, and/or medical evaluation. The revision to WAC 388-73-036 states that a license may be denied, suspended or revoked for failure to provide this information and for noncompliance with Indian child welfare laws.

Reasons Supporting Proposal: This rule is necessary to facilitate screening of licensees and applicants for child care licenses where the department has concern about that individual's capabilities to care for children. Assure that child care agencies comply with Indian child welfare laws.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry Fibel, Division of Children and Family Services, 753-0204.

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: 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: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on September 5, 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 September 5, 1990.

Date of Intended Adoption: September 19, 1990.

July 20, 1990

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-022 APPLICATION FOR LICENSE OR CERTIFICATION—INVESTIGATION. (1) ~~((Persons))~~ A person or organization(s) applying for a license or for certification under this chapter shall ~~((do so))~~;

(a) Submit the application on forms ~~((and))~~ prescribed by the department;

(b) Comply with department procedures ~~((prescribed by the department))~~;

(c) Initiate the application ~~((shall be made by and))~~ in the name of the person or ~~((persons or))~~ legal entity ~~((which shall be))~~ responsible for the operation of the ~~((facility))~~ agency; and ~~((shall))~~

(d) Include with the application:

(i) Employment and educational history of the person ~~((or persons))~~ charged with the active management of the agency ~~((The application shall also be accompanied by))~~;

(ii) Completed forms enabling the department to ~~((complete))~~;

(A) Perform a criminal history check ~~((and))~~;

(B) Check ~~((of))~~ the central registry of child abuse for each staff or volunteer of the agency having unmonitored access to ~~((children))~~ the child, expectant mother(s), or developmentally disabled person(s); and ~~((to))~~

(C) Share this information with the applicant or licensee.

(2) The department may:

(a) Require ~~((such))~~ additional information from ~~((individual))~~ the applicant(s), licensee, their staff, and a member of their household as ~~((it))~~ the department deems necessary including, but not limited to:

(i) Sexual deviancy evaluations;

(ii) Substance and alcohol abuse evaluations;

(iii) Psychiatric evaluations;

(iv) Psychological evaluations; and

(v) Medical evaluations.

(b) ~~((The department may))~~ Perform ~~((such))~~ corollary investigations of the applicant(s), licensee(s), their staff, and member(s) of their households as ~~((it))~~ the department deems necessary, including accessing of criminal histories and law enforcement files.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-030 GENERAL QUALIFICATIONS OF LICENSEE, PERSONS ON THE PREMISES. (1) The licensee, staff, and other person(s) on the premises shall be a person(s) of good character.

(2) The licensee shall demonstrate that ~~((he/she))~~ the licensee, child care staff, volunteer(s), and other ~~((persons who have))~~ person having access to ~~((persons))~~ a person under care have the understanding,

ability, physical health, emotional stability, and personality suited to meet the physical, mental, emotional, and social needs of ~~((persons))~~ the person under care.

(3) The licensee, staff, and other person(s) on the premises shall not:

(a) Have been convicted of child abuse and/or any crime involving physical harm to another person; nor

(b) Have been found to be a perpetrator of substantiated child abuse.

(4) The department may, at any time, require the licensee or person on the premises to provide additional information so the department can determine whether the licensee, child care staff, volunteer, and other person having access to children in care meet the qualifications in subsections (1), (2), and (3) of this section. This information may include, but is not limited to:

(a) Sexual deviancy evaluations;

(b) Substance and alcohol abuse evaluations;

(c) Psychiatric evaluations;

(d) Psychological evaluations; and

(e) Medical evaluations.

AMENDATORY SECTION (Amending Order 2995, filed 2/5/90, effective 3/1/90)

WAC 388-73-036 LICENSURE—DENIAL, SUSPENSION, OR REVOCATION. (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of each applicant, licensee, and ~~((the))~~ chief executive officer, if any, to operate the agency ~~((in accordance with))~~ under the law and this chapter. Such persons shall be considered separately and jointly as applicants or licensees and if any one be deemed disqualified by the department in accordance with chapter 74.15 RCW or this chapter, the ~~((license))~~ department may ~~((be denied))~~ deny, ~~((suspended))~~ suspend, ~~((revoked))~~ revoke, or not ~~((renewed))~~ renew the license.

(a) The department shall disqualify any individual engaging in illegal use of drugs or excessive use of alcohol.

(b) The department shall disqualify any individual convicted of a felony or released from a prison within seven years of the date of application for the license because of the conviction, if:

(i) The conviction is reasonably related to the competency of the person to exercise responsibilities for ownership, operation, or administration of an agency; and

(ii) The department determines, after investigation, the person has not been sufficiently rehabilitated to warrant public trust.

(c) The department shall not grant a license to an ~~((b-individual))~~ applicant who, in this state or elsewhere:

(i) Has been denied a license to operate ~~((a facility))~~ an agency for the care of children, expectant mothers, or developmentally disabled adults; or

(ii) Had a license to operate such ~~((a facility))~~ an agency suspended or revoked.

(d) An ~~((individual))~~ applicant may establish by clear, cogent, and convincing evidence the ability to operate an agency under this chapter. The department may waive the provision in subsection (1)(c) of this section and license the ~~((individual))~~ applicant.

(2) ~~((A license))~~ The department may ~~((be denied))~~ deny, ~~((suspended))~~ suspend, ~~((revoked))~~ revoke, or not ~~((renewed))~~ renew a license for failure to comply with the provisions of chapter 74.15 RCW, and rules contained in this chapter. ~~((A license))~~ The department shall ~~((be denied))~~ deny, ~~((suspended))~~ suspend, ~~((revoked))~~ revoke, or not ~~((renewed))~~ renew for any of the following reasons:

(a) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation including:

(i) Making materially false statements on the application; or

(ii) Material omissions which would influence appraisal of the applicant's suitability.

(b) Permitting, aiding, or abetting the commission of any illegal act on the premises;

(c) Permitting, aiding, or abetting the abuse, neglect, exploitation, or cruel or indifferent care to ~~((persons))~~ a person under care;

(d) Repeatedly:

(i) Providing insufficient personnel relative to the number and types of persons under care; or

(ii) Allowing ~~((persons))~~ a person unqualified by training, experience, or temperament to care for or be in contact with the person(s) under care.

(e) Misappropriation of the property of ~~((persons))~~ a person under care;

(f) Failure or inability to exercise fiscal responsibility and accountability in respect to operation of the agency;

(g) Failure to provide adequate supervision to ~~((persons))~~ a person under care;

(h) Refusal to admit authorized representatives of the department or state fire marshal to inspect the premises;

(i) Refusal to permit authorized representatives of the department to have access to the records necessary for the operation of the ~~((facility))~~ agency or to permit ~~((them))~~ the department representatives to interview agency staff and clients; ~~((and))~~

(j) Knowingly having an employee or volunteer on the premises who has made misrepresentation or significant omissions on ~~((his or her))~~ the application for employment or volunteer service; and

(k) Refusal or failure to supply necessary additional department-requested information.

(3) A license may be denied, suspended, revoked, or not renewed for violation of any condition or limitation upon licensure including, but not limited to, providing care for:

(a) More children than the number for which the ~~((facility))~~ agency is licensed; or

(b) Children of ages different from the ages for which the ~~((facility))~~ agency is licensed.

(4) The department's notice of a denial, revocation, suspension, or modification of a license is governed by RCW 43.20A.205. The provider's right to an adjudicative proceeding is in the same law.

(a) A provider contesting a department licensing decision shall within twenty-eight days of receipt of the decision:

(i) File a written application for an adjudicative proceeding by a method showing proof of receipt with the office of appeals; and

(ii) Include in or with the application:

(A) A specific statement of the issue or issues and law involved;

(B) The grounds for contesting the department decision; and

(C) A copy of the department decision being contested.

(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 43.20A.205, 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.

(4) The department may deny, suspend, revoke, or not renew a license when the agency fails to comply with the federal Indian Child Welfare Act, P.L. 95-608, chapters 13.04 and 13.34 RCW, WAC 388-73-044, Special Requirements Regarding American Indians, or WAC 388-70-600 through 388-70-640, relating to local Indian child welfare advisory committees.

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

Reviser's note: 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 90-16-027
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3042—Filed July 20, 1990, 1:24 p.m.]

Date of Adoption: July 20, 1990.

Purpose: The revision will clarify the department's authority to require specific additional information of applicants, licensees, and others including psychiatric, psychological, medical, and other types of evaluations. Make clear that noncompliance with Indian child welfare laws is cause for revocation, denial or suspension of a license.

Citation of Existing Rules Affected by this Order: Amending WAC 388-73-022, 388-73-030 and 388-73-036.

Statutory Authority for Adoption: RCW 74.15.030.

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 facilitate screening of licensees and applicants for child care licenses where the department has concern about that individual's capabilities to care for children. Assure that child care agencies comply with Indian child welfare laws.

Effective Date of Rule: July 21, 1990, 12:01 a.m.

July 20, 1990

Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-022 APPLICATION FOR LICENSE OR CERTIFICATION—INVESTIGATION.

(1) ~~((Persons))~~ A person or organization~~((s))~~ applying for a license or for certification under this chapter shall ~~((do so))~~:

(a) Submit the application on forms ~~((and))~~ prescribed by the department;

(b) Comply with department procedures ~~((prescribed by the department))~~;

(c) Initiate the application ~~((shall be made by and))~~ in the name of the person or ~~((persons or))~~ legal entity ~~((which shall be))~~ responsible for the operation of the ~~((facility))~~ agency, and ~~((shall))~~

(d) Include with the application:

(i) Employment and educational history of the person ~~((or persons))~~ charged with the active management of the agency~~((The application shall also be accompanied by))~~;

(ii) Completed forms enabling the department to ~~((complete))~~;

(A) Perform a criminal history check ~~((and))~~;

(B) Check ~~((of))~~ the central registry of child abuse for each staff or volunteer of the agency having unmonitored access to ~~((children))~~ the child, expectant mother~~((s))~~, or developmentally disabled person~~((s;))~~; and ~~((to))~~

(C) Share this information with the applicant or licensee.

(2) The department may:

(a) Require ~~((such))~~ additional information from ~~((individual))~~ the applicant~~((s))~~, licensee, their staff, and a member of their household as ~~((it))~~ the department deems necessary including, but not limited to:

(i) Sexual deviancy evaluations;

(ii) Substance and alcohol abuse evaluations;

(iii) Psychiatric evaluations;

(iv) Psychological evaluations; and

(v) Medical evaluations.

(b) ~~((The department may))~~ Perform ~~((such))~~ corollary investigations of the applicant~~((s))~~, licensee~~((s))~~, their staff, and member~~((s))~~ of their households as ~~((it))~~

the department deems necessary, including accessing of criminal histories and law enforcement files.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-030 GENERAL QUALIFICATIONS OF LICENSEE, PERSONS ON THE PREMISES. (1) The licensee, staff, and other person(s) on the premises shall be a person(s) of good character.

(2) The licensee shall demonstrate that ~~((he/she))~~ the licensee, child care staff, volunteer(s), and other ~~((persons who have))~~ person having access to ~~((persons))~~ a person under care have the understanding, ability, physical health, emotional stability, and personality suited to meet the physical, mental, emotional, and social needs of ~~((persons))~~ the person under care.

(3) The licensee, staff, and other person(s) on the premises shall not:

(a) Have been convicted of child abuse and/or any crime involving physical harm to another person; nor

(b) Have been found to be a perpetrator of substantiated child abuse.

(4) The department may, at any time, require the licensee or person on the premises to provide additional information so the department can determine whether the licensee, child care staff, volunteer, and other person having access to children in care meet the qualifications in subsections (1), (2), and (3) of this section. This information may include, but is not limited to:

(a) Sexual deviancy evaluations;

(b) Substance and alcohol abuse evaluations;

(c) Psychiatric evaluations;

(d) Psychological evaluations; and

(e) Medical evaluations.

AMENDATORY SECTION (Amending Order 2995, filed 2/5/90, effective 3/1/90)

WAC 388-73-036 LICENSURE—DENIAL, SUSPENSION, OR REVOCATION. (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of each applicant, licensee, and ~~((the))~~ chief executive officer, if any, to operate the agency ~~((in accordance with))~~ under the law and this chapter. Such persons shall be considered separately and jointly as applicants or licensees and if any one be deemed disqualified by the department in accordance with chapter 74.15 RCW or this chapter, the ~~((license))~~ department may ~~((be denied))~~ deny, ~~((suspended))~~ suspend, ~~((revoked))~~ revoke, or not ~~((renewed))~~ renew the license.

(a) The department shall disqualify any individual engaging in illegal use of drugs or excessive use of alcohol.

(b) The department shall disqualify any individual convicted of a felony or released from a prison within seven years of the date of application for the license because of the conviction, if:

(i) The conviction is reasonably related to the competency of the person to exercise responsibilities for ownership, operation, or administration of an agency; and

(ii) The department determines, after investigation, the person has not been sufficiently rehabilitated to warrant public trust.

(c) The department shall not grant a license to an ~~((b-individual))~~ applicant who, in this state or elsewhere:

(i) Has been denied a license to operate ~~((a facility))~~ an agency for the care of children, expectant mothers, or developmentally disabled adults; or

(ii) Had a license to operate such ~~((a facility))~~ an agency suspended or revoked.

(d) An ~~((individual))~~ applicant may establish by clear, cogent, and convincing evidence the ability to operate an agency under this chapter. The department may waive the provision in subsection (1)(c) of this section and license the ~~((individual))~~ applicant.

(2) ~~((A license))~~ The department may ~~((be denied))~~ deny, ~~((suspended))~~ suspend, ~~((revoked))~~ revoke, or not ~~((renewed))~~ renew a license for failure to comply with the provisions of chapter 74.15 RCW, and rules contained in this chapter. ~~((A license))~~ The department shall ~~((be denied))~~ deny, ~~((suspended))~~ suspend, ~~((revoked))~~ revoke, or not ~~((renewed))~~ renew for any of the following reasons:

(a) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation including:

(i) Making materially false statements on the application; or

(ii) Material omissions which would influence appraisal of the applicant's suitability.

(b) Permitting, aiding, or abetting the commission of any illegal act on the premises;

(c) Permitting, aiding, or abetting the abuse, neglect, exploitation, or cruel or indifferent care to ~~((persons))~~ a person under care;

(d) Repeatedly:

(i) Providing insufficient personnel relative to the number and types of persons under care; or

(ii) Allowing ~~((persons))~~ a person unqualified by training, experience, or temperament to care for or be in contact with the person(s) under care.

(e) Misappropriation of the property of ~~((persons))~~ a person under care;

(f) Failure or inability to exercise fiscal responsibility and accountability in respect to operation of the agency;

(g) Failure to provide adequate supervision to ~~((persons))~~ a person under care;

(h) Refusal to admit authorized representatives of the department or state fire marshal to inspect the premises;

(i) Refusal to permit authorized representatives of the department to have access to the records necessary for the operation of the ~~((facility))~~ agency or to permit ~~((them))~~ the department representatives to interview agency staff and clients; ~~((and))~~

(j) Knowingly having an employee or volunteer on the premises who has made misrepresentation or significant omissions on ~~((his or her))~~ the application for employment or volunteer service; and

(k) Refusal or failure to supply necessary additional department-requested information.

(3) A license may be denied, suspended, revoked, or not renewed for violation of any condition or limitation

upon licensure including, but not limited to, providing care for:

(a) More children than the number for which the ((facility)) agency is licensed; or

(b) Children of ages different from the ages for which the ((facility)) agency is licensed.

(4) The department's notice of a denial, revocation, suspension, or modification of a license is governed by RCW 43.20A.205. The provider's right to an adjudicative proceeding is in the same law.

(a) A provider contesting a department licensing decision shall within twenty-eight days of receipt of the decision:

(i) File a written application for an adjudicative proceeding by a method showing proof of receipt with the office of appeals; and

(ii) Include in or with the application:

(A) A specific statement of the issue or issues and law involved;

(B) The grounds for contesting the department decision; and

(C) A copy of the department decision being contested.

(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 43.20A.205, 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.

(4) The department may deny, suspend, revoke, or not renew a license when the agency fails to comply with the federal Indian Child Welfare Act, P.L. 95-608, chapters 13.04 and 13.34 RCW, WAC 388-73-044, Special Requirements Regarding American Indians, or WAC 388-70-600 through 388-70-640, relating to local Indian child welfare advisory committees.

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

Reviser's note: 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 90-16-028

PERMANENT RULES

TRANSPORTATION IMPROVEMENT BOARD

[Filed July 23, 1990, 10:25 a.m.]

Date of Adoption: July 23, 1990.

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.

Pursuant to notice filed as WSR 90-11-017 on May 8, 1990.

Changes Other than Editing from Proposed to Adopted Version: WAC 479-113-035 was changed to clarify that not all projects will require a VE study.

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

July 23, 1990

Danny D. Rude

Deputy 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.))~~ Value engineering studies shall be performed in accordance with the policy adopted by the board.

WSR 90-16-029

PERMANENT RULES

HIGHER EDUCATION COORDINATING BOARD

[Filed July 23, 1990, 10:31 a.m.]

Date of Adoption: July 18, 1990.

Purpose: To establish regulations for the administration of the graduate fellowship program and the allocation of trust funds when no legislative directive is provided.

Statutory Authority for Adoption: RCW 28B.10.883.

Pursuant to notice filed as WSR 90-12-092 on June 4, 1990.

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

July 19, 1990

Ann Daley

Executive Director

CHAPTER 250-73 WAC GRADUATE FELLOWSHIP PROGRAM

WAC

250-73-010

Purpose and applicability.

250-73-015

Definitions.

250-73-020	Allocation system.
250-73-025	Allocation system effective July 1, 1991.
250-73-030	Allocation of earnings from investments.
250-73-030	Designation of trust funds.
250-73-040	Reallocation of previously designated funds.

Reviser's note: The typographical error in the above material 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 250-73-010 PURPOSE AND APPLICABILITY. The purpose of this chapter is to establish regulations for the administration of the graduate fellowship program for public four-year colleges and universities. The Higher Education Coordinating Board shall apply the provisions of this chapter when determining the use of the graduate fellowship trust funds.

NEW SECTION

WAC 250-73-015 DEFINITIONS. (1) "Board" means the Higher Education Coordinating Board.

(2) "Institution" means a public four-year college or university within the state of Washington.

(3) "Graduate fellowship program" means the program established by the legislature as provided by RCW 28B.10.880 through 28B.10.887.

(4) "Trust fund" means the graduate fellowship trust fund established by the legislature as provided by RCW 28B.10.882.

(5) "Private donation" means funds made specifically to the graduate fellowship program from non-public fund sources.

(6) "Pledge" means an agreement between an institution and a private donor(s) establishing terms for a private donation to be made within a period of time as provided by RCW 28B.10.884.

(7) "Allocate" means to assign a share of the available fellowships to specific institutions until a date certain.

(8) "Designate" means to set aside or reserve trust funds as a potential match to a pledged private donation upon notification to the board.

(9) "Release funds" means the transfer of trust funds to an institution after notification to the board that the full amount of a pledged private donation has been received.

NEW SECTION

WAC 250-73-020 ALLOCATION SYSTEM. (1) Until July 1, 1991, the board shall allocate trust funds consistent with the allocation system as provided in Chapter 16, Laws of 1990 1st ex. sess.

(2) The board shall allocate available trust funds according to WAC 250-73-025 when no legislative directive provides for the allocation of available trust funds.

(3) The six fellowships allocated under chapter 16, Laws of 1990 1st ex. sess. to be divided equally among Central Washington University, Eastern Washington

University, Western Washington University and The Evergreen State College shall be allocated as follows:

(a) One fellowship will be reserved for each of the four institutions until June 30, 1991.

(b) Two fellowships will be made available on a first come, first served basis to any of the four institutions that has fully funded the reserved fellowship allocated to it. No institution shall be eligible for more than one of the fellowships allocated in this subsection.

(c) First come, first served shall be determined by the date and time of receipt of notification of a pledge at the office of the board. The board shall accept receipt of written notification no sooner than 8:00 a.m. on August 24, 1990. If the board receives written notification from more than two institutions at 8 a.m. on August 24, 1990, then the designation shall be made by drawing. The board shall notify the affected institutions of the date and time of the drawing which shall be conducted openly at the office of the board.

(4) After June 30, 1991, any funds allocated under chapter 16, Laws of 1990 1st ex. sess., that have not been designated shall be available for the board to allocate under WAC 250-73-025 unless otherwise directed by the legislature.

NEW SECTION

WAC 250-73-025 ALLOCATION SYSTEM EFFECTIVE JULY 1, 1991. The board shall notify all institutions by July 1, 1991, of the availability of matching funds under WAC 250-73-020, 250-73-030, and 250-73-040 and of the total number of fellowships available. The board shall allocate the available fellowships as follows:

(1) University of Washington - The first, fourth, and sixth available fellowships.

(2) Washington State University - The second and fifth available fellowships.

(3) Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University - The third available fellowship.

(a) Fellowships available under this section shall be designated on a first come first served basis to any of the four institutions that has fully funded the designated fellowships already allocated.

(b) First come, first served shall be determined by the date and time of receipt of written notification of a pledge at the office of the board. The board shall accept receipt of written notification no sooner than 8:00 a.m. on July 1, 1991. If the board receives written notification from more than one institution on the same date and time, then the designation shall be made by drawing. The board shall notify the affected institutions of the date and time of the drawing which shall be conducted openly at the office of the board.

(4) At the beginning of each fiscal year, the board shall reallocate available matching funds continuing the numerical sequence initiated July 1, 1991.

(5) An institution shall not be eligible for funds from reallocation if it has forfeited allocated or designated funds in the preceding fiscal year.

NEW SECTION

WAC 250-73-030 ALLOCATION OF EARNINGS FROM INVESTMENTS. All earnings from investments of the trust fund are credited to the fund. The board shall make such earnings available for allocation according to the following:

(1) Earnings from investments shall be made available in increments of \$25,000 as matching funds for full fellowships.

(2) Earnings from investments shall be allocated by July 1 of each year under WAC 250-73-025.

NEW SECTION

WAC 250-73-035 DESIGNATION OF TRUST FUNDS. (1) An institution shall make written notification of a pledge to the board which shall include a copy of the agreement entered into with the private donor(s) concerning the terms of the donation.

(2) The board may designate twenty-five thousand dollars from available trust funds for an institution's pledged fellowship when the institution provides notification according to subsection (1) that a private donation of twenty-five thousand dollars has been pledged for a graduate fellowship.

(3) The board shall designate trust funds consistent with the allocation system as provided in WAC 250-73-025.

(4) If a pledged private donation is not received within two years from the date of designation, the board shall make the designated funds available for another pledged fellowship.

NEW SECTION

WAC 250-73-040 REALLOCATION OF PREVIOUSLY DESIGNATED FUNDS. (1) The board shall reallocate previously designated funds when:

(a) An institution has not received a full private donation for designated matching trust funds within the required period of time under WAC 250-73-035.

(2) The board shall reallocate any previously designated matching trust fund available under this section by July 1 of each year.

NEW SECTION

WAC 250-73-045 RELEASE OF FUNDS. Upon written notification that the full amount of a pledged private donation has been received, the board shall request a warrant for the release of matching trust funds within five working days.

WSR 90-16-030
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD
[Filed July 23, 1990, 10:33 a.m.]

Date of Adoption: July 18, 1990.

Purpose: To establish regulations for the administration of the distinguished professorship program and the

allocation of trust funds when no legislative directive is provided.

Statutory Authority for Adoption: RCW 28B.10.869.

Pursuant to notice filed as WSR 90-12-093 on June 4, 1990.

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

July 19, 1990

Ann Daley

Executive Director

CHAPTER 250-72 WAC
DISTINGUISHED PROFESSORSHIP PROGRAM

WAC

- 250-72-010 Purpose and applicability.
- 250-72-015 Definitions.
- 250-72-020 Allocation system.
- 250-72-025 Allocation system effective July 1, 1991.
- 250-72-030 Allocation of earnings from investments.
- 250-72-035 Designation of trust funds.
- 250-72-040 Reallocation of previously designated funds.

NEW SECTION

WAC 250-72-010 PURPOSE AND APPLICABILITY. The purpose of this chapter is to establish regulations for the administration of the distinguished professorship program for public four-year colleges and universities. The Higher Education Coordinating board shall apply the provisions of this chapter when determining the use of the distinguished professor trust funds.

NEW SECTION

WAC 250-72-015 DEFINITIONS. (1) "Board" means the Higher Education Coordinating Board.

(2) "Institution" means a public four-year college or university within the state of Washington.

(3) "Distinguished professorship program" means the program established by the legislature as provided by RCW 28B.10.866 through 28B.10.872.

(4) "Trust fund" means the distinguished professorship trust fund established by the legislature as provided by RCW 28B.10.868.

(5) "Private donation" means funds made specifically to the distinguished professorship program from non-public fund sources, including assessments by commodity commissions authorized to conduct research activities including but not limited to research studies authorized by RCW 15.66.030 and 15.65.040.

(6) "Pledge" means an agreement between an institution and a private donor(s) establishing terms for a private donation to be made within a period of time as provided by RCW 28B.10.870.

(7) "Allocate" means to assign a share of the available professorships to specific institutions until a date certain.

(8) "Designate" means to set aside or reserve trust funds as a potential match to a pledged private donation upon notification to the board.

(9) "Release funds" means the transfer of trust funds to an institution after notification to the board that the full amount of a pledged private donation has been received.

NEW SECTION

WAC 250-72-020 ALLOCATION SYSTEM. (1) Until July 1, 1991, the board shall allocate trust funds consistent with allocation systems as provided in RCW 28B.15.866 and chapter 16, Laws of 1990 1st ex. sess.

(2) The board shall allocate available trust funds according to WAC 250-72-025 when no legislative directive provides for the allocation of available trust funds.

(3) An institution is not eligible for any funds under chapter 16, Laws of 1990 1st ex. sess., until the institution has provided notification requesting designation of the funds allocated to it under RCW 28B.15.866.

(4) After June 30, 1991, any funds allocated under chapter 16, Laws of 1990 1st ex. sess., that have not been designated shall be available for the board to allocate under WAC 250-72-025 unless otherwise directed by the legislature.

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

NEW SECTION

WAC 250-72-025 ALLOCATION SYSTEM EFFECTIVE JULY 1, 1991. The board shall notify all institutions by July 1, 1991, of the availability of matching funds under WAC 250-72-020, 250-72-030, and 250-72-040 and of the total number of professorships available. The board shall allocate the available professorships as follows:

(1) University of Washington - The first, fourth, and sixth available professorships.

(2) Washington State University - The second and fifth available professorships.

(3) Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University - The third available professorship.

(a) Professorships available under this section shall be designated on a first come, first served basis to any of the four institutions that has requested designation of the professorships already allocated.

(b) First come, first served shall be determined by the date and time of receipt of written notification of a pledge at the office of the board. The board shall accept receipt of written notification no sooner than 8:00 a.m. on July 1, 1991, or the first working day thereafter. If the board receives written notification from more than one institution on the same date and time, then the designation shall be made by drawing. The board shall notify the affected institutions of the date and time of the drawing which shall be conducted openly at the office of the board.

(4) At the beginning of each fiscal year, the board shall reallocate available matching funds continuing the numerical sequence initiated July 1, 1991.

(5) An institution shall not be eligible for funds from reallocation if it has forfeited allocated or designated funds in the preceding fiscal year.

NEW SECTION

WAC 250-72-030 ALLOCATION OF EARNINGS FROM INVESTMENTS. All earnings from investments of the trust fund are credited to the fund. The board shall make such earnings available for allocation according to the following:

(1) Earnings from investments shall be made available in increments of \$250,000 as matching funds for full professorships.

(2) Earnings from investments shall be allocated by July 1 of each year under WAC 250-72-025.

NEW SECTION

WAC 250-72-035 DESIGNATION OF TRUST FUNDS. (1) An institution shall make written notification of a pledge to the board which shall include a copy of the agreement entered into with the private donor(s) concerning the terms of the donation.

(2) The board may designate two hundred fifty thousand dollars from available trust funds for an institution's pledged professorship when the institution provides notification according to subsection (1) that a private donation of two hundred fifty thousand dollars has been pledged for a distinguished professorship.

(3) The board shall designate trust funds consistent with the allocation system as provided in WAC 250-72-025.

(4) If a pledged private donation is not received within three years from the date of designation, the board shall make the designated funds available for another pledged professorship.

NEW SECTION

WAC 250-72-040 REALLOCATION OF PREVIOUSLY DESIGNATED FUNDS. (1) The board shall reallocate previously designated funds when:

(a) An institution has not received a full private donation for designated matching trust funds within the required period of time under WAC 250-72-035.

(2) The board shall reallocate any previously designated matching trust fund available under this section by July 1 of each year.

NEW SECTION

WAC 250-72-045 RELEASE OF FUNDS. Upon written notification that the full amount of a pledged private donation has been received, the board shall request a warrant for the release of matching trust funds within five working days.

WSR 90-16-031
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Apprenticeship and Training Council)
 [Filed July 23, 1990, 11:11 a.m.]

Date of Adoption: July 19, 1990.

Purpose: Establishing a procedure for resolving a tie vote.

Statutory Authority for Adoption: RCW 49.04.010.

Pursuant to notice filed as WSR 90-06-104 on March 7, 1990; and WSR 90-07-085 on March 21, 1990.

Changes Other than Editing from Proposed to Adopted Version: The rule is revised to ensure representation of employees, employers and the public on the tie-breaker committee. The rule is also revised to allow the tie-breaker committee to render a decision without meeting.

Effective Date of Rule: Thirty-one days after filing.
 July 19, 1990
 Harold G. Wilson
 Chairman

NEW SECTION

WAC 296-04-042 VOTING. The council chair shall establish a standing committee to be known as the tie-breaker committee, comprised of an employer representative, an employee representative, and the public member. In case of a tie vote on proposed standards at any meeting of the council, the tie-breaker committee shall meet or confer, review the record, and render a decision on the proposal within thirty days. The supervisor or a designee of the supervisor shall act as secretary to the committee and furnish all information necessary for a decision.

WSR 90-16-032
EMERGENCY RULES
HIGHER EDUCATION
COORDINATING BOARD
 [Filed July 23, 1990, 2:48 p.m.]

Date of Adoption: July 23, 1990.

Purpose: The purpose of this chapter is to comply with the provisions of chapter 43.21C RCW, the State Environmental Policy Act (SEPA) and chapter 197-11 WAC, Guidelines for SEPA implementation.

Statutory Authority for Adoption: Chapter 43.21C 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: To establish that capital projects proposed and developed or participated in by the Higher Education Coordinating Board shall comply

with the provisions of SEPA prior to potential board action during the ensuing ninety days.

Effective Date of Rule: Immediately.

July 23, 1990
 Daniel W. Keller
 Associate Director
 for Finance

CHAPTER 250-14 WAC
STATE ENVIRONMENTAL POLICY ACT (SEPA)
WAC 250-14-010 Purpose and applicability.

NEW SECTION

WAC 250-14-010 PURPOSE AND APPLICABILITY. *It is the policy of the Higher Education Coordinating Board that capital projects proposed and developed or participated in by the Board shall comply with the provisions of chapter 43.21C RCW, the State Environmental Policy Act (SEPA), and chapter 197-11 WAC, Guidelines for SEPA Implementation. The Executive Director of the Board is hereby designated as the responsible official for carrying out this policy.*

WSR 90-16-033
PREPROPOSAL COMMENTS
DEPARTMENT OF ECOLOGY
 [Filed July 23, 1990, 2:53 p.m.]

Subject of Possible Rule Making: The Department of Ecology is drafting amended rules for woodstoves and other solid fuel burning devices, chapter 173-433 WAC.

Persons may comment on this subject in writing or by phone, Air Quality Program, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711, (206) 459-6322, prior to filing the formal, proposed rule; tentatively scheduled for November 1990.

July 18, 1990
 Fred Olson
 Deputy Director

WSR 90-16-034
PREPROPOSAL COMMENTS
DEPARTMENT OF ECOLOGY
 [Filed July 23, 1990, 2:54 p.m.]

Subject of Possible Rule Making: The Department of Ecology is drafting rules for stage one and stage two gasoline vapor recovery.

Persons may comment on this subject in writing or by phone, Air Quality Program, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711, (206) 459-6322, prior to filing the formal, proposed rule, tentatively scheduled for December 1990.

Other Information or Comments by Agency at this Time, if any: Stage one gasoline vapor recovery ensures the return of displaced gasoline vapors from the underground storage tank to the tanker truck during fuel deliveries; and stage two gasoline vapor recovery ensures the return of displaced gasoline vapors from the vehicle

fuel tank to the underground storage tank during refueling.

July 18, 1990
Fred Olson
Deputy Director

WSR 90-16-035
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed July 23, 1990, 3:26 p.m.]

The Physical Therapy Board is requesting that WAC 308-42-145 be withdrawn. The board may refile this rule with amendments at a later date. This WAC was filed under WSR 90-04-095 on February 7, 1990.

Carol Neva
Program Manager
Physical Therapy Board

WSR 90-16-036
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed July 23, 1990, 3:29 p.m.]

The Occupational Therapy Practice Board is requesting that new section WAC 308-171-041 be withdrawn. The board is refileing this new section for a September 4, 1990, hearing. This WAC was filed under WSR 90-04-096 on February 7, 1990.

Carol Neva
Program Manager
Occupational Therapy
Practice Board

WSR 90-16-037
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
[Order 452—Filed July 23, 1990, 3:40 p.m.]

Date of Adoption: July 19, 1990.

Purpose: Northwestern Oregon and southwestern Washington have experienced a major buildup in wintering Canada goose numbers since the early 1970s. This area provides migration and/or wintering habitat for seven Canada goose subspecies, including the endangered Aleutian Canada goose, the protected cackling Canada goose, and the dusky Canada goose (which has declined following the 1964 Alaska earthquake). During the 1980s, large increases were seen in the numbers of Taverner and western Canada geese which both intermix with other subspecies on the wintering grounds. The area is now wintering over twice the number of geese compared to the early 1970s. Harvest regulations have been severely restricted since 1984, primarily because of concern about the dusky Canada goose. Since identification

of subspecies on the wing is difficult, restrictions have been applied to all subspecies. These restrictions, combined with improved nesting conditions for western Canada geese, have resulted in large increases in resident Canada goose numbers during the past six years. Restrictive season regulations have sharply limited the use of hunting as a tool to assist with alleviation of growing agricultural damage complaints. Agricultural damage complaints have particularly increased along the lower Columbia River, and recently damage has occurred as early as August. The harvest of western Canada geese must be increased in order to address damage complaints from private property owners in the lower Columbia River area.

Statutory Authority for Adoption: RCW 77.12.040.

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: See Purpose above.

Effective Date of Rule: Immediately.

July 19, 1990
John C. McGlenn
Chairman
Wildlife Commission

NEW SECTION

WAC 232-28-41401 1990 SEPTEMBER CANADA GOOSE SEASON FOR PORTIONS OF CLARK, COWLITZ, PACIFIC, AND WAHAKIYAKUM COUNTIES. Notwithstanding the provisions of WAC 232-28-414, effective September 1, 1990, the Canada goose season will be open in portions of Clark, Cowlitz, Pacific, and Wahkiakum counties as described below.

Season Dates: September 1-10, 1990 (both dates inclusive)

Daily Bag Limit: 2 western Canada geese

Possession Limit: 4 western Canada geese

Open Area: Those portions of Clark, Cowlitz, Pacific, and Wahkiakum counties within the following boundary: Beginning at the Washington-Oregon border on the Interstate 5 bridge near Vancouver, Washington, north on Interstate 5 to Kelso, west on Highway 4 from Kelso to Highway 401, south and west on Highway 401 to the Washington-Oregon border on the Astoria-Megler bridge, upstream along the Washington-Oregon border to the point of origin.

Permit Requirements: All hunters participating in this season are required to obtain a free permit from a Washington Department of Wildlife office. With the permit, hunters will receive a hunter activity and harvest report form. Return of the harvest report form is mandatory. Those hunters not returning the harvest report form to the Department of Wildlife by December 31, 1990 will be ineligible to participate in the 1991 September Canada goose season.

WSR 90-16-038
NOTICE OF PUBLIC MEETINGS
LEGAL FOUNDATION
OF WASHINGTON
 [Memorandum—July 19, 1990]

The following are revised meeting dates scheduled for 1990 by the board of trustees of the Legal Foundation of Washington for publication by the code reviser as required by the Washington Supreme Court.

March 9-10, 1990	Inn at Langley, Whidbey Island
May 10, 1990	Westwater Inn, Olympia
September 12, 1990	Spokane Sheraton Hotel, Spokane
September 13, 1990	Cancelled
November 2, 1990	Seattle-Tacoma Airport
November 30, 1990	Seattle-Tacoma Airport

Also, the Legal Foundation is moving our office as of August 6, 1990. Our new address is:

945 Logan Building
 500 Union Street
 Seattle, Washington 98101-2332

Our phone and fax numbers will remain the same.

WSR 90-16-039
NOTICE OF PUBLIC MEETINGS
PIERCE COLLEGE
 [Memorandum—July 19, 1990]

The board of trustees of Community College District Number Eleven (Pierce College) would like to make the following change to the September 1990 regular board meeting:

Meeting Date/Location	Time	Change to:
September 12, 1990 Pierce College 9401 Farwest Drive S.W. Tacoma, WA 98498 Room 325-H	12:30	Change the meeting location to Pierce College at Puyallup 1601 39th Avenue S.E. Puyallup, WA 98374 Room 106

WSR 90-16-040
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed July 24, 1990, 3:56 p.m.]

Original Notice.

Title of Rule: WAC 173-16-064 Ocean management.

Purpose: WAC 173-16-064 is being added to chapter 173-16 WAC to implement the Ocean Resources Management Act, RCW 43.143.005 - 43.143.040, relating to amending shoreline master programs to address ocean issues.

Statutory Authority for Adoption: RCW 90.58.195.

Statute Being Implemented: RCW 43.143.005 - 43.143.040.

Summary: RCW 90.58.195 requires the Department of Ecology to prepare and adopt ocean use guidelines to be used in reviewing and amending shoreline master programs of local governments that have coastal shorelines.

Reasons Supporting Proposal: To provide guidelines for the regulation of ocean uses to avoid and minimize adverse impacts on coastal and marine renewable resources and uses and the environment.

Name of Agency Personnel Responsible for Drafting: Paul Carr, Baran Hall, 438-7708; Implementation: Don Peterson, Baran Hall, 459-6778; and Enforcement: Tom Mark, Baran Hall, 459-6764.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule provides guidance for local governments in Clallam, Jefferson, Grays Harbor and Pacific counties in reviewing and amending their shoreline master programs and reviewing shoreline permits. The rule regulates new ocean uses such as oil development and establishes priority for those uses that do not adversely impact renewable resources over those that do. The anticipated effect of the rule is to provide more protection for the environment, coastal and marine renewable resources and uses.

Proposal does not change existing rules.

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

ABSTRACT OF ECONOMIC ANALYSIS
COMPLIANCE DOCUMENT

The ocean use guidelines are a new section in chapter 173-16 WAC, Shoreline Management Act guidelines for development of master programs. They implement the Ocean Resources Management Act (ORMA), RCW 43.143.005 through 43.143.030, which affects ocean uses along Washington's coast from Cape Disappointment north to Cape Flattery. The rule will be used by local government in Clallam, Jefferson, Grays Harbor and Pacific counties in amending their master programs and reviewing permits.

This rule has been reviewed for compliance with the Regulatory Fairness Act, chapter 19.85 RCW. The impacts of the rule are unlikely to be disproportionately large for small businesses and less than 10 percent of the firms in the 3 digit SIC-coded industries would be affected: There are no oil and gas exploration companies in the state only refining and distribution companies (SIC 291 and 492). There are no sand and gravel companies that are able to undertake deep sea mining (SIC 144). A small business economic impact statement is not required.

The State Economic Policy Act, RCW 43.231H.020 [43.21C.020], requires adequate consideration of economic values in the rule-making process. The rule requires consideration of impacts on renewable resources and compensation for adverse impacts. There is no new regulation of existing commercial uses of renewable resources. Washington's potential coastal nonrenewable resources are primarily oil and natural gas and sand and gravel. The renewable commercial resources are: Oyster, crab, shrimp, groundfish, salmon and albacore fishery and tourism. Net loss or net gain determinations associated with the rule are difficult because it is difficult to

determine the economic impacts of adverse environmental impacts. The department is undertaking projects that will improve consideration of economic values in future applications of the rule. The \$120,000 appropriated for amending local master programs is sufficient to complete the task.

A copy of the full economic analysis documents is available in the shorelands program of the Department of Ecology in Lacey, Washington, Mailstop PV-11, Olympia, Washington 98504, or by contacting Paul Carr, Environmental Planner at 438-7708.

Hearing Location: September 5, 1990, 7:00 p.m., Port of Port Angeles Commissioner's Meeting Room, 338 West First Street, Port Angeles, WA; on September 6, 1990, 6:00 p.m., The Mountaineers Club, 300 Third Avenue West, Skagit Room, Seattle, WA; on September 11, 1990, 1:00 p.m., Ilwaco City Hall, Council Chambers, 301 Spruce Street, Ilwaco, WA; and on September 11, 1990, 7:00 p.m., Aberdeen City Hall, Council Chambers, 200 East Market, Aberdeen, WA.

Submit Written Comments to: Paul Carr, Department of Ecology, PV-11, Olympia, Washington 98506, on September 14, 1990.

Date of Intended Adoption: November 6, 1990.

July 24, 1990

Fred Olson

Deputy Director

NEW SECTION

WAC 173-16-064 OCEAN MANAGEMENT. (1) Purpose and intent. This section implements the Ocean Resources Management Act, (RCW 43.143.005 through 43.143.030) enacted in 1989 by the Washington state legislature. The law requires the department of ecology to develop guidelines and policies for the management of ocean uses and to serve as the basis for evaluation and modification of local shoreline management master programs of coastal local governments in Jefferson, Clallam, Grays Harbor, and Pacific counties. The guidelines are intended to clarify state shoreline management policy regarding use of coastal resources, address evolving interest in ocean development and prepare state and local agencies for new ocean developments and activities.

(2) Geographical application. The guidelines apply to Washington's coastal waters from Cape Disappointment at the mouth of the Columbia River north one hundred sixty miles to Cape Flattery at the entrance to the Strait of Juan De Fuca including the offshore ocean area, the near shore area under state ownership, shorelines of the state, and their adjacent uplands. Their broadest application would include an area seaward two hundred miles (RCW 43.143.020) and landward to include those uplands immediately adjacent to land under permit jurisdiction for which consistent planning is required under RCW 90.58.340. The guidelines address uses occurring in Washington's coastal waters, but not impacts generated from activities offshore of Oregon, Alaska, California, or British Columbia or impacts from Washington's offshore on the Strait of Juan De Fuca or other inland marine waters.

(3) Ocean uses defined. Ocean uses are activities or developments involving renewable and/or nonrenewable resources that occur on Washington's coastal waters and includes their associated off shore, near shore, inland marine, shoreland, and upland facilities and the supply, service, and distribution activities, such as crew ships, circulating to and between the activities and developments. Ocean uses involving nonrenewable resources include such activities as extraction of oil, gas and minerals, energy production, disposal of waste products, and salvage. Ocean uses which generally involve sustainable use of renewable resources include commercial, recreational, and tribal fishing, aquaculture, recreation, shellfish harvesting, and pleasure craft activity.

(4) Relationship to existing management programs. These guidelines augment existing requirements of the Shoreline Management Act, chapter 90.58 RCW, and those chapters in Title 173 of the

Washington Administrative Code that implement the act. They are not intended to modify current resource allocation procedures or regulations administered by other agencies, such as the Washington department of fisheries management of commercial, recreational, and tribal fisheries. They are not intended to regulate recreational uses or currently existing commercial uses involving fishing or other renewable marine or ocean resources. Every effort will be made to take into account tribal interests and programs in the guidelines and master program amendment processes. After inclusion in the state coastal zone management program, these guidelines and resultant master programs will be used for federal consistency purposes in evaluating federal permits and activities in Washington's coastal waters. Participation in the development of these guidelines and subsequent amendments to master programs will not preclude state and local government from opposing the introduction of new uses, such as oil and gas development.

These and other statutes, documents, and regulations referred to or cited in these rules may be reviewed at the department of ecology, headquarters in Lacey, Washington, for which the mailing address is Mailstop PV-11, Olympia, WA 98504.

(5) Regional approach. The guidelines are intended to foster a regional perspective and consistent approach for the management of ocean uses. While local governments may have need to vary their programs to accommodate local circumstances, local government should attempt and the department will review local programs for compliance with these guidelines and chapter 173-16 WAC: Shoreline Management Act guidelines for development of master programs. It is recognized that further amendments to the master programs may be required to address new information on critical and sensitive habitats and environmental impacts of ocean uses or to address future activities, such as oil development. In addition to the criteria in RCW 43.143-.030, these guidelines apply to ocean uses until local master program amendments are adopted. The amended master program shall be the basis for review of an action that is either located exclusively in, or its environmental impacts confined to, one county. Where a proposal clearly involves more than one local jurisdiction, the guidelines shall be applied and remain in effect in addition to the provisions of the local master programs.

(6) Permit criteria: Local government and the department may permit ocean or coastal uses and activities as a substantial development, variance or conditional use only if the criteria of RCW 43.143.030(2) listed below are met or exceeded:

(a) There is a demonstrated significant local, state, or national need for the proposed use or activity;

(b) There is no reasonable alternative to meet the public need for the proposed use or activity;

(c) There will be no likely long-term significant adverse impacts to coastal or marine resources or uses;

(d) All reasonable steps are taken to avoid and minimize adverse environmental impacts, with special protection provided for the marine life and resources of the Columbia River, Willapa Bay and Grays Harbor estuaries, and Olympic national park;

(e) All reasonable steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;

(f) Compensation is provided to mitigate adverse impacts to coastal resources or uses;

(g) Plans and sufficient performance bonding are provided to ensure that the site will be rehabilitated after the use or activity is completed; and

(h) The use or activity complies with all applicable local, state, and federal laws and regulations.

(7) General ocean uses guidelines. The following guidelines apply to all ocean uses, their service, distribution, and supply activities and their associated facilities that require shoreline permits.

(a) Ocean uses and activities that will not adversely impact renewable resources shall be given priority over those that will. Correspondingly, ocean uses that will have less adverse impacts on renewable resources shall be given priority over uses that will have greater adverse impacts.

(b) Ocean uses that will have less adverse social and economic impacts on coastal uses and communities should be given priority over uses and activities that will have more such impacts.

(c) When the adverse impacts are generally equal, the ocean use that has less probable occurrence of a disaster should be given priority.

(d) The alternatives considered to meet a public need for a proposed use should be commensurate with the need for the proposed use. For

example, if there is a demonstrated national need for a proposed use, then national alternatives should be considered.

(e) Chapter 197-11 WAC (SEPA rules) provides guidance in the application of the permit criteria and guidelines of this section. The range of impacts to be considered should be consistent with WAC 197-11-060 (4)(e) and 197-11-792 (2)(c). The determination of significant adverse impacts should be consistent with WAC 197-11-330(3) and 197-11-794. The sequence of actions described in WAC 197-11-768 should be used as an order of preference in evaluating steps to avoid and minimize adverse impacts.

(f) Impacts on commercial resources, such as the crab fishery, on noncommercial resources, such as environmentally critical and sensitive habitats, and on coastal uses, such as loss of equipment or loss of a fishing season, should be considered in determining compensation to mitigate adverse environmental, social and economic impacts to coastal resources and uses.

(g) Allocation of compensation to mitigate adverse impacts to coastal resources or uses should be based on the magnitude and/or degree of impact on the resource, jurisdiction and use.

(h) Rehabilitation plans and bonds prepared for ocean uses should address the effects of planned and unanticipated closures, completion of the activity, reasonably anticipated disasters, inflation, new technology, and new information about the environmental impacts to ensure that state of the art technology and methods are used.

(i) Local governments should evaluate their master programs and select the environment(s) for coastal waters that best meets the intent of chapter 173-16 WAC, these guidelines and chapter 90.58 RCW.

(j) Ocean uses and their associated coastal or upland facilities should be located, designed and operated to prevent, avoid, and minimize adverse impacts on migration routes and habitat areas of species listed as endangered or threatened, environmentally critical and sensitive habitats such as breeding, spawning, nursery, foraging areas and wetlands, and areas of high productivity for marine biota such as upwelling and estuaries.

(k) Ocean uses should be located to avoid adverse impacts on proposed or existing environmental and scientific preserves and sanctuaries, parks, and designated recreation areas.

(l) Ocean uses and their associated facilities should be located and designed to avoid and minimize adverse impacts on historic or culturally significant sites in compliance with chapter 27.34 RCW. Permits in general should contain special provisions that require permittees to comply with chapter 27.53 RCW if any archeological sites or archeological objects such as artifacts and shipwrecks are discovered.

(m) Ocean uses and their distribution, service, and supply vessels and aircraft should be located, designed, and operated in a manner that minimizes adverse impacts on fishing grounds, aquatic lands, or other renewable resource ocean use areas during the established, traditional, and recognized times they are used or when the resource could be adversely impacted.

(n) Ocean use service, supply, and distribution vessels and aircraft should be routed to avoid environmentally critical and sensitive habitats such as sea stacks and wetlands, preserves, sanctuaries, bird colonies, and migration routes, during critical times those areas or species could be affected.

(o) In locating and designing associated onshore facilities, special attention should be given to the environment, the characteristics of the use, and the impact of a probable disaster, in order to assure adjacent uses, habitats, and communities adequate protection from explosions, spills, and other disasters.

(p) Ocean uses and their associated facilities should be located and designed to minimize impacts on existing water dependent businesses and existing land transportation routes to the maximum extent feasible.

(q) Onshore facilities associated with ocean uses should be located in communities where there is adequate sewer, water, power, and streets. Within those communities, if space is available at existing marine terminals, the onshore facilities should be located there.

(r) Attention should be given to the scheduling and method of constructing ocean use facilities and the location of temporary construction facilities to minimize impacts on tourism, recreation, commercial fishing, local communities, and the environment.

(s) Special attention should be given to the effect that ocean use facilities will have on recreational activities and experiences such as public access, aesthetics, and views.

(t) Detrimental effects on air and water quality, tourism, recreation, fishing, aquaculture, navigation, transportation, public infrastructure,

public services, and community culture should be considered in avoiding and minimizing adverse social and economic impacts.

(u) Special attention should be given to designs and methods that prevent, avoid, and minimize adverse impacts such as noise, light, temperature changes, turbidity, water pollution and contaminated sediments on the marine, estuarine or upland environment. Such attention should be given particularly during critical migration periods and life stages of marine species and critical oceanographic processes.

(v) Preproject environmental baseline inventories and assessments and monitoring of ocean uses should be required when little is known about the effects on marine and estuarine ecosystems, renewable resource uses and coastal communities or the technology involved is likely to change.

(w) Oil and gas, mining, disposal, and energy producing ocean uses should be designed, constructed, and operated in a manner that minimizes environmental impacts on the coastal waters environment, particularly the seabed communities, and minimizes impacts on recreation and existing renewable resource uses such as fishing.

(x) To the extent feasible, the location of oil and gas, and mining facilities should be chosen to avoid and minimize impacts on shipping lanes or routes traditionally used by commercial and recreational fishermen to reach fishing areas.

(y) Discontinuance or shutdown of oil and gas, mining or energy producing ocean uses should be done in a manner that minimizes impacts to renewable resource ocean uses such as fishing, and restores the seabed to a condition similar to its original state to the maximum extent feasible.

(8) Oil and gas uses and activities. Oil and gas uses and activities involve the extraction of oil and gas resources from beneath the ocean.

(a) Whenever feasible oil and gas facilities should be located and designed to permit joint use in order to minimize adverse impacts to coastal resources and uses and the environment.

(b) Special attention should be given to the availability and adequacy of general disaster response capabilities in reviewing ocean locations for oil and gas facilities.

(c) Because environmental damage is a very probable impact of oil and gas uses, the adequacy of plans, equipment, staffing, procedures, and demonstrated financial and performance capabilities for preventing, responding to, and mitigating the effects of accidents and disasters such as oil spills should be major considerations in the review of permits for their location and operation. If a permit is issued, it should ensure that adequate prevention, response, and mitigation can be provided before the use is initiated and throughout the life of the use.

(d) Special attention should be given to the response times for public safety services such as police, fire, emergency medical, and hazardous materials spill response services in providing and reviewing onshore locations for oil and gas facilities.

(e) Oil and gas facilities including pipelines should be located, designed, constructed, and maintained in conformance with applicable requirements but should at a minimum ensure adequate protection from geological hazards such as liquefaction, hazardous slopes, earthquakes, physical oceanographic processes, and natural disasters.

(f) Upland disposal of oil and gas construction and operation materials and waste products such as cuttings and drilling muds should be allowed only in sites that meet applicable requirements.

(9) Ocean mining. Ocean mining includes such uses as the mining of metal, mineral, sand, and gravel resources from the sea floor.

(a) Seafloor mining should be located and operated to avoid detrimental effects on ground fishing or other renewable resource uses.

(b) Seafloor mining should be located and operated to avoid detrimental effects on beach erosion or accretion processes.

(c) Special attention should be given to habitat recovery rates in the review of permits for seafloor mining.

(10) Energy production. Energy production uses involve the production of energy in a usable form directly in or on the ocean rather than extracting a raw material that is transported elsewhere to produce energy in a readily usable form. Examples of these ocean uses are facilities that use wave action or differences in water temperature to generate electricity.

(a) Energy-producing uses should be located, constructed, and operated in a manner that has no detrimental effects on beach accretion or erosion and wave processes.

(b) An assessment should be made of the effect of energy producing uses on upwelling, and other oceanographic and ecosystem processes.

(c) Associated energy distribution facilities and lines should be located in existing utility rights-of-way and corridors whenever feasible,

rather than creating new corridors that would be detrimental to the aesthetic qualities of the shoreline area.

(11) Ocean disposal. Ocean disposal uses involve the deliberate deposition or release of material at sea, such as solid wastes, industrial waste, radioactive waste, incineration, incinerator residue, dredged materials, vessels, aircraft, ordnance, platforms, or other man-made structures.

(a) Storage, loading, transporting, and disposal of materials shall be done in conformance with local, state, and federal requirements for protection of the environment.

(b) Ocean disposal shall be allowed only in sites that have been approved by the Washington department of ecology, the Washington Department of natural resources, the United States Environmental Protection Agency, and the United States Army Corps of Engineers as appropriate.

(c) Ocean disposal sites should be located and designed to prevent, avoid, and minimize adverse impacts on environmentally critical and sensitive habitats, coastal resources and uses, or loss of opportunities for mineral resource development. Ocean disposal sites for which the primary purpose is habitat enhancement may be located in a wider variety of habitats, but the general intent of the guidelines should still be met.

(12) Transportation. Ocean transportation includes such uses as: Shipping, transferring between vessels, and offshore storage of oil and gas; transport of other goods and commodities; and offshore ports and airports. The following guidelines address transportation activities that originate or conclude in Washington's coastal waters or are transporting a nonrenewable resource extracted from the outer continental shelf off Washington.

(a) An assessment should be made of the impact transportation uses will have on renewable resource activities such as fishing and on environmentally critical and sensitive habitat areas, environmental and scientific preserves and sanctuaries.

(b) When feasible, hazardous materials such as oil, gas, explosives and chemicals, should not be transported through highly productive commercial, tribal, or recreational fishing areas. If no such feasible route exists, the routes used should pose the least environmental risk.

(c) Transportation uses should be located or routed to avoid habitat areas of endangered or threatened species, environmentally critical and sensitive habitats, migration routes of marine species and birds, marine sanctuaries and environmental or scientific preserves to the maximum extent feasible.

(13) Ocean research. Ocean research activities involve scientific investigation for the purpose of furthering knowledge and understanding. Investigation activities involving necessary and functionally related precursor activities to an ocean use or development may be considered exploration or part of the use or development. Since ocean research often involves activities and equipment, such as drilling and vessels, that also occur in exploration and ocean uses or developments, a case by case determination of the applicable regulations may be necessary.

(a) Ocean research should be encouraged to coordinate with other ocean uses occurring in the same area to minimize potential conflicts.

(b) Ocean research meeting the definition of "exploration activity" of WAC 173-15-020 shall comply with the requirements of chapter 173-15 WAC: Permits for oil or natural gas exploration activities conducted from state marine waters.

(c) Ocean research should be located and operated in a manner that minimizes intrusion into or disturbance of the coastal waters environment consistent with the purposes of the research and the intent of the general ocean use guidelines.

(d) Ocean research should be completed or discontinued in a manner that restores the environment to its original condition to the maximum extent feasible, consistent with the purposes of the research.

(e) Public dissemination of ocean research findings should be encouraged.

(14) Ocean salvage. Ocean salvage uses share characteristics of other ocean uses and involve relatively small sites occurring intermittently. Historic shipwreck salvage which combines aspects of recreation, exploration, research, and mining is an example of such a use.

(a) Nonemergency marine salvage and historic shipwreck salvage activities should be conducted in a manner that minimizes adverse impacts to the coastal waters environment and renewable resource uses such as fishing.

(b) Nonemergency marine salvage and historic shipwreck salvage activities should not be conducted in areas of cultural or historic significance unless part of a scientific effort sanctioned by appropriate governmental agencies.

WSR 90-16-041
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3043—Filed July 24, 1990, 4:02 p.m.]

Date of Adoption: July 24, 1990.

Purpose: The purpose of these amendments is to conform state rules with federal IV-D program requirements and avoid a reduction in federal financial participation.

Citation of Existing Rules Affected by this Order: Amending chapter 388-14 WAC, Support enforcement.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 90-12-083 on June 1, 1990.

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

July 24, 1990

Leslie F. James, Director
Administrative Services
by Rosemary Carr

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

WAC 388-14-300 NONASSISTANCE SUPPORT ENFORCEMENT SERVICES ((FOR CHILD(REN) NOT RECEIVING PUBLIC ASSISTANCE))—((STATUTORY BASIS)) PERSONS ELIGIBLE FOR SERVICES. As authorized by RCW 26.23.045 and 74.20.040, the ((department through its)) department's office of support enforcement (OSE) provides support enforcement services to ((custodians)) residents of ((minor children)) the state of Washington who are not receiving a public assistance grant when:

(a) A superior court order, an administrative order, or a wage assignment order under chapter 26.18 RCW directs payments through OSE or the Washington state support registry;

(b) The clerk of court submits a support order under RCW 26.23.050;

(c) The physical custodian of a dependent child requests services;

(d) A former custodial parent requests services to collect a support debt reduced to a sum certain judgment by the court;

(e) A responsible parent submits a support order for inclusion in or support payment to the Washington state support registry;

(f) A public assistance recipient stops receiving a cash grant under the aid to families with dependent children or financial independence programs;

(g) The department provides Medicaid-only benefits to the physical custodian on behalf of a dependent child; or

(h) A man requests paternity establishment services alleging he is the dependent child's father.

AMENDATORY SECTION (Amending Order 2606, filed 3/4/88)

WAC 388-14-310 NONASSISTANCE SUPPORT ENFORCEMENT(~~(=APPLICANT/CUSTODIAN'S AUTHORIZATION))~~ APPLICATION. (1) (~~The applicant~~) To qualify for services, a person desiring nonassistance services shall:

(a) Submit a written ((request)) application for support enforcement services ((and authorize the office of support enforcement to provide support enforcement services, unless the applicant has or is deemed to have authorized the office to provide such services under WAC 388-14-200(1) or 388-14-305(2.)) except as provided in subsection (2) of this section; and

(b) Have physical custody of the dependent child for whom support is sought except as provided in WAC 388-14-300 (d), (e) and (h).

(2) The office of support enforcement (OSE) shall:

(a) Provide only records maintenance and payment processing services if the payee under a support order fails to submit an application and the:

(i) Order directs support payments to OSE or the Washington state support registry; or

(ii) Clerk submitted the order under RCW 26.23.050.

(b) Continue to provide support enforcement services after a public assistance recipient stops receiving a cash grant without requiring an application.

(3) The applicant(~~/custodian~~) shall:

(a) Give consent to ((the office)) OSE to take an assignment of earnings from the person owing ((a duty to pay)) support;

(b) Agree to remit(;) support money received directly from the person owing support to OSE within eight days of receipt((, to the office support moneys received directly from the person owing a duty to pay support)); ((and))

(c) Agree to direct ((any)) a payor or forwarding agent ((of support moneys)) to remit support money directly to ((office).

(3) If the applicant/custodian fails to forward and/or fails to provide adequate documentation of direct payment as requested, the office may discontinue providing support enforcement services or decline to provide certain services as provided for in this chapter)) OSE;

(d) Agree not to hire an attorney or collection agency to collect the support obligation or support debt without notifying OSE;

(e) Complete, sign, date, and submit to OSE the application form and other required documents;

(f) Supply copies of divorce and dissolution decrees, support orders, and modifications thereof, and any allied or related documents reflecting the marital and support status;

(g) Provide a statement of the amount of the support debt owed by the responsible parent; and

(h) Include or attach a list, by date, of the support payments received from the responsible parent during the period the support debt accrued.

(4) ((The applicant/custodian shall not hire an attorney or collection agency to collect the support obligation or support debt without notifying the office. After receipt

of such notice, the office shall send a written statement to the applicant/custodian, and the attorney or collection agency, which shall include a directive that all support payments must continue to be made through the Washington state support registry, and a statement that the office may discontinue certain support enforcement services if the support payments are not made through the registry, or action taken by the attorney or agency conflicts with action the office would otherwise take to establish, enforce, or collect a support obligation)) If a person other than the applicant has legal custody of the dependent child by order of a court, the applicant shall affirm the legal custodian:

(a) Was not wrongfully deprived of custody by the applicant; and

(b) Is not excused from making support payments under WAC 388-11-065(10).

(5) If the applicant is temporarily absent from the state, the applicant shall submit a written statement affirming the applicant is a resident of this state.

(6) OSE may deny an application which is incomplete, contains unclear or inconsistent statements, or not supported by necessary documents.

(7) Upon denying an application, OSE shall send the applicant a written notice of denial by regular mail and shall include a statement:

(a) Of the reasons for the denial; and

(b) The applicant may request an adjudicative proceeding to contest the denial.

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 2606, filed 3/4/88)

WAC 388-14-420 TERMINATION OF SUPPORT ENFORCEMENT SERVICES. (1) After the office of support enforcement (OSE) begins providing services under chapter(~~(s)~~) 74.20 RCW and ((26.23)) RCW 26.23.045 (1)(a), (b), (c), (e), or (f), ((and this chapter, the office)) OSE may terminate services ((as follows)) under the following circumstances:

(a) ((If the support order was entered in the state of Washington, the office shall provide appropriate services until:

(i) The support obligation under the order ends and ((any)) the support debt is paid or cannot be enforced under the laws of the state of Washington(, or);

((ii)) (b) The ((office)) responsible parent is dead and OSE receives proof ((that the responsible parent is dead and)) there is no available estate; ((or

(iii) A court of competent jurisdiction orders the office to terminate its services, based on an approved alternate payment plan or finding that it is not in the best interests of the child(ren) for the office to continue providing services.

(b) If the support order was entered in another state, the office shall provide appropriate services until:))

((ii)) (c) The applicant or person receiving non assistance services, or agency ((withdraws the)) submits a written request ((for)) to terminate services;

~~((iii)) The support obligation under the order ends and any support debt is paid or cannot be enforced; or~~

~~((iii)) (d) The physical custodian and the dependent ~~(child(ren) moves)~~ child move to and reside~~((s))~~ in another state or country. ~~((The office may provide services for no longer than five months from the date of the move; or~~~~

~~(iv) The office receives proof that the responsible parent is dead and there is no available estate; or))~~

~~((v)) (e) ~~((The office))~~ OSE receives no support payment ~~((for three years;))~~ despite reasonable collection efforts, and future collections are not foreseeable; ~~((or))~~~~

~~((vi)) (f) ~~((The office))~~ OSE makes reasonable efforts to identify or locate the responsible parent, using local, state, and federal locate sources, and does not find ~~((any))~~ new locate information ~~((for three years;))~~; or~~

~~((vii)) (g) The physical custodian fails or refuses to cooperate with ~~((the office))~~ OSE and ~~((the office))~~ OSE cannot ~~((or should not))~~ proceed without such cooperation; ~~((or))~~~~

~~((viii)) (h) The physical custodian:~~

~~(i) Hires ~~((a lawyer))~~ an attorney or collection agency to collect the support obligation or support debt without notice to ~~((and consent from the office;))~~ OSE; and~~

~~(ii) Fails or refuses to cooperate with ~~((the office's))~~ a request to have support payments ~~((made))~~ paid through the Washington state support registry.~~

~~((e)) (i) ~~((If the office concludes that))~~ OSE cannot obtain a support order ~~((cannot be obtained))~~ because:~~

~~(i) ~~((There is not enough information to identify or locate the responsible parent, and the office has made reasonable efforts to locate the parent;~~~~

~~(ii) There is not enough proof to establish the support obligation; or~~

~~((iii)) (ii) ~~((The office))~~ OSE has exhausted legal remedies.~~

~~((2) If the office is not authorized to terminate services under subsection (1) of this section, the office may discontinue or decline to provide certain services when:~~

~~(a) The physical custodian fails or refuses to cooperate with the office and the office cannot provide services without such cooperation; or~~

~~(b)) (j) The department or a court of competent jurisdiction finds ~~((that))~~ the person receiving services has wrongfully deprived the responsible parent of physical custody of ~~((the))~~ a dependent ~~((child(ren)))~~ child under ~~((the standards in))~~ WAC 388-11-065(10); ~~((or))~~~~

~~((c) The support order was entered in the state of Washington and either:~~

~~(i) The office receives no support payment for three years, despite reasonable collection efforts, and future collections are not foreseeable; or~~

~~(ii) The office makes reasonable efforts to locate the responsible parent, using local, state, and federal locate sources, and does not discover new locate information for three years;))~~

~~((d)) (k) ~~((The office))~~ OSE finds ~~((that))~~ it is either not advisable or not proper to provide ~~((and/or))~~ or continue ~~((certain))~~ services; or~~

~~((e)) (l) The department or a court of competent jurisdiction finds ~~((that))~~ action ~~((to pursue))~~ establishing or enforcing a support obligation is ~~((reasonably))~~ likely to result in harm to the ~~((child(ren)))~~ child or the ~~((child(ren)))~~ child's custodian.~~

(2) After OSE provides services under RCW 26.23-.045 (1)(d), OSE shall:

(a) Terminate support enforcement services;

(i) If a court of competent jurisdiction orders OSE to terminate services based on:

(A) An approved alternate payment plan under RCW 26.23.050; or

(B) A finding that it is not in the child's best interest for OSE to continue providing services.

(ii) After filing a satisfaction of judgment with the court as provided under WAC 388-14-205; or

(iii) If the responsible parent is dead and OSE receives proof there is no available estate.

(b) Terminate services, except records maintenance and payment processing:

(i) For the reasons stated under subsections (1)(c), (d), (e), (f), (g), (h), (j), (k), or (l) of this section; or

(ii) If the payee under the order fails to submit an application for support enforcement services.

(3) When ~~((the office terminates its))~~ terminating services, ~~((the office))~~ OSE shall mail a notice to the physical custodian. ~~((The office))~~ OSE shall:

(a) Send the notice by regular mail to the last known address of the physical custodian;

(b) Include in the notice the reason(s) for terminating services; and

(c) State in the notice that the physical custodian may ask for ~~((a hearing))~~ an adjudicative proceeding to contest the ~~((office's))~~ decision ~~((to terminate))~~ terminating services.

(4) ~~((A physical custodian who receives nonassistance services as of December 31, 1987, may ask the office to terminate those services up to one year from that date.~~

(5)) ~~((The office))~~ OSE may terminate support enforcement services when the department terminates foster care under Title 13 RCW.

~~((6)) (5) After ~~((the office terminates))~~ terminating support enforcement services, ~~((the office))~~ OSE shall return ~~((any moneys the office))~~ support money OSE receives to the payor ~~((with instructions to send all support moneys directly to the applicant/custodian, court, or other forwarding agent))~~ except as provided under subsection (2)(b) of this section.~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-14-302 NONASSISTANCE SUPPORT ENFORCEMENT—PERSONS ELIGIBLE.

WAC 388-14-305 NONASSISTANCE SUPPORT ENFORCEMENT—APPLICATION.

WSR 90-16-042
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Order 19—Filed July 24, 1990, 4:35 p.m.]

Date of Adoption: July 24, 1990.

Purpose: To comply with federal requirements requiring the applicability of the WAC sections contained in the rule to all eligible students.

Citation of Existing Rules Affected by this Order: Amending WAC 392-173-025.

Statutory Authority for Adoption: RCW 72.05.104 and 28A.300.070.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Directives from federal government required necessity for filing to qualify for federal moneys.

Effective Date of Rule: Immediately.

July 24, 1990
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 84-46, filed 10/2/84)

WAC 392-173-025 ASSESSMENT, INDIVIDUAL EDUCATION PLAN, LEAST RESTRICTIVE ENVIRONMENT, PLACEMENT OPTIONS, ANNUAL REVIEW OF PLACEMENT, AND NOTICE. The following provisions from chapter 392-171 WAC shall be applicable to students in such schools: WAC 392-171-346, 392-171-351, 392-171-366, 392-171-371, 392-171-456, 392-171-461, 392-171-471, 392-171-481, 392-171-511, 392-171-516, 392-171-521, and 392-171-526(~~PROVIDED, That in the case of students admitted to the state schools for the deaf and the blind and early childhood developmental centers, an assessment and an individual education plan shall be completed within fifty days of enrollment~~)).

WSR 90-16-043
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Order 20—Filed July 24, 1990, 4:36 p.m.]

Date of Adoption: July 18, 1990.

Purpose: To implement RCW 28A.58.096 and 28A.21.360 which provide for compensating school district and educational service district employees for accumulated sick leave.

Citation of Existing Rules Affected by this Order: New section WAC 392-136-025.

Statutory Authority for Adoption: RCW 28A.21.360.

Other Authority: RCW 28A.58.096.

Pursuant to notice filed as WSR 90-12-029 on May 30, 1990.

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

July 24, 1990
Judith A. Billings
Superintendent of
Public Instruction

NEW SECTION

WAC 392-136-025 CONVERSION OF SICK LEAVE UPON RETIREMENT OR DEATH FOR POSTRETIREMENT MEDICAL BENEFITS. School districts and educational service districts may, in lieu of monetary compensation, as provided for in WAC 392-136-020, make payment to an organization for postretirement medical benefits when each of the following conditions have been met:

(1) The organization is authorized under law to engage in the receipt and management of moneys for postretirement medical benefits; and

(2) The organization and the employee have furnished a signed statement holding the school district or educational service district harmless for any loss, liability, or damages that may occur arising from making the payment to the organization for postretirement medical benefits.

Moneys paid under this section for postretirement medical benefits shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

WSR 90-16-044
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Order 21—Filed July 24, 1990, 4:37 p.m.]

Date of Adoption: July 24, 1990.

Purpose: To clarify existing rules regarding privacy rights of students as contained in FERPA as per federal request.

Citation of Existing Rules Affected by this Order: Amending WAC 392-171-636.

Statutory Authority for Adoption: RCW 28A.155.090.

Other Authority: RCW 28A.155.030.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Notification received by SPI on September 26, 1989, that change was necessary for final approval of state plan.

Effective Date of Rule: Immediately.

July 24, 1990
Judith A. Billings
Superintendent of
Public Instruction

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

WAC 392-171-636 SAFEGUARDS. (1) Each participating agency shall protect the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages. The same privacy provisions provided to parents are extended to students with consideration given to the type and severity of a student's disability.

(2) One official at each participating agency shall be designated as the individual responsible for assuring the confidentiality of any personally identifiable information.

(3) All persons collecting or using personally identifiable information shall receive training or instruction regarding:

(a) The policies and procedures on protection of the confidentiality of personally identifiable information set forth in the state's annual program plan; and

(b) 45 CFR 99.1 et seq. (the "Buckley Amendment" rules).

(4) Each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

WSR 90-16-045**PERMANENT RULES****SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Order 17—Filed July 25, 1990, 11:50 a.m.]

Date of Adoption: July 3, 1990.

Purpose: To clarify definition for "handicapped student" specially designed instruction and modify written notice requirement for independent educational assessment pursuant to federal interpretation.

Citation of Existing Rules Affected by this Order: Amending WAC 392-171-310, 392-171-315 and 392-171-371; and new section WAC 392-171-322.

Statutory Authority for Adoption: RCW 28A.13.070(7).

Other Authority: Chapter 28A.13 RCW.

Pursuant to notice filed as WSR 90-11-039 on May 10, 1990.

Changes Other than Editing from Proposed to Adopted Version: Clarification of how specially designed instruction to be provided, as per written and oral testimony delivered at hearing.

Effective Date of Rule: Immediately.

Earlier filing date is necessary to receive federal funds earmarked for special education. Appropriations will not be released until rules are effective. Nonreceipt would disrupt current programs currently conducted in state.

July 25, 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, behavioral intervention, and ~~((audiology))~~ audiological services. 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 ~~((provided by certificated and/or licensed special education personnel, including therapists, designed to facilitate progress toward specific written objectives and which occurs repeatedly over a given period of time during regularly scheduled sessions))~~ to meet the unique needs, abilities, and limitations of the handicapped student. The term does not include diagnostic or assessment activities, related services per se, ~~((consultative services,))~~ or materials preparation. Specially designed instruction shall be provided as follows:

(a) Regular classroom. Provided directly by certificated and/or licensed special education personnel or by regular certificated teachers and/or classified instructional staff who are under the direct supervision of the regular certificated teacher.

(b) Nonregular classrooms. Provided directly by certificated and/or licensed special education personnel or by classified instructional staff either who are under the direct supervision of the certificated and/or licensed special education personnel or who are performing individual or small group—six students or less—instructional and/or training activities pursuant to specific directives provided by the certificated and/or licensed special education personnel.

(c) Condition. If the specially designed instruction is not delivered directly by certificated and/or licensed

special education personnel, it must be designed, monitored, and evaluated by certificated and/or licensed special education personnel pursuant to a written plan which shall include at least a monthly evaluation of student progress toward specific written objectives.

(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, monitored, and evaluated by special education personnel certificated and/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 90-16-046

EMERGENCY RULES

DEPARTMENT OF CORRECTIONS

[Filed July 25, 1990, 2:25 p.m.]

Date of Adoption: July 23, 1990.

Purpose: To provide reimbursement to political subdivisions to reduce impact of inmate-family households on local criminal justice and social services resources.

Citation of Existing Rules Affected by this Order: Chapter 137-12A WAC.

Statutory Authority for Adoption: RCW 72.01.090.

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 provides for the reimbursement of political subdivisions for costs incurred related to offender families. Without reimbursement, social service resources available to offender families or criminal justice costs will be reduced or not available.

Effective Date of Rule: Immediately.

July 23, 1990
Chase Riveland
Secretary

AMENDATORY SECTION (Amending Order 84-10, filed 7/2/84)

WAC 137-12A-010 PURPOSE. *The purpose of this chapter is to implement the distribution of funds appropriated by the legislature to (~~reimburse political subdivisions for~~) mitigate the one-time cost impact associated with locating additional state correctional facilities within their boundaries, with the cost of criminal justice and social/human services associated with inmate*

families within their boundaries; or the costs associated with ((other events specifically designated by the legislature)) the one-time impact of adding beds or increasing population capacity at correctional facilities.

AMENDATORY SECTION (Amending Order 84-10, filed 7/2/84)

WAC 137-12A-020 DEFINITIONS. As used in this chapter, the following items shall have the following meanings:

- (1) "Secretary" shall mean the secretary of the department of corrections.
- (2) "Department" shall mean the department of corrections.
- (3) "Inmate" shall mean an individual sentenced to the custody of the department under state law and an individual transferred from another state or the federal government.
- (4) "Institution" shall mean a facility described in RCW 72.01.050(2), such other similar facility hereafter established and a community residence operated pursuant to chapter 72.65 RCW.
- (5) "Political subdivision" shall mean any city, town, county or other unit of local government.
- (6) "Additional correctional facility" shall mean (a) a new building constructed at a new location for use in housing or servicing inmates; (b) a new building constructed on the grounds of an existing institution for use in housing or servicing inmates; and/or (c) a preexisting building heretofore not used by the department as a correctional facility which is reopened for use in housing or servicing inmates.
- (7) "One-time cost impact" shall mean an economic impact experienced by a political subdivision associated with locating an additional correctional facility within its boundaries or associated with such other event specifically designated by the legislature.

(8) "Inmate family" shall mean the inmate's dependent children, the inmate's spouse or parent and their dependents, or the legal guardian of the inmate's dependent children who were not residents of the local county where the inmate is incarcerated prior to the incarceration of the inmate.

(9) All references to the singular shall include the plural unless noted otherwise.

AMENDATORY SECTION (Amending Order 84-10, filed 7/2/84)

WAC 137-12A-030 ELIGIBILITY. (1) A political subdivision is eligible to apply for ((funding)) mitigating funds under this chapter if it experiences a demonstrable one-time cost impact; or demonstrable costs for criminal justice and social/human services related to inmate families. Provided, however, application must be made prior to the last day of the state fiscal biennium in which the one-time cost impact occurred. Applications made after that date will be considered only if funds appropriated by the legislature are available.

(2) A political subdivision which has been reimbursed for a one-time cost impact is thereafter not eligible to

apply for additional funding under this chapter based on the same event which gave rise to the one-time impact for which reimbursement has been received.

AMENDATORY SECTION (Amending Order 84-10, filed 7/2/84)

WAC 137-12A-050 APPLICATION PROCEDURE. (1) A political subdivision must request funding under this chapter by submitting a written request to:

Department of Corrections
Office of Contracts and Regulations
P.O. Box 9699
Olympia, WA 98504

(2) Requests must document the one-time cost impact for which reimbursement is requested. Such documentation may include reference to:

- (a) Criminal justice costs.
- (b) Social service or human service costs.
- (c) Transportation, roads and utility costs.
- (d) Other similar costs.

(3) Requests for reimbursement of costs related to inmate families shall be documented by the political subdivision and take into account offsetting revenues from federal, state, or charitable sources. Such documentation shall include, but not be limited to:

- (a) Social service or human service costs within the community related to inmate families.
- (b) Criminal justice costs.
- (c) The relationship of those costs to the offender population.
- (d) An affidavit that such costs are not funded or offset from other sources or subject to reimbursement by the recipient of such services.

(4) The burden of demonstrating the impact shall be on the requesting political subdivision. The department may provide technical assistance to the political subdivision and verification of impact requests.

AMENDATORY SECTION (Amending Order 87-01, filed 3/4/87)

WAC 137-12A-060 DEPARTMENT REVIEW COMMITTEE. (1) All requests shall be reviewed by a department committee composed of the following individuals or their designees:

- (a) The ((deputy secretary)) assistant director, siting;
- (b) Director, division of management and budget;
- (c) Director, division of prisons;
- (d) Contracts and regulations administrator, ((and the))
- (e) Chief, ((office of capital programs)) facilities management and administrative services;
- (f) Director, division of community corrections; and the
- (g) Senior assistant attorney general assigned to the department.

(2) The review committee shall approve or disapprove the requests. If a request is disapproved in total or in part, the committee shall send a letter to the requesting political subdivision with the reasons for disapproval.

(3) *The committee decision shall be final unless appealed to the secretary within twenty days after a political subdivision receives notice of disapproval.*

AMENDATORY SECTION (Amending Order 84-03, filed 2/27/84)

WAC 137-12A-070 CONTRACTS. *Requests approved for funding under this chapter shall be evidenced in a written ((grant or)) contract document processed through the office of contracts and regulations and approved by the secretary and submitting jurisdiction. Funding shall be limited to actual costs incurred during the term of the contract.*

AMENDATORY SECTION (Amending Order 84-03, filed 2/27/84)

WAC 137-12A-090 LIMITATION OF FUNDING. *Funding under this chapter shall be available only to the maximum ((allocated)) appropriated by the legislature for that purpose.*

WSR 90-16-047
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
JUDICIAL CONDUCT
[Memorandum—July 24, 1990]

The Commission on Judicial Conduct will hold its public business session at 3:00 p.m. on Thursday, October 4, 1990, at Ocean Crest Resort, Sunset Beach, Moclips, Washington 98562.

WSR 90-16-048
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
COMMUNITY DEVELOPMENT
(Public Works Board)
[Memorandum—July 23, 1990]

This is to inform you that the Public Works Board will be holding a conference call at 9:30 a.m. on Thursday, July 26, to consider the emergency loan funding requests for the cities of Tukwila and Soap Lake.

Interested members of the public can report to Meg VanSchoorl's office on the fifth floor of the Ninth and Columbia Building, Olympia, at 9:15 a.m. on July 26.

WSR 90-16-049
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personel Board)
[Filed July 26, 1990, 9:06 a.m.]

Original Notice.

Title of Rule: WAC 356-15-020 Work period designations.

Purpose: This rule provides special alternate work period schedules for state patrol communication officers and commercial vehicle enforcement officers.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This rule proposal adds data communication technician positions to the existing rule.

Reasons Supporting Proposal: This will correct an oversight which occurred when six communication officers were reallocated to the class of data communication technician. They were retained on the same schedule without an update to the rule.

Name of Agency Personnel Responsible for Drafting: Gail Salisbury, 521 Capitol Way South, 753-5383; **Implementation and Enforcement:** Department of Personnel.

Name of Proponent: Washington State Patrol, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule presently provides special alternate work period schedules for state patrol communication officers and commercial vehicle enforcement officers. When six communication officers were reallocated, no pay differential from the other communication officers on the same schedule was intended, except the salary range. It was the intent of the state patrol that in all other respects, the pay practice would remain the same. Since the new class to which these employees were reallocated was not identified in the work schedule provision, the reallocation has created a pay inequity. This proposal will correct that oversight.

Proposal Changes the Following Existing Rules: The class of data communication technician is not currently identified in the work schedule provision of this rule. This oversight has created a pay inequity when six communication officers were reallocated to this class. No pay differential from the other positions were intended except the salary range. This proposal will correct the oversight.

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 September 13, 1990, at 10:00 a.m.

Submit Written Comments to: Gail Salisbury, Department of Personnel, P.O. Box 1789, FE-11, Olympia, WA, by September 11, 1990.

Date of Intended Adoption: September 13, 1990.

July 25, 1990
Dee W. Henderson
Secretary

AMENDATORY SECTION (Amending Order 294, filed 2/12/88, effective 4/1/88)

WAC 356-15-020 WORK PERIOD DESIGNATIONS. (1) The personnel board shall assign a specific work period designation to each job class. In deciding which work period designation is appropriate, the personnel board shall consider the following factors:

(a) Whether the positions are exempt from the overtime provisions of the Fair Labor Standards Act as executive, administrative, professional, agricultural, outside sales, or recreational establishment personnel as summarized in chapter 356-05 WAC.

(b) Whether the positions have been historically paid overtime by the state.

(c) Whether the private sector or other governmental jurisdictions have a historical or prevailing overtime pay practice for direct counterpart positions.

(d) Other factors it may deem to be appropriate.

(2) The personnel board may authorize a work period designation for an individual position which differs from the class-wide designation when the position has atypical working conditions. When two or more designations are indicated for a job class, the first designation listed shall constitute the class-wide designation. Each position shall be assigned only one designation. The work period designation for persons on "in-training" and "underfill" appointments shall be the same as that of the position to which they are appointed, except that if the position is designated "exceptions," the employee's work period designation will be "nonscheduled."

(a) Scheduled (S):

(i) Standard: Full-time positions with conditions of employment which may be completed within five consecutive work days, each having the same starting time and lasting not more than eight working hours.

(ii) Alternate: Full-time positions with conditions of employment which may be completed within:

(A) Five work days lasting not more than eight working hours within the same workweek but which, because of operational necessity, cannot be scheduled with the same daily starting time or with consecutive days off; or

(B) Four work days lasting not more than ten working hours each within the same workweek; or

(C) Four nine-hour work days and one four-hour work day; or

(D) Ten consecutive work days with four consecutive days off; or

(E) Ten work days lasting not more than eight working hours and occurring within a scheduled fourteen consecutive day period. Positions are restricted to employees in the registered nurse class series who work in an institutional hospital primarily engaged in the care of residents.

(F) Continuous five work-days-per-week shifts which rotate each 28 days to a different schedule of regular days and hours per week. The rotation involves extended or shortened time off between the ending shift of one schedule and the beginning shift of the next, but does not require more than eight hours work in any one 24-hour period within a schedule, nor more than fifty-two 40-hour workweeks per year. Positions are limited to communications officers, data communication technicians, and scheduled commercial vehicle enforcement officers of the state patrol.

After giving written notice to the employee and the certified exclusive representative, the employer may implement an alternate schedule provided the employer can document a program need for the alternate schedule or the alternate schedule is mutually agreeable to the employer and employee.

(iii) Unlisted: Full-time positions for which the director of personnel has approved a schedule or scheduling plan not allowed above. Such unlisted schedules may be approved by the director of personnel when both the agency and the affected employees are in agreement. Approval by the exclusive representative shall constitute approval of employees within a certified bargaining unit.

(b) Nonscheduled (NS): Full-time positions with conditions of employment which necessitate adjustment of hours by employees within forty working hours within the workweek. These positions may have preset schedules or task assignments which require their attendance at certain hours, but are generally responsible to adjust their hours to best accomplish their workload.

(c) Law enforcement (1): Full-time positions which meet the law enforcement criteria of section 7(k) of the Fair Labor Standards Act. (Defined as law enforcement personnel in WAC 356-05-210.)

(d) Exceptions (e): Full-time positions which are exempt from the overtime provisions of the Fair Labor Standards Act as executive, administrative, professional, agricultural, outside sales, or recreational establishment personnel as summarized in chapter 356-05 WAC.

WSR 90-16-050
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Filed July 26, 1990, 2:42 p.m.]

Original Notice.

Title of Rule: WAC 356-26-060 Certification—General methods; 356-30-135 In-training appointments; and 356-34-010 Disciplinary actions—Causes for demotion—Suspension—Reduction in salary—Dismissal.

Purpose: This proposal will establish a single rule on designating in-training positions, amending existing in-training rule and adding a condition and cause for disciplinary action for not completing an in-training program to existing WAC 356-34-010.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal will establish a new rule to identify conditions for designating positions as in-training, status of the incumbents, and removal from the positions as identified in the existing WAC 356-34-010.

Reasons Supporting Proposal: The supporting proposal will clarify the present rule and expansion of the use of in-training positions.

Name of Agency Personnel Responsible for Drafting: Paul Peterson, 521 Capitol Way South, Olympia, 586-8354; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Currently the in-training rule is incorporated in WAC 356-26-060. This proposal will delete that portion of the rule which deals with in-training and establish a new WAC 356-30-135 to identify conditions for designating positions as in-training. Also included in this proposal will be an amendment for WAC 356-34-010 to add conditions and causes for demoting, suspending, reducing in salary, or dismissal of a classified employee for failure to complete an in-training program.

Proposal Changes the Following Existing Rules: WAC 356-26-060 will no longer specify the conditions for establishing in-training positions. A new WAC 356-30-135 will be proposed for the new in-training rule. Also, WAC 356-34-010 is being amended to include provisions to demote, suspend, reduce in salary, or dismiss a classified employee for failure to complete an in-training program.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on September 13, 1990, at 10:00 a.m.

Submit Written Comments to: Paul Peterson, Department of Personnel, P.O. Box 1789, FE-11, Olympia, WA 98507, by September 11, 1990.

Date of Intended Adoption: September 13, 1990.

July 20, 1990

Dee W. Henderson
Secretary

AMENDATORY SECTION (Amending Order 348, filed 5/30/90, effective 6/30/90)

WAC 356-26-060 CERTIFICATION—GENERAL METHODS. Upon receipt of a request for certification, the director of personnel shall normally certify to the appointing authority a list of names equal in number to four more than there are vacancies to be filled from the ranked registers except:

(1) One name will constitute a complete certification when referrals are made from the agency reduction in force register, the service-wide reduction in force register, or the dual agency reversion register. When an appointing authority requests a selective certification for specialized qualifications, the eligible candidate must meet the selective criteria in order to be referred to the position, provided:

(a) The criteria were approved when the position was established, reallocated, or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) It has been determined that the position involves new duties that would warrant future selective certification. Such selective criteria shall not be applied for certification purposes until six months after the department of personnel approves the selective criteria for the position.

(d) In the case of (a), (b), or (c) of this subsection, the director of personnel or designee must determine that the specialized qualifications are still required for successful job performance and cannot be learned within a reasonable length of time.

(2) Where all names are certified exclusively from an open competitive register, the director of personnel may certify in ranked order up to all of the names from the open competitive register: PROVIDED, That the appointing authority shall select from those eligibles available from the highest ranking names which constitute five names per vacancy to be filled.

(3) The names of candidates from the same register who have the same score as the lowest score to be certified will also be certified.

(4) An unranked register may be used to complete a certification. In such cases, all names appearing on that register shall be certified. Subsequent unranked registers shall not be used until the certification is again incomplete.

~~((5) The director of personnel, upon request and after consultation with the employing agency and employee representatives, may declare positions, groups of positions or classes of positions as in-training positions. The in-training designation is normally at the second level of a series. Such positions may be filled from the register for the entry level class in the series. The employee shall automatically advance to the higher level after completion of one year of service in the entry level class. When the classification specifications require completion of a formal training plan to advance, such positions may be filled from a register of any lower level class in the series; the employee shall automatically advance to the next higher level in the series after completion of the training period designated in the specification.))~~

~~((6))~~ (5) When the vacancy to be filled is identified as part of an agency's affirmative action goals as established by their approved affirmative action plan, the director of personnel may, except where there are employees on the reduction in force register, refer up to three additional names per vacancy of individuals who are on existing registers and who are members of the protected groups. More than three additional names per vacancy will be certified if there are protected group candidates with the same score as the lowest score to be certified. This action may be taken when necessary to comply with the best standards of personnel administration as contemplated by chapter 41.06 RCW.

Prior to the utilization of this subsection, the agency shall determine if there are protected group members on the existing registers. If there are fewer than three protected group members on the register, the agency shall:

(a) Appoint one of the eligibles from the register; or

(b) Request assistance from the department of personnel in completing the certification. The department of personnel and the agency will then initiate targeted recruitment.

~~((7))~~ (6) When one or more of the following conditions exist, the director of personnel or designee may certify a sufficient number of

names to assure that the requesting agency has not less than five names available for consideration:

(a) The position is in an isolated or undesirable location.

(b) The position has undesirable working conditions.

(c) The agency needs to fill several positions in the class.

(d) One or more agencies have had difficulty filling positions in the class.

(e) The director of personnel or designee determines that such certification is necessary to provide the requesting agency with efficient service.

If such certification contains five or more available promotional candidates, agencies shall appoint from the promotional candidates.

~~((8))~~ (7) Permanent employees certified from a ranked register for consideration of appointment shall be notified by the agency at the time of the referral. Upon appointment the agency shall advise those employees certified but not appointed of the action taken.

NEW SECTION

WAC 356-30-135 IN-TRAINING APPOINTMENTS. (1) The director of personnel, upon request from an agency, may designate specific positions, groups of positions, or entire classes of positions, as in-training positions.

The request shall include a description and length of the training program: The training program shall include one or more of the following components:

(a) On-the-job training (knowledge and skill developed through experience);

(b) Classroom or field instruction;

(c) Courses conducted by an educational institution, vocational school or professional training organization;

(d) Written and/or oral and/or practical examination(s).

(2) Agency training plans may designate positions as in-training at any level within a class series provided that positions whose primary responsibility involves supervision will not be designated as in-training.

(3) Designated in-training positions may be filled from any register within the class series.

(4) The employee will automatically advance to the higher level after satisfactory completion of the training program.

(5) Agency training plans shall confine in-training time at each training class level to a period of not less than six months and not more than twenty-four months. The class level occupied by a trainee shall determine the level of the position to be used to pay and evaluate the trainee.

(6) Employees will serve a probationary period or trial service period at each level within the in-training series.

Employees will serve a trial service period upon advancement to higher levels within the in-training series.

When employees are in their probationary or trial service period and are advanced to the next highest level in the in-training class series, they shall complete the terms of the original probationary or trial service period.

(7) Employees who fail to progress through each level of the in-training series will be subject to the following actions:

(a) Probationary: Employees who enter positions, without first attaining permanent status, will be dismissed during their probationary period if they fail to meet the required standards of the in-training position.

(b) Trial Service: Employees appointed to in-training positions shall have the same reversion rights as other classified employees except employees reverted from in-training positions shall not have reversion rights into any position designated as in-training.

(c) Permanent Employees: Employees who are unsuccessful in attaining subsequent advancement through the in-training series will be removed from the in-training series under the provisions of WAC 356-34-010.

(8) Time spent in non-permanent appointments in an in-training position prior to a permanent appointment into the position shall not be credited as part of the training period. After permanent appointment to an in-training position, time spent in a non-permanent appointment to a higher level within the in-training series shall be credited as part of the training period for the lower level but shall not be credited toward the higher level.

Time spent in a position prior to an in-training designation shall not be credited as part of the training period.

Transfer of an employee from one in-training position to another in-training position at the same level within the series shall not extend the training period.

(9) Employees appointed to in-training positions shall have the same reduction-in-force rights as other classified employees.

AMENDATORY SECTION (Amending Order 230, filed 9/18/85)

WAC 356-34-010 DISCIPLINARY ACTIONS—CAUSES FOR DEMOTION—SUSPENSION—REDUCTION IN SALARY—DISMISSAL. (1) Appointing authorities may demote, suspend, reduce in salary, or dismiss a permanent employee under their jurisdiction for any of the following causes:

- (a) Neglect of duty.
- (b) Inefficiency.
- (c) Incompetence.
- (d) Insubordination.
- (e) Indolence.
- (f) Conviction of a crime involving moral turpitude.
- (g) Malfeasance.
- (h) Gross misconduct.
- (i) Willful violation of the published employing agency or department of personnel rules or regulations.
- (j) Failure to complete an in-training program.

(2) Appointing authorities shall dismiss any employee under their jurisdiction whose performance is so inadequate as to warrant dismissal.

(3) Appointing authorities shall remove from supervisory positions those supervisors who, in violation of subsection (2) of this section, have tolerated the continued employment of employees under their supervision whose performance has warranted termination from state employment.

WSR 90-16-051
NOTICE OF PUBLIC MEETINGS
BOARD FOR
VOCATIONAL EDUCATION
 [Memorandum—July 25, 1990]

Thursday, August 2, 1990
 9:30 a.m.

Executive Office
 State Board for Vocational Education
 Building 17, Airdustrial Park
 Olympia, Washington

A special meeting of the Washington State Board for Vocational Education (SBVE) will be held via conference call, on Thursday, August 2, 1990, beginning at 9:30 a.m. A speaker telephone will be available in the SBVE Executive Office for those people interested in participating. The only agenda item will be the consideration and approval of the State Board for Vocational Education's budget request for the 1991-93 biennium.

People needing special accommodations, please call Patsi Justice at (206) 753-5660 or 234-5660 scan.

WSR 90-16-052
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Memorandum—July 26, 1990]

BOARD OF TRUSTEES
 July 27, 1990, 9:00 a.m.
 Spokane Center, Fourth Floor Mall

Breakfast will be served to board members prior to the meeting at 8:00 a.m., Spokane Center.

WSR 90-16-053
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3044—Filed July 27, 1990, 8:20 a.m.]

Date of Adoption: July 27, 1990.

Purpose: To eliminate duplication of Medicaid services.

Citation of Existing Rules Affected by this Order: Amending WAC 388-86-085.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 90-09-087 on April 18, 1990; WSR 90-12-040 on May 31, 1990; and WSR 90-14-056 on June 29, 1990.

Changes Other than Editing from Proposed to Adopted Version: The proposed rule cross referenced the nursing home WAC 388-88-050. The adopted version deleted the cross reference and specified the medical services for which the department, broker, or contractor shall not authorize transportation for nursing home recipients. The proposed rule changed the distance for reimbursement for the private vehicle usage. The adopted version deleted this change.

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

July 27, 1990

Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending 2899, filed 11/17/89, effective 12/18/89)

WAC 388-86-085 TRANSPORTATION (OTHER THAN AMBULANCE). (1) The department shall assure the availability of necessary transportation for a recipient:

- (a) To and from medical services;
 - (b) Covered under the recipient's medical assistance program; and
 - (c) Suitable to the recipient's medical need.
- (2) The department shall authorize payment for such transportation:
- (a) When other means of transportation are not available or appropriate to the recipient's need;
 - (b) At the least costly alternative mode of transportation suitable to the recipient's medical condition;
 - (c) When the department, broker, or contractor gives prior authorization for the transportation or gives retro-authorization within seventy-two hours for transportation during hours when the department, broker, or contractor is not available; and
 - (d) When transportation is given to and from covered services:

- (i) Within the local medical community unless necessary medical services are not available locally; or
- (ii) Outside of the local medical community to the closest provider able and willing to provide the necessary and covered medical services.

(3) The department shall:

- (a) Contract to provide such transportation as an administrative service in counties under broker or contractor agreements.

(i) Brokers or contractors shall certify transportation providers for medical services in accordance with rules established by the division of medical assistance; and

(ii) The department shall require the brokers and contractors to operate the services in accordance with all federal, state, and local ordinances, statutes, and regulations.

(b) Provide transportation as a medical service in unbrokered or noncontracted counties.

(4) The department, broker, or contractor shall pay for transportation only for the recipient unless the recipient has an identified need for an attendant or escort.

(5) When the department determines no other appropriate transportation resource is available to the recipient, the department may:

(a) Authorize public transit when a transit authority is present in the community and when the recipient is capable of using this level of service;

(b) Reimburse the recipient for mileage in a private vehicle or issue a gas voucher, in areas with gas voucher systems:

(i) When prior authorized; and

(ii) If distance traveled is more than forty miles to and from covered medical services in a given week.

(c) Reimburse volunteers providing recipient transportation:

(i) When prior authorized; and

(ii) From volunteer point of origin, and back to volunteer's point of origin.

(6) When transportation in subsection (5) of this section is either not available or not accessible by the recipient, and the transportation is medically necessary, the department shall authorize transportation by:

(a) Nonprofit organizations using specialized equipment, such as wheelchair lifts when the medical necessity is clearly demonstrated and the physical condition of the recipient is such that any less specialized means of transportation is inadvisable;

(b) Cabulance vehicle when medical necessity is clearly demonstrated and the physical condition of the recipient is such that any less specialized means of transportation is inadvisable; and

(c) Taxi transportation when medically necessary and other less expensive modes of transportation are not available or not appropriate to meet the recipient's needs.

(7) The department shall authorize interstate and intrastate transportation ((f)), e.g., bus, train, air((g)), when:

(a) Transportation is medically necessary; and

(b) Necessary medical treatment is not available locally; and

(c) The physical condition of the recipient is such that the use of any other method of transportation is inadvisable.

(8) The department, broker, or contractor shall not authorize transportation for nursing home recipients to or from medical services which are expected to be provided by the facility:

(a) Securing prescription;

(b) Nursing care and supervision;

(c) Personal hygiene: Baths, shampoos, routine nail care for feet or hands, shaves, routine daily oral care, and skin care;

(d) Services relating to meeting medically related psychosocial needs, ordered by the physician when appropriate;

(e) Ancillary care services including services provided by activities specialists, audiologists, social workers, speech pathologists, physical therapists, and occupational therapists;

(f) A nutritionally adequate and varied diet including supplementary nourishments and vitamins.

WSR 90-16-054

PROPOSED RULES

FOREST PRACTICES

APPEALS BOARD

[Filed July 27, 1990, 9:03 a.m.]

Original Notice.

Title of Rule: Rules of procedure.

Purpose: To update and simplify rules for procedure before the Forest Practices Appeals Board.

Statutory Authority for Adoption: RCW 76.09.230(4).

Statute Being Implemented: Chapter 76.09 RCW.

Summary: Amendment of existing rules of procedure.

Reasons Supporting Proposal: To reflect the new Administrative Procedure Act, chapter 34.05 RCW, update and simplify rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: William A. Harrison, Lacey, 459-6327.

Name of Proponent: Forest Practices Appeals Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amendment to existing rules of procedure first adopted in 1975 and amended as necessary from time to time.

Proposal Changes the Following Existing Rules: Changes to existing rules are to conform to the new Administrative Procedure Act, chapter 34.05 RCW, and to update or simplify the language wherever possible. There are no major changes in procedure caused by these amendments and no change in substantive law.

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

Minor or negligible economic effect. RCW 19.85.060(2).

Hearing Location: Forest Practices Appeals Board, 4224 6th Avenue S.E., Rowesix, Building No. 2, Lacey, WA 98504, on September 7, 1990, at 9:30 a.m.

Submit Written Comments to: Forest Practices Appeals Board, Mailstop PY-21, Lacey, Washington 98504, by September 6, 1990.

Date of Intended Adoption: September 7, 1990.

July 27, 1990

William A. Harrison
Administrative Appeals Judge

NEW SECTION

WAC 223-08-001 PURPOSE AND APPLICABILITY. (1) The purpose of chapter 223-08 WAC is to provide comprehensive rules of practice and procedure before the forest practices appeals board.

(2) This chapter shall apply to all procedural matters before the appeals board and specifically replaces chapters 1-08 and 10-08 WAC, except where specifically noted.

NEW SECTION

WAC 223-08-002 COMMENCEMENT OF ADJUDICATIVE PROCEEDINGS. An adjudicative proceeding before the appeals board shall be initiated as provided in WAC 223-08-075. Forms for notices of appeal are provided in WAC 223-08-080. The types and time limits for appeal are as provided in WAC 223-08-085.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 4/13/82)

WAC 223-08-005 BACKGROUND INFORMATION. (1) Members. The forest practices appeals board (~~(hereinafter appeals board)~~ is an independent agency of the state of Washington;) is organized within the environmental hearings office, an independent agency of the state of Washington. The appeals board is 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 pertinent matters pertaining to the environment and at least one member shall be a lawyer, and not more than two members shall be of the same political party.

~~((a) Members shall be appointed for a term of six years and shall serve until their successors are appointed and have qualified. In case of a vacancy, it shall be filled by appointment by the governor for the unexpired portion of the term in which such vacancy occurs. The terms of the first three members of the appeals board shall be staggered so that their terms shall expire after two, four, and six years.~~

(b) Any member may be removed for inefficiency, malfeasance or misfeasance in office, upon specific written charges filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time of the hearing, which shall be public, and the procedure for the hearing, and the decision of such tribunal shall be final and not subject to review by the supreme court. Removal of any member by the tribunal shall disqualify such member for reappointment.

(c) Each member of the appeals board:

(i) Shall not be a candidate for nor hold any other public office or trust, and shall not engage in any occupation or business interfering with or inconsistent with his duty as a member, nor shall he serve on or under any committee of any political party; and

(ii) Shall not for a period of one year after the termination of his membership, act in a representative capacity before the appeals board on any matter.)

(2) Function ~~((and jurisdiction))~~.

~~((a) The appeals board shall operate on either a part-time or a full-time basis, as determined by the governor. If it is determined that the appeals board shall operate on a full-time basis, each member shall receive an annual salary to be determined by the governor. If it is determined that the appeals board shall operate on a part-time basis, each member shall receive compensation on the basis of seventy-five dollars for each day spent in performance of his duties. PROVIDED, That such compensation shall not exceed ten thousand dollars in a fiscal year. Each member shall receive reimbursement for travel and other expenses incurred in the discharge of his duties in accordance with the provisions of chapter 43-03 RCW.~~

(b) The appeals board shall as soon as practicable after the initial appointment of the members thereof, meet and elect from among its members a chairman, and shall at least biennially thereafter meet and elect or reelect a chairman.

(c) The principal office of the appeals board shall be at the state capital, but it may sit or hold hearings at any other place in the state.

A majority of the appeals board shall constitute a quorum for making orders or decisions, promulgating rules and regulations necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position on the board be vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The appeals board shall perform all the powers and duties granted to it in this chapter or as otherwise provided by law.

(d) The appeals board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members and upon being filed at the appeals board's principal office, and shall be open to public inspection at all reasonable times.

(e) The appeals board shall either publish at its expense or make arrangements with a publishing firm for the publication of those of its findings and decisions which are of general public interest, in such form as to assure reasonable distribution thereof.

(f) The appeals board shall maintain at its principal office a journal which shall contain all official actions of the appeals board, with the exception of findings and decisions, together with the vote of each member on such actions. The journal shall be available for public inspection at the principal office of the appeals board at all reasonable times.

(g)(i) Any person aggrieved by the approval or disapproval of an application to conduct a forest practice may seek review from the appeals board by filing a request for the same within thirty days of the approval or disapproval. Concurrently with the filing of any request for review with the board as provided in this section, the requestor shall file a copy of his request with the department and the attorney general. The attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with.

(ii) The review proceedings authorized in subparagraph (i) of this subsection are subject to the provisions of chapter 34.04 RCW pertaining to procedures in contested cases.) The function of the appeals board is to provide a forum for adjudicative proceedings in matters relating to forest practices.

(3) ~~((Appeals))~~ Jurisdiction.

~~((a) In all appeals over which the appeals board has jurisdiction, a party taking an appeal may elect either a formal or an informal hearing, unless such party has had an informal hearing with the department. Such election shall be made according to these rules of practice and procedure. In the event that appeals are taken from the same decision, order, or determination, as the case may be, by different parties and only one of such parties elects a formal hearing, a formal hearing shall be granted.~~

(b) In all appeals the appeals board shall have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions but such powers shall be exercised in conformity with chapter 34.04 RCW.

(c) In all appeals involving formal hearing the appeals board, and each member thereof, shall be subject to all duties imposed upon and shall have all powers granted to an agency by those provisions of chapter 34.04 RCW relating to contested cases.

(d) All proceedings, including both formal and informal hearings, before the appeals board or any of its members shall be conducted in accordance with these rules of practice and procedure. The appeals board shall publish these rules and arrange for the reasonable distribution thereof.

(e) Judicial review of a decision of the appeals board shall be de novo except when the decision has been rendered pursuant to the formal hearing, in which event judicial review may be obtained only pursuant to RCW 34.04.130 and 34.04.140.

(4) Caution. This section is intended to be general and informational only, and failure herein to list matters over which the appeals board has jurisdiction at law shall not constitute any waiver or withdrawal whatsoever from such jurisdiction. Wherever the provisions of this WAC 223-08-005 conflict with other rules of this agency, such other rules shall prevail.) The jurisdiction of the appeals board is state-wide. The types and time limits for appeal are as provided in WAC 223-08-085.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 4/13/82)

WAC 223-08-010 BOARD ADMINISTRATION ~~((=OFFICE))~~ AND ADDRESS OF THE BOARD. ~~((The headquarters office of the appeals board shall be))~~ (1) The administrative business of the appeals board is performed by the environmental hearings office,

which holds regular meetings on the third Tuesday of each month, pursuant to WAC 198-12-030, at the address set forth below and at such other times and places as necessary.

(2) The appeals board is organized within the Environmental Hearings Office, 4224 - 6th Avenue S.E., Building No. 2 Rowsix, Lacey, Washington. The mailing address is:

Forest Practices Appeals Board
Mailstop: PY-21
Olympia, Washington 98504

(3) The telephone number of the board is (206) 459-6327. The telefacsimile number is (206) 438-7699.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-2, filed 1/7/83)

WAC 223-08-020 BOARD ADMINISTRATION—QUORUM. A majority of the appeals board shall constitute a quorum for making orders or decisions, promulgating rules and regulations necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position on the board be vacant. An administrative appeals judge or one or more members may hold hearings and take testimony to be reported for action by the board. The appeals board shall perform all the powers and duties granted to it in this chapter or as otherwise provided by law.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 4/13/82)

WAC 223-08-030 BOARD ADMINISTRATION—PROCEDURES APPLICABLE. ~~((1) The appeals board shall be guided in procedural matters before it by these rules of procedure chapter 223-08 WAC. These rules of procedure specifically replace the uniform procedural rules, chapter 1-08 WAC, except where specifically noted.~~

~~((2))~~ Insofar as applicable, and not in conflict with these rules, the statutes and rules regarding ~~((pretrial))~~ procedures in civil cases in the superior courts of this state shall be followed. Such rules shall include but shall not be limited to those rules pertaining to discovery of evidence by parties to civil actions.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 4/13/82)

WAC 223-08-035 BOARD ADMINISTRATION—DEFINITIONS. As used in this chapter the following terms shall have the following meaning:

(1) "Appeals board" refers to and means forest practices appeals board described in WAC 223-08-005 or its presiding officer. ~~((Where appropriate, the term "appeals board" also refers to the staff assigned to the forest practices appeals board.))~~

(2) "Department" refers to and means the department of natural resources.

(3) ~~((("Presiding officer" shall mean one person who is either a member of the appeals board or its agent assigned to conduct a hearing or a conference by the appeals board.~~

~~((4) "Continuance" shall mean the extension of an initial hearing, actually held, by scheduling a subsequent, supplementary hearing.~~

~~((5) "Postponement" shall mean rescheduling a hearing, before its occurrence, to a later time.))~~ "Filing" of a document means delivery and is effective upon receipt. Filing may be made by mail, messenger or telefacsimile transmission, provided that originals of telefacsimile transmissions are simultaneously mailed or sent by messenger.

(4) "Party" means:

(a) A person to whom any agency decision is specifically directed;

(b) A person named as a party to the adjudicative proceeding, or allowed to intervene, or joined as a party by the appeals board.

(5) "Presiding officer" shall mean one person who is either an administrative appeals judge or a member of the appeals board assigned to conduct a hearing or a conference.

(6) "Service" means posting in the United States mail, properly addressed, postage prepaid; telefacsimile transmission; or personal service. Service by mail is complete upon deposit in the United States mail. Service by telefacsimile transmission is effective only where copies are simultaneously mailed or sent by commercial service delivery company.

NEW SECTION

WAC 223-08-037 BOARD ADMINISTRATION—SERVICE OF DOCUMENTS ON REPRESENTATIVES. Service of any document required to be served on a party to a case, including final decisions of the board, may be made by serving the party's representative in the matter.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 4/13/82)

WAC 223-08-040 BOARD ADMINISTRATION—PRESIDING OFFICER, POWERS. It shall be the duty of the presiding officer to conduct conferences or hearings in an impartial and orderly manner, and to rule upon all matters excepting the final decision. The presiding officer has the authority, subject to the other provisions of these rules:

(1) To administer oaths and affirmations;

(2) To issue subpoenas as provided in RCW ~~((34.04.105))~~ 34.05-.446. A subpoena may also be issued by the attorney of record ~~((or any person making an appearance as authorized by WAC 223-08-050(3) as provided in RCW 34.04.105)).~~ Service and costs of the subpoena shall be the responsibility of the party seeking the attendance of the witness;

(3) To rule on all procedural matters, objections ~~((and))~~, motions, and requests for suspension or stays;

(4) To rule on all offers of proof and receive relevant evidence;

(5) To interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the appeal;

(6) To secure and present in an impartial manner such evidence, in addition to that presented by the parties, as he deems necessary to fairly and equitably decide the appeal;

(7) To take appropriate disciplinary action with respect to representatives of parties appearing before the appeals board;

(8) To issue orders joining other parties, on motion of any party, or sua sponte when it appears that such other parties may have an interest in, or may be affected by, the proceedings;

(9) To consolidate appeals for hearing when such consolidation will expedite disposition of the appeals and avoid duplication of testimony and when the rights of the parties will not be prejudiced thereby;

(10) To hold conferences for the settlement or amplification of the issues ~~((at such times as set by the chairman));~~

(11) To take or cause to be taken ~~((depositions and interrogatories))~~ discovery pursuant to these rules and to procedures available to litigants in civil cases in superior courts in the state of Washington;

(12) To cause to be submitted, written sworn ~~((statements as currently provided in WAC 1-08-470 through 1-08-500))~~ direct testimony;

(13) To regulate the course of the hearing;

(14) To take any other action necessary and authorized by these rules and the law.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-050 APPEARANCE AND PRACTICE—PERSONS WHO MAY APPEAR. Any person may appear personally before the appeals board. No person may appear in a representative capacity before the appeals board ~~((or its designated hearing officer))~~ other than the following:

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

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any state.

(3) A bona fide officer, partner or full-time employee of an individual, firm, association, partnership, corporation or local government ~~((omit))~~ party who appears for such individual, firm, association, partnership, corporation or local government ~~((omit))~~.

(4) Legal interns admitted to practice under APR 9 of the Rules of Court may appear before the appeals board under the conditions and limitations therein specified.

(5) No former employee of the department or member of the attorney general's staff may, at any time after severing employment with the department or the attorney general, appear, except with the written permission of the department, in a representative capacity on behalf of other parties in a proceeding wherein he previously took an active part as a representative of the department in the same case or proceeding.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 4/13/82)

WAC 223-08-070 APPEARANCE AND PRACTICE—CONDUCT. All persons appearing in a representative capacity in proceedings before the appeals board shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standard, the presiding officer may admonish or reprimand such person, or exclude such person from further participation in the proceedings and adjourn the same ~~(or report the matter to the appeals board which may, in its discretion, after notice and hearing, take appropriate disciplinary action including, but not limited to, a letter of reprimand, or refusal to permit such person to appear in a representative capacity in any proceeding before the appeals board.~~

~~Where a majority of the appeals board is conducting a proceeding, such majority may take appropriate disciplinary action against a representative without convening a separate hearing).~~

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 4/13/82)

WAC 223-08-075 COMMENCING AN APPEAL—FILING AND SERVICE. ~~((All written communications relating to a proceeding and directed to the appeals board or its chairman shall be filed at the principal office of the appeals board. Filing shall be effective upon receipt at the principal office of the appeals board. The stamp of the appeals board placed upon any written communication shall be prima facie evidence of the date of receipt. The appeals board shall acknowledge receipt of each notice commencing a proceeding filed under WAC 223-08-085.~~

~~Copies of all written communication relating to a proceeding and directed to the appeals board shall, concurrently with filing, be served upon all other parties. PROVIDED, That in any event:~~

~~(1) Copies of notices commencing any of the proceedings described in WAC 223-08-085 (2), (6) or (7) shall, concurrently with filing, be served upon the attorney general who may intervene to protect the public interest and insure that the provisions of the Forest Practices Act are complied with. (See RCW 76.09.050(9) and RCW 76.09.220(9))~~

~~(2) Copies of notices commencing any of the proceedings described in WAC 223-08-080 (2), (6) or (7) shall likewise be served, concurrently with filing, upon the applicant under the challenged application, who shall be a responding party in the proceeding unless already an appealing party.~~

~~Whenever under these rules service is required to be made upon a represented party, the service shall be made upon the representative unless service upon the party himself is ordered by the appeals board. Service upon the representative or upon a party shall be made by delivering a copy to him or by mailing it to him at his last known address. Delivery of a copy within this rule means: Handing it to the representative or to the party, or leaving it at his office with his clerk or other person in charge thereof, or, if there is no one in charge, leaving it in a conspicuous place therein, or, if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. If service is made by mail, the papers shall be deposited in the post office addressed to the person on whom they are being served, with the postage prepaid. The service shall be deemed complete upon the third day following the day upon which they are placed in the mail unless the third day falls on a Saturday, Sunday or legal holiday, in which event service shall be complete on the first day other than a Saturday, Sunday or legal holiday, following the third day. Originals of written communications filed with the appeals board shall bear a notation of the names and dates of persons served with copies. Such notation shall be signed by the party authorizing the communication or his representative.~~

~~There shall be substantial compliance with the requirement that service be concurrent with filing but failure of literal compliance shall not alone impair commencement of any proceeding. All parties shall be served with the notice commencing a proceeding at least twenty days before hearing. All parties shall be served with motions and notices of motion hearings at least five days before the time specified for the motion hearing unless a different period is fixed by these rules or by order of the appeals board.)~~ (1) An appeal is commenced by the filing of a notice of appeal at the office of the appeals board. Filing shall be effective upon receipt. The appeals board shall acknowledge receipt of each notice of appeal.

(2) Concurrently with filing at the appeals board, copies of notices commencing any of the proceedings described in WAC 223-08-085 (2), (6), or (7) shall be filed with the department and the attorney general.

(3) Concurrently with filing at the appeals board, copies of notices commencing any of the proceedings shall be served upon the permit applicant if that person is not the appellant, and all other parties.

(4) Failure to file or serve under subsections (2) and (3) of this section within the time for commencement of a proceeding shall not impair the timeliness of the appeal, provided that such filing and service is in substantial compliance with the requirement that it be done concurrently with filing at the appeals board. No issue, except matters which may be heard ex parte, shall be heard until filing or service under subsections (2) and (3) of this section and appropriate notice has occurred.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 4/13/82)

WAC 223-08-080 COMMENCING AN APPEAL—FORMS. The following forms shall be used in proceedings before the appeals board. The forms, instructions thereon, and descriptive captions are each components of this rule of procedure.

Where any written communication directed to the appeals board is found not to be in conformity with this or another rule of procedure or the requirements of any statute, the appeals board may require the party directing such communication to correct, clarify or amend the same so as to conform. The appeals board may refuse to schedule any conference or hearing hereon until compliance with such requirements, or may issue an order providing for the dismissal of any proceeding upon failure to comply within a specified time.

INDEX TO FORMS

- Form 1 – PETITION FOR CHAIRMAN'S ORDER
- Form 2 – COUNTY APPEAL OF DEPARTMENT APPROVAL
- Form 3 – APPEAL OF STOP-WORK ORDER
- Form 4 – APPEAL OF NOTICE TO COMPLY
- Form 5 – APPEAL OF PENALTY
- Form 6 – DEPARTMENT APPEAL OF COUNTY OBJECTIONS
- Form 7 – APPEAL OF DEPARTMENT APPROVAL OR DISAPPROVAL
- Form 8 – PETITION FOR A DECLARATORY RULING
- Form 9 – PETITION FOR ADOPTION, AMENDMENT OR REPEAL OF RULE

The above forms are neither printed nor furnished by the appeals board but are set out here for copying by those wishing to commence a proceeding. Underlined portions of these forms are instructional, and the matter called for must be supplied by the party commencing the proceeding or his representative.

FORM 1 – For commencing the proceeding described in WAC 223-08-085(1):

NOTICE
COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

Date

Department of Ecology

PETITION FOR
CHAIRMAN'S
ORDER

Represented by:

Name of Representative(s)

Mailing Address

Telephone Number

1. This proceeding is authorized by RCW 76.09.100.

2. A short and plain statement identifying the forest practice regulations violated, the violator, and how and when such violations occurred.

3. The Department of Natural Resources has not issued a stop work order or notice to comply in the matter of this violation. The Department of Ecology has therefore notified the Department of Natural Resources of such violation. The Department of Natural Resources has failed to take authorized enforcement action, within twenty-four hours of such notice, under RCW 76.09.080, 76.09.090, 76.09.120 or 76.09.130.

4. The chairman is respectfully requested to order the relief to which the Department of Ecology deems itself entitled.

A copy of this Notice was served upon the Department of Natural Resources on (date)

I/We have read the above and believe the contents to be true.

Signed, Representative(s)

Signed, Representative(s)

FORM 2 - For commencing the proceeding described in WAC 223-08-085(2):

COMMENCING A PROCEEDING Before the FOREST PRACTICES APPEALS BOARD State of Washington

Date

Name of County

Represented by:

Name of Representative

Mailing Address

Telephone Number

COUNTY APPEAL OF DEPARTMENT APPROVAL

1. This proceeding is authorized by RCW 76.09.050(8).

2. Name County hereby elects a formal/an informal hearing. (See WAC 223-08-155)

3. The attached forest practices application was approved by the Department of Natural Resources, and notice of such approval showing the (date) thereof is attached.

4. Lands within the jurisdiction of name County are affected by the said approval.

5. A short and plain statement of the grounds upon which the county believes the said approval is unlawful. Statutes, regulations or applications referred to shall be precisely cited.

6. A demand for the relief to which the county deems itself entitled.

Copies of this Notice were served upon:

(1) Department of Natural Resources (date)

(2) Attorney General (date)

(3) Applicant date (See WAC 223-08-075)

I/We have read the above and believe the contents to be true.

Signed, County Representative(s)

Signed, County Representative(s)

ATTENTION: (Name of Applicant)

Upon receipt of this Notice you are a PARTY to this proceeding before the Forest Practices Appeals Board.

You will be notified of the time and place of hearing and you may argue in favor of your application under the Rules of Procedure found in chapter 223-08 WAC.

Your failure to participate in this proceeding may deprive you of a hearing altogether as the Forest Practices Appeals Board will not permit additional proceedings among the same parties concerning the same forest practices.

INSTRUCTIONS:

1. The application involved as well as the department's Notice of Approval shall be attached to this Notice.

2. Where only portions of an application are appealed, the county shall specify precisely the portions appealed.

3. Requests for the suspension of department approval pending an appeal shall be made separately by motion or affidavit. (See WAC 223-08-085(2))

FORM 3 - For commencing the proceeding described in WAC 223-08-085(3):

NOTICE

COMMENCING A PROCEEDING Before the FOREST PRACTICES APPEALS BOARD State of Washington

Date

Name of Appellant

Mailing Address

Residence or principal place of business if different from mailing address

APPEAL OF STOP-WORK ORDER

Represented by:

Name of Representative

Mailing Address

Telephone Number

1. This proceeding is authorized by RCW 76.09.080 (2)(d).

2. The appellant hereby elects a formal/an informal hearing. (See WAC 223-08-155)

3. A short and plain statement of the grounds upon which the appellant believes the stop-work order is unlawful. Statutes, regulations or applications referred to shall be precisely cited.

4. A demand for the relief to which the appellant deems himself entitled.

Copies of this Notice were served upon:

(1) Department of Natural Resources (date) (2) Others (dates) (See WAC 223-08-075)

I/We have read the above and believe the contents to be true.

Signed, Appellant and/or

Signed, Appellant and/or

Signed, Representative

INSTRUCTIONS:

1. Where the appealed stop-work order or this Notice cites a forest practices application, the same shall be attached to this Notice.

2. Requests for discontinuance of the stop-work order appealed, pending the outcome of the proceeding, shall be made separately by motion or affidavit. (See WAC 223-08-085(3))

3. Appellant shall sign where indicated except where unavailable to do so, and in any event petitioner's representative shall sign.

FORM 4 - For commencing the proceeding described in WAC 223-08-085(4):

NOTICE

COMMENCING A PROCEEDING Before the FOREST PRACTICES APPEALS BOARD State of Washington

Date

Name of Appellant
Mailing Address:
Residence or Principal
Place of Business if
Different from Mailing
Address
Represented by:
Name of Representative
Mailing Address
Telephone Number

APPEAL OF
NOTICE
TO COMPLY

- 1. This proceeding is authorized by RCW 76.09.090.
2. The appellant has had a hearing before the Department of Natural Resources on date and a copy of the final decision issued after such hearing is attached.
3. A short and plain statement of the grounds upon which the appellant believes the Notice to Comply is unlawful. Statutes, regulations or applications referred to shall be precisely cited.

4. A demand for the relief to which the appellant deems himself entitled.

Copies of this
Notice were served
upon:
(1) Department of
Natural Resources
(date)
(2) Others (dates)
(See WAC 223-08-075)

I/We have read the
above and believe the
contents to be true.

Signed,
Appellant and/or

Signed,
Representative

Signed,
Appellant and/or
Signed, Representative

- INSTRUCTIONS:
1. A copy of the final decision of the department issued after a hearing before the department shall be attached to this Notice.
2. Where the appealed Notice to Comply, the department's final decision, or this Notice cites a forest practices application, the same shall be attached to this Notice.
3. Appellant shall sign where indicated except where unavailable to do so, and in any event appellant's representative shall sign.

FORM 5 - For commencing the proceeding described in WAC 223-08-085(5):

NOTICE
COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

Date

Name of Appellant
Mailing Address
Residence or Principal
Place of Business
if Different from
Mailing Address
Represented by:
Name of Representative
Mailing Address
Telephone Number

APPEAL OF
PENALTY

- 1. This proceeding is authorized by RCW 76.09.170.
2. The appellant hereby elects a formal/an informal hearing. (See WAC 223-08-155)
3. The appellant has/has not applied in writing to the Department of Natural Resources.
4. A short and plain statement of the grounds upon which the appellant believes the penalty imposed is unlawful or excessive. Statutes, regulations or applications referred to shall be precisely cited.

5. A demand for the relief to which the appellant deems himself entitled.

Copies of this
Notice were served
upon:
(1) Department of
Natural Resources
(Date)
(2) Others (Dates)
(See WAC 223-08-075)

I/We have read the
above and believe the
contents to be true.

Signed,
Appellant and/or

Signed,
Representative

Signed,
Appellant and/or
Signed, Representative

- INSTRUCTIONS:
1. A copy of the department's notice imposing the penalty appealed shall be attached to this Notice.
2. Where the appellant has applied to the department for remission or mitigation of the penalty appealed, copies of the appellant's application and the department's disposition shall be attached to this Notice.
3. Where the Notice or any document required to be attached cites a forest practices application, the same shall be attached to this Notice.
4. Appellant shall sign where indicated except where unavailable to do so, and in any event appellant's representative shall sign.

FORM 6 - For commencing the proceeding described in WAC 223-08-085(6):

NOTICE
COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

Date

Department of Natural Resources
Public Lands Building
Olympia, Washington 98504
Represented by:
Name of Representative
Mailing Address
Telephone Number

DEPARTMENT
APPEAL OF
COUNTY
OBJECTIONS

- 1. This proceeding is authorized by RCW 76.09.050(7).
2. The department hereby elects a formal/an informal hearing. (See WAC 223-08-155)
3. The attached objections, concerning the attached forest practices application, were received by the department from name County on date.
4. A short and plain statement of the grounds upon which the department believes that the county objections are unfounded. Authority shall be precisely cited.
5. A demand for the relief to which the department deems itself entitled.

Copies of this
Notice were served
upon:
(1) Name of County
(date)
(2) Attorney
General (date)
(3) Applicant (date)
(See WAC 223-08-075)

I/We have read the
above and believe the
contents to be true.

Signed,
Representative(s)

Signed, Representative(s)

ATTENTION: (Name of Applicant)

Upon receipt of this Notice you are a PARTY to this proceeding before the Forest Practices Appeals Board.

You will be notified of the time and place of hearing and you may argue in favor of your application under the Rules of Procedure found in chapter 223-08 WAC.

Your failure to participate in this proceeding may deprive you of a hearing altogether as the Forest Practices Appeals Board will not permit additional proceedings among the same parties concerning the same forest practices.

INSTRUCTIONS:

- 1. Copies of the appealed county objections and the forest practices application to which they pertain shall be attached to this Notice.
2. A copy of the appealed county objections shall accompany the copy of this Notice served upon the applicant pursuant to WAC 223-08-075.

FORM 7 - For commencing the proceeding described in WAC 223-08-085(7):

NOTICE
COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

Date

Name of Appellant
Mailing Address

Residence or principal
place of business if
different from mailing
address

APPEAL OF
DEPARTMENT
APPROVAL OR
DISAPPROVAL

Represented by:

Name of Representative
Mailing Address
Telephone Number

- 1. This proceeding is authorized by RCW 76.09.220(9).
2. The appellant hereby elects a formal/an informal hearing. (See WAC 223-08-155)
3. The attached forest practices application was approved/disapproved by the Department of Natural Resources on date.
4. A short and plain statement of the grounds upon which the appellant believes the approval or disapproval is improper. Authority shall be precisely cited.
5. A demand for the relief to which the appellant deems himself entitled.

Copies of this
Notice were served
upon:

- (1) Department of
Natural Resources
(date)
(2) Attorney
General (date)
(3) Applicant
(dates)
(See WAC 223-08-075)

I/We have read the
above and believe the
contents to be true.

Signed,
Appellant and/or

Signed,
Representative

Signed, Appellant and/or

Signed, Representative

ATTENTION: (Name of Applicant)

Upon receipt of this Notice you are a PARTY to this proceeding before the Forest Practices Appeals Board.

You will be notified of the time and place of hearing and you may argue in favor of your application under the Rules of Procedure found in chapter 223-08 WAC.

Your failure to participate in this proceeding may deprive you of a hearing altogether as the Forest Practices Appeals Board will not permit additional proceedings among the same parties concerning the same forest practices.

INSTRUCTIONS:

- 1. A copy of the forest practices application involved shall be attached to this Notice.
2. The appellant shall sign where indicated except where unavailable to do so, and in any event the appellant's representative shall sign.

FORM 8 - For commencing the proceeding described in WAC 223-08-085(8).

NOTICE
COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

Date

Name of Petitioner
Mailing Address

Residence or principal
place of business
within the state if
different from mailing
address

PETITION
FOR A
DECLARATORY
RULING

Represented by:

Name of Representative
Mailing Address
Telephone Number

- 1. This proceeding is authorized by RCW ((34.04.080)) 34.05.240.
2. State all rules or statutes brought into issue by this Notice.
3. State the facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of the state.
4. State the relief demanded.

Copies of this
Notice were served
upon:

- (1) Department of
Natural Resources
(date)
(2) Others
(dates)
(See WAC 223-08-075)

Verification

Signed, Petitioner and/or

Signed, Representative

INSTRUCTIONS:

- 1. The petitioner shall sign where indicated except where unavailable to do so, and in any event the petitioner's representative shall sign.
2. This Notice shall be verified in the manner prescribed for certification of complaints in the Superior Courts of this state.
3. This Notice shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size.

FORM 9 - For commencing the proceeding described in WAC 223-08-085(9).

NOTICE
COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

Date

Name of Petitioner

Mailing Address

Residence or principal place of business within the state if different from mailing address

Represented by

Name of Representative

Mailing Address

Telephone Number

PETITION FOR
ADOPTION
AMENDMENT
REPEAL
OF RULE

1. This proceeding is authorized by RCW ((34.04.060)) 34.05.330.
2. State whether petition is for rule adoption, amendment or repeal.
3. If adoption or amendment is sought, state the desired new rule in its entirety. Where amendment is sought, new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. If repeal is sought, the rule proposed to be repealed shall be set forth in its entirety or referred to by rule number.
4. State concisely the reasons for the action sought.
5. State the interest of the petitioner in the subject matter of the rule.

Signed, Petitioner and/or

Signed, Representative

INSTRUCTIONS:

1. The petitioner shall sign where indicated except where unavailable to do so, and in any event the petitioner's representative shall sign.
2. This Notice shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 4/13/82)

WAC 223-08-085 COMMENCING AN APPEAL—TYPES AND TIME LIMITS. Every proceeding before the appeals board or its chairman shall be commenced by filing with the appeals board a notice substantially in compliance with one of the forms numbered one through nine in WAC 223-08-080. Each such original notice shall be accompanied by four copies except that failure to file said copies shall not alone impair commencement of the proceeding.

There shall be the following types of proceedings before the appeals board or its chairman, and they shall be commenced within the following periods of time:

(1) The department of ecology may petition the chairman of the appeals board for an order directing the department to immediately issue a stop-work order or notice to comply or to impose a penalty. This petition shall be filed at the principal office of the appeals board and the appeals board shall notify both departments of the time and place of a hearing upon the petition.

After opportunity for hearing, the chairman shall grant or deny the petition within forty-eight hours from the time of filing with the appeals board or the service of a copy of the petition upon the department, whichever is later. Such action by the chairman shall be based solely on the hearing record and argument and shall be embodied in a written order setting out the conclusions upon which it is based. The order shall be filed at the principal office of the appeals board and copies shall be served upon the parties. (See RCW 76.09.100)

(2) The county may appeal within thirty days any department approval of an application with respect to any lands within its jurisdiction. The applicant shall be a party to all county appeals of department approvals. (See RCW 76.09.050(8))

(Where any county so appealing seeks a temporary suspension of the department's approval, in whole or in part, pending such appeal, the following procedure shall apply:

(a) The county shall file with the appeals board a motion supported by sworn affidavit setting forth specific facts supporting a conclusion that the department's approval has created a potential for immediate and material damage to a public resource. Such motion may be filed with the county notice commencing the appeal or at any time thereafter prior to the final decision of the appeal by the appeals board.

(b) Upon receipt of said county's motion, the presiding officer shall schedule a hearing and serve notice of such hearing on all parties to

the appeal. Before or after the commencement of said hearing the presiding officer may order the hearing of the merits to be consolidated with said hearing.

(c) After hearing, the appeals board shall temporarily suspend the department's approval, in whole or in part, or shall decline to suspend. Such action shall be based solely on the record and hearing argument, and shall be embodied in a written order. Orders issued under this subsection (c) shall remain effective until the final decision of the appeals board unless sooner dissolved for good cause shown.

(d) In emergency situations, a temporary suspension in whole or in part may be granted by the presiding officer without a hearing, only if it clearly appears from specific facts shown by the county's affidavit that there exists potential for immediate and material damage to a public resource before any adverse party can be heard in opposition. A temporary suspension granted without a hearing shall be embodied in a written order and shall expire by its terms within such time after entry, not to exceed ten days, as provided therein unless within the time so fixed the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period. The reasons for the extension shall be entered of record. On two days notice to the party who obtained the temporary suspension without notice or on such shorter notice to that party as the presiding officer may prescribe, the adverse party may appear and move its dissolution or modification and in that event the presiding officer shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

(e) Every order temporarily suspending the department's approval of an application, whether issued before or after hearing, shall set forth the reasons for its issuance and shall describe in reasonable detail the scope of the approval which is suspended, and shall be filed at the principal office of the appeals board, and shall be binding upon all parties to the appeal, their officers, agents, servants, employees and attorneys and upon those persons in active concert or participation with them who receive actual notice of the order. (See RCW 76.09.050(8))

(3) An operator, timber owner or forest land owner subject to a stop work order (RCW 76.09.080) may commence an appeal to the appeals board within fifteen days after service upon the operator. (See RCW 76.09.080 (2)(d))

(Where any person so appealing seeks temporary discontinuance of the stop work order, in whole or in part, pending the outcome of the proceeding, the following procedures shall apply:

(a) The stop order appellant shall file with the appeals board a motion setting forth specific facts supporting a conclusion that the discontinuance being sought would in no way create a potential for immediate and material damage to the public resource or result in other immediate and irreparable harm. Such motion may be filed with the appellant's notice commencing the appeal or at any time thereafter prior to the final decision of the appeal by the appeals board.

(b) Upon receipt of said appellant's motion, the presiding officer shall schedule a hearing and serve notice of such hearing on all parties to the appeal.

(c) After hearing, the appeals board shall temporarily discontinue the department's stop work order, in whole or in part, on such conditions as it may impose, or shall decline to discontinue. Such action shall be based solely on the hearing argument, and shall be embodied in a written order. Orders issued under this subsection (c) shall remain effective until the final decision of the appeals board unless sooner dissolved for good cause shown.

(d) In emergency situations, a temporary discontinuance in whole or in part on such conditions as the presiding officer imposes may be granted without a hearing, only if it clearly appears from specific facts shown by the appellant's affidavit that no material damage to a public resource or other irreparable harm will result before any adverse party can be heard in opposition. A temporary discontinuance granted without a hearing shall be embodied in a written order and shall expire by its terms within such time after entry, not to exceed ten days, as provided therein unless within the time so fixed the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period. The reasons for the extension shall be entered of record. On two days notice to the party who obtained the temporary suspension without notice or on such shorter notice to that party as the presiding officer may prescribe, the adverse party may appear and move its dissolution or modification and in that event the presiding officer shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

~~(c) Every order temporarily discontinuing a stop work order, whether issued before or after a hearing, shall set forth the reasons for its issuance and shall describe in reasonable detail the elements of the stop work order which are discontinued, and shall be filed at the principal office of the appeals board, and shall be binding on all parties to the appeal, their officers, agents, servants, employees and attorneys and upon those persons in active concert or participation with them who receive actual notice of the order. (See RCW 76.09.080 (2)(d))~~

(4) An operator, timber owner or forest landowner subject to a notice to comply (RCW 76.09.090) shall first request, within fifteen days after the date of service of such notice, a hearing thereon before the department. The final order of the department issued after such hearing may then be appealed to the appeals board within thirty days after such final order takes effect. (See RCW 76.09.090)

(5) All persons subject to a penalty under RCW 76.09.170 may appeal such penalty to the appeals board within thirty days of receipt of notice imposing any penalty, unless an application for remission or mitigation is made to the department. When such an application is made, such appeals shall be filed within thirty days of receipt of notice from the department setting forth the disposition of the application. (See RCW 76.09.170)

(6) The department may appeal county objections to the appeals board within thirty days of notice to the department of such objections. The applicant shall be a party to all department appeals of county objections. (See RCW 76.09.050(7))

(7) Any person aggrieved by the approval or disapproval of an application to conduct a forest practice may seek review from the appeals board by filing a request for the same within thirty days of the approval or disapproval. The applicant shall be a party to this proceeding. (See RCW 76.09.220(9))

(8) See WAC 223-08-270.

(9) See WAC 223-08-275.

NEW SECTION

WAC 223-08-087 COMMENCING AN APPEAL—TEMPORARY SUSPENSION OR DISCONTINUANCE. Any county appealing under RCW 76.09.050(8) or any person aggrieved appealing under RCW 76.09.220(8) may seek a temporary suspension of the department's approval, in whole or in part, pending such appeal. Any operator, timber owner, or forest land owner appealing under RCW 76.09.080 may seek temporary discontinuance of the stop work order, in whole or in part, pending such appeal. The following procedure shall apply:

(1) The appellant shall file with the appeals board a motion, supported by affidavit setting forth specific facts supporting a temporary suspension or discontinuance. Such motion may be filed with the notice commencing the appeal or at any time thereafter prior to the final decision of the appeal by the appeals board.

(2) Upon receipt of said motion, the presiding officer shall schedule a hearing and serve notice of such hearing on all parties to the appeal. Before or after the commencement of said hearing the presiding officer may order the hearing of the merits to be consolidated with said hearing.

(3) After hearing, the presiding officer shall temporarily suspend the department's approval, or temporarily discontinue the stop work order in whole or in part, or shall decline to suspend or discontinue. Such action shall be based solely on the record and hearing argument, and shall be embodied in a written order. Orders issued under this subsection shall remain effective until the final decision of the appeals board unless sooner dissolved for good cause shown.

(4) In emergency situations, a temporary suspension or discontinuance in whole or in part may be granted by the presiding officer without a hearing(:(:)), only if it clearly appears from specific facts shown by affidavit that immediate and irreparable injury, loss, or damage will result to the moving party before any adverse party can be heard in opposition. A temporary suspension or discontinuance granted without a hearing shall be embodied in a written order and shall expire by its terms within such time after entry, not to exceed fourteen days, as provided therein unless within the time so fixed the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period. The reasons for the extension shall be entered of record. On two days' notice to the party who obtained the temporary suspension or discontinuance without notice or on such shorter notice to that party as the presiding officer may prescribe, the adverse party may appear and move its dissolution or modification and in that event the

presiding officer shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

(5) Every order temporarily suspending the department's approval of an application, or temporarily discontinuing a stop work order, whether issued before or after hearing, shall set forth the reasons for its issuance and shall describe in reasonable detail the scope of suspension or discontinuance and shall be filed at the principal office of the appeals board and shall be binding upon all parties to the appeal, their officers, agents, servants, employees, and attorneys and upon those persons in active concert of participation with them who receive actual notice of the order.

(6) Except as otherwise provided by statute, no temporary suspension or discontinuance shall issue except upon the giving of security by the moving party, in such sum as the presiding officer deems proper, for payment of such costs and damages as may be incurred or suffered by any party who is found to have wrongfully obtained the suspension or discontinuance. No such security shall be required of the United States or of an officer or agency thereof. Pursuant to RCW 4.92.080 no security shall be required of the state of Washington, municipal corporations, or political subdivisions of the state of Washington.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 4/13/82)

WAC 223-08-095 COMMENCING AN APPEAL—AMENDMENT OF NOTICE. Prior to or during the (~~scheduling of the first~~) prehearing conference, the party appealing may amend the notice commencing a proceeding at any time; thereafter, such amendment may be made on such terms as the (~~appeals board or~~) presiding officer may prescribe, (~~and the presiding officer may, when deemed necessary, in justice to all parties, require correction, clarification or amendment of a notice of appeal before allowing any hearing thereon to proceed or may issue an order requiring such correction, clarification or amendment to be made within a specified time, and if such requirement is not complied with, the appeals board may issue an appropriate order which may include dismissal of the appeal~~) in accordance with the prehearing order.

NEW SECTION

WAC 223-08-097 INTERVENTION. (1) The presiding officer may grant a petition for intervention at any time, upon determining that the petitioner qualifies as an intervenor pursuant to Civil Rule 24.

(2) If a petitioner qualifies for intervention, the presiding officer may impose conditions upon the intervenor's participation in the proceedings, either at the time that intervention is granted or at any subsequent time.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-100 PREHEARING CONFERENCES(~~(=TWO TYPES)~~). (~~Conferences shall be of two types: Informal and prehearing.)~~ (1) The purpose of a prehearing conference shall be:

(a) To determine the feasibility of a settlement of the appeal or, failing settlement;

(b) To prepare the case for hearing by identification of issues, witnesses, exhibits, stipulations, admissions, and scheduling for incorporation in a prehearing order.

(2) The presiding officer may convene a prehearing conference in each appeal upon seven days' notice mailed to each party.

(3) Any agreement concerning final disposition of the appeal reached at a prehearing conference shall be noted by the presiding officer. Counsel shall then present an agreed order implementing the agreement. If the agreement is in accordance with law, the appeals board shall enter the agreed order disposing of the appeal.

(4) If any party fails to appear at a prehearing conference, the presiding officer may suspend setting a hearing or may continue or deny continuance of a hearing already set or may otherwise restrict the time or location of hearing.

(5) At the conclusion of a prehearing conference which has not resulted in settlement, the presiding officer shall enter a prehearing order. This shall include a statement of issues and lists of witnesses and exhibits or provision for filing such lists and any other matters which may bear on the preparation for hearing. The issues stated in the prehearing order shall control the subsequent course of the proceedings, unless modified for good cause by subsequent order.

NEW SECTION

WAC 223-08-107 PREHEARING PROCEDURES—TELEPHONE. Any conference or motion hearing, or any part thereof, may be conducted by telephone conference call. Upon a timely request, or on its own motion, the board or its presiding officer may schedule such conference or hearing if it appears to promote the fair, speedy, and economical processing of a matter compatible with this procedure.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 4/13/82)

WAC 223-08-150 HEARING—TYPES OF HEARINGS. The statute creating the appeals board contemplates two kinds of hearings, informal and formal, without any indication as to what the distinction should be, but with different provisions for the judicial review of the final decision of the appeals board. The procedure in conducting these two types of hearings shall be the same. The final decision of the appeals board entered after an informal hearing shall be no less binding upon the parties than a final decision entered after a formal hearing.

Judicial review of an appeals board's final decision entered after a formal hearing shall be pursuant to RCW ~~((34.04.130))~~ 34.05.510 through 34.05.598.

Judicial review of an appeals board's final decision entered after an informal hearing shall be ~~((pursuant to terms of RCW 34.04.130 except that such review shall be))~~ de novo.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 4/13/82)

WAC 223-08-160 HEARING—NOTICE OF. The appeals board shall serve a written notice of hearing on appeal to all parties not less than ~~((twenty))~~ seven days prior to the date thereof unless otherwise provided by law.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 4/13/82)

WAC 223-08-165 HEARING—CONTINUANCE, ~~((POSTPONEMENT))~~ AND DISMISSAL/DEFAULT. (1) Continuance.

~~((a) Pursuant to agreements at prehearing conference. If agreement is reached at a prehearing conference, continuances shall be granted in accordance with such agreement and no written application therefor shall be required.~~

~~(b) Requests prior to hearing. If, prior to the hearing date, a party is not able to present all such evidence at the scheduled hearing, such party shall file a written request for continuance with the appeals board setting forth the reasons therefor as soon as such reasons are known. Copies of such requests shall be simultaneously furnished to all other parties to the proceeding, any of whom may controvert the need of a continuance by filing a writing with the appeals board prior to the hearing.~~

~~(c) Requests at time of hearing. If reasons requiring continuance of a hearing are not known in time to permit compliance with subsection (b) of this section, application thereof may be made orally at the hearing. Any other party to the proceeding may then controvert the need of a continuance.~~

~~(2) Hearing postponement. Every request for postponement of a hearing shall state precisely the reasons therefor, and may be decided by the appeals board with or without hearing at the appeals board's election. Any party may request a postponement of hearing within twelve days of his receipt of the notice of hearing. Such request shall be made in writing filed with the appeals board. If the request is granted, all parties shall be notified of the postponement by the appeals board.~~

~~Requests for postponement made after the twelve-day period shall also be in writing unless time is insufficient to allow service upon all other parties prior to the hearing sought to be postponed. In that event only may the appeals board and all other parties be informed of the request orally. Requests made after the twelve-day period, whether written or oral, shall be granted only in exceptional circumstances to prevent manifest injustice.~~

~~The appeals board may postpone a hearing upon its own motion and shall notify all parties.~~

In all cases of postponement, subsequent hearings shall be scheduled in accordance with WAC 223-08-170.) Continuance of a hearing is within the discretion of the appeals board whether contested or uncontested by the parties. The appeals board may continue a hearing upon its own motion.

~~((3))~~ (2) Dismissal, default.

(a) The appealing party may request to voluntarily withdraw an appeal orally at any conference or hearing and at any other time by filing a written request with the appeals board and serving a copy simultaneously upon all persons entitled to service of the notice commencing the proceeding. ~~Requests before ((or during hearing)) the appealing party rests after his opening case shall be granted. Requests after ((hearing)) the appealing party rests after his opening case may be granted or denied at the discretion of the appeals board.~~

(b) Whenever an appealing party fails to appear at a scheduled hearing without voluntarily withdrawing or obtaining a ~~((postponement))~~ continuance, the appeal shall be dismissed except to prevent manifest injustice. The appealing party may request that the appeals board vacate such order of dismissal by filing a writing under oath with the appeals board, within ten days of the date of such order, showing good cause for failure to appear. Upon a finding that good cause has been shown, the appeals board shall vacate the dismissal and set a subsequent hearing.

(c) Whenever a respondent fails to appear at a scheduled hearing without obtaining a ~~((postponement))~~ continuance, the appeals board shall enter, upon presentation of a prima facie case, a default order granting the relief requested by the appealing party except where manifest injustice would result. The respondent may request that the appeals board vacate such default order by filing with the appeals board, within ten days of the date of such order, a writing under oath showing good cause for failure to appear and a meritorious position in the case. Upon a finding that good cause and a meritorious argument have been shown, the appeals board shall vacate the default order and set a subsequent hearing.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 4/13/82)

WAC 223-08-175 HEARING—PROCEDURES AT. (1) Presiding officer. All hearings shall be conducted by one presiding officer who shall conduct the hearing in an orderly manner and rule on all ~~((procedural matters, objections and motions))~~ matters except the final decision.

(2) Order of presentation of evidence. ~~((A))~~ The presiding officer shall determine the proper order of presentation of evidence. As a general rule, the appealing party shall initially introduce all evidence in his case-in-chief, except that in case of an appeal from an order assessing a penalty the department shall initially introduce all evidence necessary to their cases-in-chief. The responding parties may then introduce the evidence necessary to their case-in-chief. Rebuttal evidence will then be received.

Witnesses may be called out of turn in contravention of this rule only by agreement of all parties, or by order.

(3) Opening statements. ~~Unless ((a))~~ the presiding officer rules otherwise, all parties shall present an oral opening statement setting out briefly ~~((a statement of))~~ the basic facts, disputes, and issues of the case.

(4) Written statement of qualifications of expert witnesses. Any party who plans to introduce the testimony of any expert witness at the hearing may offer into evidence at hearing a written statement of the qualifications, experience, and expertise of each such expert witness. Such written statements may be required by the presiding officer.

(5) Former employee as an expert witness. No former employee of the department shall, at any time after severing employment with the department, appear, except with the written permission of the department, as an expert witness on behalf of other parties in a proceeding wherein he previously took an active part in the investigation as a representative of the department.

(6) Objections and motions to strike. Objections to the admission or exclusion of evidence shall be in short form, stating the legal grounds of objection relied upon, and the transcript shall not include extended argument or debate.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-185 HEARING—RULES OF EVIDENCE. ~~((Subject to the other provisions of these rules, a presiding officer may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. The rules of privilege recognized by law shall be given effect. Incompetent, irrelevant, immaterial and unduly repetitious evidence may be excluded.))~~ (1) Evidence, including hearsay evidence, is admissible if in the judgment of the presiding officer it is the kind of

evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. The presiding officer 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 presiding officer may exclude evidence that is irrelevant, immaterial, or unduly repetitious.

(2) If not inconsistent with subsection (1) of this section, the presiding officer shall refer to the Washington Rules of Evidence as guidelines for evidentiary rulings.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-215 HEARING—RECORD. The record before the appeals board shall consist of the decision or order appealed from, the notice commencing the proceeding, responsive pleadings, if any, and notices of appearances, and any other written applications, motions, stipulations, requests, briefs or exceptions duly filed by any party and written (~~reports or~~) orders of the presiding officer. Such record shall also include all depositions, if they are admitted at the hearing, a record of every oral proceeding, together with all exhibits admitted. No part of the department's record or other documents shall be made part of the record of the appeals board unless admitted in evidence.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 4/13/82)

WAC 223-08-220 HEARING—TRANSCRIPTS. The (~~following shall be the policy of the appeals board with regard to transcription of the record:~~

(1) Except as provided in subsection (2) of this section, the appeals board will not pay for transcription of the oral record when the same is to be transmitted to the superior court upon appeal of the appeals board's decision. It shall be the obligation of the party appealing to superior court to order a transcript from the appeals board reporter and to assume the cost of same. The appeals board will transmit to the superior court a transcript thus prepared and made available.

(~~2) If less than two members of the appeals board are present at hearing and if exceptions to the proposed decision of the appeals board have been timely filed as provided in WAC 223-08-235, the appeals board shall order and assume the cost of a transcript for consideration as described in RCW 34.04.110. At its sole discretion the appeals board may order and assume the cost of a transcript at anytime. In the event that the appeals board decision is appealed to superior court, a transcript ordered by the appeals board under this subsection (2) will be transmitted to the superior court without cost to the party appealing. Any party may obtain a copy of a transcript ordered by the appeals board under this subsection (2) upon payment of the reasonable costs thereof.~~)

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 4/13/82)

WAC 223-08-250 DECISION—FINAL DECISION(~~(=NO PROPOSED DECISION)~~). (1) Whenever a majority of the appeals board has heard or read the evidence, and upon submission of the issues for decision, a written decision may be agreed to and signed by two or more members. Such decision shall be the final decision of the appeals board: PROVIDED, That when two members of the appeals board have heard or read the evidence and those members cannot agree upon a decision, the third member shall hear or read the evidence (~~which shall include a hearing transcript, at appeals board expense;~~) and the third member shall render a decision thereon except where that member is disqualified or the position is vacant: AND PROVIDED FURTHER, That if two members cannot agree on a decision in any case the action reviewed by the appeals board shall be affirmed in those cases where the appealing party has the burden of proof.

(2) Every final decision rendered by the appeals board shall contain findings and conclusions as well as the appeals board order based thereon.

(3) Every final decision rendered by the appeals board shall be effective upon filing at the appeals board's principal office and shall be open to public inspection at all reasonable times.

(4) Copies of every final decision rendered by the appeals board shall be mailed by the appeals board to each party to the appeal. Service upon the attorney or other representative, of record, shall constitute service upon the party.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-255 (~~DECISION—FINAL DECISION~~) PETITION FOR RECONSIDERATION. (~~(1) Every final decision rendered by the appeals board shall be agreed upon and signed by at least two members and shall contain findings and conclusions as to each contested issue of fact and law as well as the appeals board order based thereon.~~

(2) Every final decision rendered by the appeals board shall be effective upon filing at the appeals board's principal office and shall be open to public inspection at all reasonable times.

(3) Copies of every final decision rendered by the appeals board shall be mailed by the appeals board to each party to the appeal.)

(1) When the hearing on the appeal has been concluded, a written final decision and order shall issue.

(2) After issuance of a final decision, any party may file a petition for reconsideration with the board. Such petition must be filed within ten days of mailing of the final decision. The board may require an answer to the petition. Copies of the petition for reconsideration, and an answer, if required, shall be served on the other parties of record.

(3) The filing of a petition for reconsideration does not stay the effectiveness of the final decision of the board.

(4) In response to a petition for reconsideration, the board may deny it, or may reverse or modify its decision or may reopen the hearing. The board is deemed to have denied the petition if, within twenty days from the date the petition is filed, the board does not act on the petition or specify a date by which it will act on the petition.

(5) The time for filing a petition for judicial review does not commence until disposition of the petition for reconsideration. However, the filing of a petition for reconsideration is not a prerequisite for seeking judicial review.

NEW SECTION

WAC 223-08-257 APPEALS TO THE COURTS—CERTIFICATION OF RECORD. Upon receipt of a copy of the notice of appeal to the superior court, the appeals board will certify the record. This will not include a transcript until the appealing party arranges printing of the transcript and assumes its cost.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-270 DECLARATORY RULING—PETITION. (1) Right to petition for declaratory ruling. As prescribed by RCW (~~34.04.080~~) 34.05.240, any interested person may petition the appeals board for a declaratory ruling.

(2) Form of petition. See Form 8, WAC 223-08-080.

(3) (~~Consideration of petition. The entire appeals board shall consider the petition, and within a reasonable time shall:~~

(a) Issue a nonbinding declaratory ruling; or

(b) Notify the person that no declaratory ruling is to be issued; or

(c) Set a reasonable time and place for a hearing or for submission of written evidence on the matter, and give reasonable notification to the person of the time and place for such hearing or submission, and of the issues involved;

(4) Disposition of petition. If a hearing is held or evidence is submitted as provided in subsection (3)(c) above, the appeals board shall, within a reasonable time:

(a) Issue a binding declaratory ruling; or

(b) Issue a nonbinding declaratory ruling; or

(c) Notify the person that no declaratory ruling is to be issued.) Notice of the petition. Within fifteen days of filing a petition the petitioner shall give notice of the petition to all persons to whom notice is required by law, and may give notice to any other person.

(4) Consideration and disposition. Within thirty days after receipt of a petition for a declaratory order the appeals board, in writing, shall do one of the following:

(a) Enter an order declaring the applicability of the statute, rule, or order in question to the specified circumstances;

(b) Set the matter for specified proceedings to be held no more than ninety days after receipt of the petition;

(c) Set a specified time no more than ninety days after receipt of the petition by which it will enter a declaratory order; or

(d) Decline to enter a declaratory order, stating the reasons for its action.

(5) Extension of time. The time limits of subsection (4)(b) and (c) of this section may be extended by the appeals board for good cause.

(6) Consent. The appeals board may not enter a declaratory order that would substantially prejudice the rights of a person who would be a necessary party and who does not consent in writing to the determination of the matter by a declaratory order proceeding.

(7) A declaratory order has the same status as any other order entered in an adjudicative proceeding. Each declaratory order shall contain the names of all parties to the proceeding on which it is based, the particular facts on which it is based, and the reasons for its conclusions.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-275 RULE MAKING—PETITION. (1) Right to petition for rule making. As prescribed by RCW (~~34.04.060~~) 34.05-.330, any interested person may petition the appeals board for the promulgation, amendment, or repeal of any rule.

(2) Form of petition. See Form 9, WAC 223-08-080.

~~(3) ((Consideration of petitions. All petitions shall be considered by the entire appeals board within thirty days after submission or at the next meeting of the appeals board if it does not meet within thirty days. The appeals board may hold public hearings on the necessity or desirability of the rule changes petitioned.~~

~~(4))~~ Notification of disposition of petition. Within ~~((thirty))~~ sixty days after ~~((its consideration of the))~~ submission of a petition, the appeals board shall either deny the petition in writing (stating its reasons for the denial) or initiate rule-making proceedings in accordance with chapter 34.05 RCW (~~(34.04.025)~~).

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 223-08-015 BOARD ADMINISTRATION—MEETINGS.
- WAC 223-08-105 CONFERENCES—INFORMAL CONFERENCE, PURPOSE.
- WAC 223-08-110 CONFERENCES—INFORMAL CONFERENCE, WHEN HELD.
- WAC 223-08-115 CONFERENCES—INFORMAL CONFERENCE, AGREEMENTS.
- WAC 223-08-120 CONFERENCES—PREHEARING CONFERENCE, PURPOSE.
- WAC 223-08-125 CONFERENCES—PREHEARING CONFERENCE, WHEN HELD.
- WAC 223-08-130 CONFERENCES—PREHEARING CONFERENCE, DOCUMENTS.
- WAC 223-08-135 CONFERENCES—PREHEARING CONFERENCE, INFORMATION.
- WAC 223-08-140 CONFERENCES—PREHEARING CONFERENCE, AGREEMENTS.
- WAC 223-08-147 HEARING—ASSIGNMENT DAY—TIME.
- WAC 223-08-170 HEARING—SETTING SUBSEQUENT HEARINGS.
- WAC 223-08-225 DECISION—PROPOSED DECISIONS.
- WAC 223-08-240 DECISION—WHERE NO EXCEPTIONS FILED.
- WAC 223-08-245 DECISION—FINAL DECISION—PROPOSED DECISION.

WSR 90-16-055
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD
 [Filed July 27, 1990, 10:42 a.m.]

Original Notice.

Title of Rule: Chapter 250-14 WAC, State Environmental Policy Act (SEPA).

Purpose: The purpose of this chapter is to comply with the provisions of chapter 43.21C RCW, the State Environmental Policy Act (SEPA) and chapter 197-11 WAC, Guidelines for SEPA implementation.

Statutory Authority for Adoption: Chapter 43.21C RCW.

Statute Being Implemented: Chapter 43.21C RCW.

Summary: To establish that capital projects proposed and developed or participated in by the Higher Education Coordinating Board shall comply with the provisions of SEPA.

Reasons Supporting Proposal: Required by chapter 43.21C RCW.

Name of Agency Personnel Responsible for Drafting: Daniel W. Keller, Higher Education Coordinating Board, 917 Lakeridge Way, Olympia, 98504, (206) 753-1765; Implementation and Enforcement: Ann Daley, Higher Education Coordinating Board, 917 Lakeridge Way, Olympia, 98504, (206) 753-3243.

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: To specify in rule that the Higher Education Coordinating Board will comply with the provisions of the State Environmental Policy Act.

Proposal does not change existing rules.

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

Hearing Location: Higher Education Coordinating Board, 1st Floor Conference Room, 917 Lakeridge Way, Olympia, WA 98504, on September 5, 1990, at 10:00 a.m.

Submit Written Comments to: Ann Daley, by August 30, 1990.

Date of Intended Adoption: September 19, 1990.

July 24, 1990
 Daniel W. Keller
 Associate Director
 for Finance

CHAPTER 250-14 WAC
 STATE ENVIRONMENT POLICY ACT (SEPA)

WAC 250-14-010 Purpose and applicability.

NEW SECTION

WAC 250-14-010 PURPOSE AND APPLICABILITY. It is the policy of the Higher Education Coordinating Board that capital projects proposed and developed or participated in by the Board shall comply with the provisions of chapter 43.21C RCW, the State Environmental Policy Act (SEPA), and chapter 197-11 WAC, Guidelines for SEPA Implementation. The Executive Director of the Board is hereby designated as the responsible official for carrying out this policy.

WSR 90-16-056
NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION
 [Memorandum—July 26, 1990]

A special meeting, called in accordance with the Open Public Meetings Act, was [will be] held on August 6, 1990, in accordance with the interagency committee's

direction to consider the 1991-93 IAC state agencies' capital budget.

WSR 90-16-057
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Order 072—Filed July 27, 1990, 3:40 p.m.]

Date of Adoption: July 27, 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.

Other Authority: Chapter 18.22 RCW.

Pursuant to notice filed as WSR 90-11-096 on May 21, 1990.

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

July 27, 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)
	<u>650.00</u>
Inactive license renewal	135.00
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 90-16-058
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Order 073—Filed July 27, 1990, 3:41 p.m.]

Date of Adoption: July 25, 1990.

Purpose: Places in rule certain certificate of need decision criteria now in the state health plan, which sunsets June 30, 1990. Placement in rule is consistent with RCW 70.38.919.

Statutory Authority for Adoption: RCW 70.38.919.

Pursuant to notice filed as WSR 90-12-096 on June 5, 1990.

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

July 25, 1990
 Pam Campbell Mead
 for Kristine M. Gebbie
 Secretary

NEW SECTION

WAC 248-19-601 **KIDNEY TRANSPLANTATION.** (1) Kidney transplantation is a tertiary service as listed in WAC 248-19-231.

(2) To receive approval a kidney transplant center must meet the following standards in addition to applicable review criteria in WAC 248-19-370, 248-19-380, 248-19-390, and 248-19-400.

(a) A center shall perform at least fifteen transplants annually by the fourth year of operation.

(b) A center shall document that it will meet the requirements of membership to the United Network for Organ Sharing (UNOS) or its successor organization.

NEW SECTION

WAC 248-19-700 **AMBULATORY SURGERY.** (1) To receive approval, an ambulatory surgical facility must meet the following standards in addition to applicable review criteria in WAC 248-19-370, 248-19-380, 248-19-390, and 248-19-400.

(2) The area to be used to plan for operating rooms and ambulatory surgical facilities is the secondary health services planning area.

(3) Secondary health services planning areas are: San Juan, Whatcom, East Skagit, Whidbey-Fidalgo, Western North Olympic, East Clallam, East Jefferson, North Snohomish, Central Snohomish, East Snohomish, Southwest Snohomish, Kitsap, North King, East King, Central King, Southwest King, Southeast King, Central Pierce, West Pierce, East Pierce, Mason, West Grays Harbor, Southeast Grays Harbor, Thurston, North Pacific, South Pacific, West Lewis, East Lewis, Cowlitz-Wahkiakum-Skamania, Clark, West Klickitat, East Klickitat, Okanogan, Chelan-Douglas, Grant, Kittitas, Yakima, Benton-Franklin, Ferry, North Stevens, North Pend Oreille, South Stevens, South Pend Oreille, Southwest Lincoln, Central Lincoln, Spokane, Southwest Adams, Central Adams, Central Whitman, East Whitman, Walla Walla, Columbia, Garfield, and Asotin.

(4) Outpatient operating rooms should ordinarily not be approved in planning areas where the total number of operating rooms available for both inpatient and outpatient surgery exceeds the area need.

(5) When a need exists in planning areas for additional outpatient operating room capacity, preference shall be given to dedicated outpatient operating rooms.

(6) An ambulatory surgical facility shall have a minimum of two operating rooms.

(7) Ambulatory surgical facilities shall document and provide assurances of implementation of policies to provide access to individuals unable to pay consistent with charity care levels provided by hospitals affected by the proposed ambulatory surgical facility. The amount of an ambulatory surgical facility's annual revenue utilized to finance charity care shall be at least equal to or greater

than the average percentage of total patient revenue, other than medicare or medicaid, that affected hospitals in the planning area utilized to provide charity care in the last available reporting year.

(8) The need for operating rooms will be determined using the method identified in subsection (9) of this section.

(9) Operating room need in a planning area shall be determined using the following method:

(a) Existing capacity.

(i) Assume the annual capacity of one operating room located in a hospital and not dedicated to outpatient surgery is ninety-four thousand two hundred fifty minutes. This is derived from scheduling forty-four hours per week, fifty-one weeks per year (allowing for five weekday holidays), a fifteen percent loss for preparation and clean-up time, and fifteen percent time loss to allow schedule flexibility. The resulting seventy percent productive time is comparable to the previously operating hospital commission's last definition of "billing minutes" which is the time lapse from administration of anesthesia until surgery is completed.

(ii) Assume the annual capacity of one operating room dedicated to ambulatory surgery is sixty-eight thousand eight hundred fifty minutes. The derivation is the same as (a)(i) of this subsection except for twenty-five percent loss for prep/clean-up time and scheduling is for a thirty-seven and one-half hour week. Divide the capacity minutes by the average minutes per outpatient surgery (see (a)(vii) of this subsection). Where survey data are unavailable, assume fifty minutes per outpatient surgery, resulting in a capacity for one thousand three hundred seventy-seven outpatient surgeries per room per year.

(iii) Calculate the total annual capacity (in number of surgeries) of all dedicated outpatient operating rooms in the area.

(iv) Calculate the total annual capacity (in number of minutes) of the remaining inpatient and outpatient operating rooms in the area, including dedicated specialized rooms except for twenty-four hour dedicated emergency rooms. When dedicated emergency operating rooms are excluded, emergency or minutes should also be excluded when calculating the need in an area. Exclude cystoscopic and other special purpose rooms (e.g., open heart surgery) and delivery rooms.

(b) Future need.

(i) Project number of inpatient and outpatient surgeries performed within the hospital planning area for the third year of operation. This shall be based on the current number of surgeries adjusted for forecasted growth in the population served and may be adjusted for trends in surgeries per capita.

(ii) Subtract the capacity of dedicated outpatient operating rooms from the forecasted number of outpatient surgeries. The difference continues into the calculation of (b)(iv) of this subsection.

(iii) Determine the average time per inpatient and outpatient surgery in the planning area. Where data are unavailable, assume one hundred minutes per inpatient and fifty minutes per outpatient surgery. This excludes

preparation and cleanup time and is comparable to "billing minutes."

(iv) Calculate the sum of inpatient and remaining outpatient (from (b)(ii) of this subsection) operating room time needed in the third year of operation.

(c) Net need.

(i) If (b)(iv) of this subsection is less than (a)(iv) of this subsection, divide their difference by ninety-four thousand two hundred fifty minutes to obtain the area's surplus of operating rooms used for both inpatient and outpatient surgery.

(ii) If (b)(iv) of this subsection is greater than (a)(iv) of this subsection, subtract (a)(iv) of this subsection from the inpatient component of (b)(iv) of this subsection and divide by ninety-four thousand two hundred fifty minutes to obtain the area's shortage of inpatient operating rooms. Divide the outpatient component of (b)(iv) of this subsection by sixty-eight thousand eight hundred fifty to obtain the area's shortage of dedicated outpatient operating rooms.

NEW SECTION

WAC 248-19-701 KIDNEY DISEASE TREATMENT CENTERS. (1) To receive approval, a kidney disease treatment center must meet the following standards in addition to applicable review criteria in WAC 248-19-370, 248-19-380, 248-19-390, and 248-19-400.

(2) End stage renal disease planning areas shall be health service areas. The health service areas are as follows:

(a) Health service area I includes Clallam, Jefferson, San Juan Island, Kitsap, Pierce, King, Snohomish, Skagit, and Whatcom counties.

(b) Health service area II includes Thurston, Mason, Grays Harbor, Pacific, Wahkiakum, Lewis, Cowlitz, Clark, Skamania, and Klickitat counties.

(c) Health service area III includes Okanogan, Chelan, Douglas, Grant, Kittitas, Yakima, Benton, and Franklin counties.

(d) Health service area IV includes Ferry, Stevens, Pend Oreille, Lincoln, Spokane, Adams, Whitman, Walla Walla, Columbia, Garfield, and Asotin counties.

(3) The maximum number of dialysis stations needed in an end stage renal disease planning area shall be determined using the following data:

(a) Utilization of a dialysis station or a center.

(i) One hundred percent utilization equals twelve dialyses per week.

(ii) Eighty percent utilization equals 9.6 dialyses per week.

(iii) When determining the utilization of an existing center each station on which at least six patients have been self/home trained annually shall be deducted from the approved stations.

(iv) When determining the utilization of an existing center, the utilization rate may be reduced to seventy-five percent and seventy percent in facilities with ten percent and twenty percent peritoneal dialysis patients respectively.

(b) At the time of the application, the most recent Washington state office of financial management population data.

(c) Historical data of the Northwest renal network.

(d) The health service area's most recent three-year average shall be used for incidence, death, transplant, and home training rates.

(4) The maximum number of dialysis stations projected as needed in an ESRD planning area shall be determined using the following methodology:

(a) Identify the number of incenter patients expected in the planning area in the year in which the application is submitted.

(i) Add expected new ESRD and re-entry cases per year.

(ii) Subtract expected ESRD patient deaths per year.

(iii) Subtract expected ESRD home training patients per year.

(iv) Subtract the number of expected functional transplants per year.

(b) Calculate the number of expected dialyses by multiplying the number of incenter patients by three treatments per week.

(c) Calculate the number of dialysis stations needed in the applicant's projected third full year of operation using eighty percent utilization.

(5) All kidney disease treatment centers within a reasonable driving time must be operating at an eighty percent utilization rate before additional stations are approved.

(6) New kidney disease treatment centers must reasonably project an eighty percent utilization rate by the third year of operation.

WSR 90-16-059

PERMANENT RULES

DEPARTMENT OF HEALTH

(Chiropractic Disciplinary Board)

[Order 077—Filed July 27, 1990, 3:42 p.m.]

Date of Adoption: July 9, 1990.

Purpose: To prohibit chiropractors from using any form of electromyography.

Citation of Existing Rules Affected by this Order: Amending WAC 113-12-200 Scope of practice for chiropractors.

Statutory Authority for Adoption: RCW 18.26.110.

Pursuant to notice filed as WSR 90-08-036 on March 30, 1990.

Changes Other than Editing from Proposed to Adopted Version: The board has authorized the use of electromyography exclusively for research, and no fee may be charged for the procedure. The reason for the amendment is to protect the public until the board is assured that information and data is gathered to validate the use of electromyography.

Effective Date of Rule: Thirty days after filing.

July 9, 1990

John W. Day, D.C.
Board Chairman

AMENDATORY SECTION (Amending Order PM 765, filed 8/23/88)

WAC 113-12-200 SCOPE OF PRACTICE—REVOCATION OR SUSPENSION OF LICENSE AUTHORIZED FOR PRACTICE OUTSIDE SCOPE.

(1) The chiropractic disciplinary board finds that over the past few years there has been an increasing number of persons licensed as chiropractors who have been practicing other healing arts while holding themselves out to the public as chiropractors to the detriment of the public health and welfare of the state of Washington and contrary to the legislative directive contained in RCW 18.26.010(5). The board further finds and deems it necessary to carry out the provisions of chapter 18.26 RCW that this rule be adopted to give guidance to members of the profession, and the public, in interpreting for purposes of application by the disciplinary board of RCW 18.26.030, the scope of health care which comes within the definition of chiropractic in RCW 18.25.005 and which is authorized under a license to practice chiropractic in the state of Washington.

(2) RCW 18.25.005 defines the term "chiropractic" for purposes of chapters 18.25 and 18.26 RCW, as that practice of health care which deals with the detection of subluxations, which shall be defined as any alteration of the biomechanical and physiological dynamics of contiguous spinal structures which can cause neuronal disturbances, the chiropractic procedure preparatory to, and complementary to the correction thereof, by adjustment or manipulation of the articulations of the vertebral column and its immediate articulations for the restoration and maintenance of health; it includes the normal regimen and rehabilitation of the patient, physical examination to determine the necessity for chiropractic care, the use of x-ray and other analytical instruments generally used in the practice of chiropractic: PROVIDED, That no chiropractor shall prescribe or dispense any medicine or drug nor practice obstetrics or surgery nor use x-rays for therapeutic purposes: PROVIDED, HOWEVER, That the term "chiropractic" as defined in this act shall not prohibit a practitioner licensed under chapter 18.71 RCW from performing accepted medical procedures, except such procedures shall not include the adjustment by hand of any articulation of the spine: AND PROVIDED FURTHER, That nothing herein shall be construed to prohibit the rendering of dietary advice.

(3) The board finds that the following diagnostic techniques and procedures, by whatever name known, are not within the definition of "chiropractic" as specified in subsection (2) of this section and in RCW 18.25.005, and, consequently, a license to practice chiropractic does not authorize their use:

(a) The use of x-rays or other forms of radiation for any other reason than to x-ray the human skeleton.

(b) The use of any form of electrocardiogram.

(c) The testing and reduction to mathematical formulae of sputum and/or urine (commonly known as "Reams" testing).

(d) Hair analysis.

(e) The use of a vasculizer or plethysonograph (commonly known as plethysmography) except for research purposes.

(f) The use of iridology.

(g) The taking of blood samples.

(h) Female breast examinations.

(i) The use of any form of electromyography except for research purposes, and provided no fee is charged until proper protocol is established and approved by the chiropractic disciplinary board.

The above list is not to be considered exhaustive or to limit the board in any way from finding under the statutory definition in RCW 18.25.005 that any other diagnostic technique or procedure is outside the scope of chiropractic practice.

(4) The board finds that the following treatment modalities, by whatever name known, are not within the definition of "chiropractic" as specified in subsection (2) of this section and in RCW 18.25.005 and, consequently, a license to practice chiropractic does not authorize their use:

(a) Ultrasound, diathermy, high voltage galvanic therapy and x-rays or other radiation.

(b) Colonic irrigation.

(c) Extremity adjusting.

(d) Electrotherapy.

(e) The use of a transcutaneous electrical nerve stimulator (TENS).

(f) The use of the endonasal technique.

(g) The use of any type of casting other than light body casting.

(h) The use of meridian therapy, whether known as "acupressure," or the same type of therapy under any other names.

(i) The use of hypnosis for any other than relaxation purposes.

(j) The use of clinical herbology.

The above list is not to be considered exhaustive or to limit the board in any way from finding under the statutory definition in RCW 18.25.005 that any other treatment modalities are outside the scope of chiropractic practice.

(5) The use by a chiropractor of diagnostic techniques or procedures or treatment modalities which are outside the definition of chiropractic in RCW 18.25.005, whether or not listed in this rule, or the use by a chiropractor of any of the diagnostic techniques and procedures listed in subsection (3) of this section or the use by a chiropractor of any of the treatment modalities listed in subsection (4) of this section shall constitute unprofessional conduct under RCW 18.130.180(12) which shall be good and sufficient cause for revocation or suspension of that chiropractor's license to practice chiropractic in Washington.

WSR 90-16-060

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-61—Filed July 27, 1990, 4:47 p.m.]

Date of Adoption: July 27, 1990.

Purpose: Commercial fishing regulations.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for United States and Canadian chinook stocks. Openings in Areas 7B, 7C, 12B and 12C provide opportunity to harvest non-Indian allocation of chinook destined for the Nooksack-Samish and Hood Canal regions of origin, and to prevent wastage. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: 12:01 a.m., July 29, 1990.

July 27, 1990

Joseph R. Blum

Director

NEW SECTION

WAC 220-47-600 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 AM Sunday July 29, 1990, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:

** Areas 4B, 5, 6, 6A, 6C, 7, and 7A – Under the control of the Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.*

** Areas 7B and 7C – Gillnets using 7-inch minimum mesh may fish from 7 PM to 9:30 AM nightly, Monday, July 30 and Tuesday, July 31.*

** Areas 12B and 12C – Purse Seines using the 5-inch strip may fish from 5 AM to 9 PM daily, Monday, Tuesday, Wednesday, and Thursday, July 30, 31, August 1 and 2, and gill nets using 7-inch minimum mesh may fish from 7 PM to 9:30 AM nightly, Monday, Tuesday, Wednesday, and Thursday, July 30, 31, August 1 and 2. This opening excludes those waters of area 12B north of a line projected from Tekiu Point to Triton Head.*

** Areas 6B, 6D, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and closed areas provided for in WAC 220-47-307 except as modified herein – Closed.*

WSR 90-16-061**PROPOSED RULES****DEPARTMENT OF TRANSPORTATION**

[Filed July 30, 1990, 10:07 a.m.]

Original Notice.

Title of Rule: Chapter 468-22 WAC, County ferry franchises, tolls, and financial assistance.

Purpose: Adoption.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Statute Being Implemented: RCW 47.04.140.

Summary: Proposed action is adoption of chapter 468-22 WAC.

Reasons Supporting Proposal: This WAC provides procedures for the granting of franchises and provisions for financial assistance to counties operating ferries.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Stan Moon, Transportation Building, (206) 753-6123.

Name of Proponent: Washington State Department of Transportation, governmental.

Rule is necessary because of federal law, 23 U.S.C. § 129.

Explanation of Rule, its Purpose, and Anticipated Effects: 23 U.S.C. § 129 and RCW 47.04.140 require that counties operating ferries which receive federal aid under Title 23 of the United States Code must obtain from the department a franchise authorizing such ferry operations and approving their tolls. RCW 47.56.720 and 47.56.725 permit the department to enter into continuing agreements to provide financial assistance for counties operating ferries. The purpose of this chapter is to provide procedures for the granting of such franchises and the provision of such financial assistance.

Proposal does not change existing rules.

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

Hearing Location: Board Room 102, Transportation Building, Olympia, Washington, on September 10, 1990, at 10:00 a.m.

Submit Written Comments to: Stan Moon, Transportation Building, Olympia, Washington 98504, by September 6, 1990.

Date of Intended Adoption: September 10, 1990.

July 30, 1990

Ed W. Ferguson
Deputy Secretary

Chapter 468-22 WAC
COUNTY FERRY FRANCHISES, TOLLS, AND FINANCIAL ASSISTANCE

NEW SECTION

WAC 468-22-010 PURPOSE. 23 U.S.C. § 129 and RCW 47.04.140 require that counties operating ferries which receive federal aid under Title 23 of the United States Code must obtain from the department a franchise authorizing such ferry operations and approving their tolls. RCW 47.56.720 and 47.56.725 permit the department to enter into continuing agreements to provide financial assistance for counties operating ferries. The purpose of this chapter is to provide procedures for the granting of such franchises and the provision of such financial assistance.

NEW SECTION

WAC 468-22-020 APPLICATION FOR FRANCHISE. At least ninety days before: Beginning operation of a ferry route; or first applying for federal aid under Title 23 U.S.C. for the construction, reconstruction, or modification of any county-operated ferry or approach(es) thereto, a county shall submit to the State Aid Office of the Department, Transportation Building, Olympia, Washington 98504, an application for a county ferry franchise, on a form obtainable upon request from the department. The county shall include with its application:

(1) A map showing the location of the existing or proposed ferry route(s);

(2) A schedule of proposed tolls and charges for the existing or proposed ferry route(s), together with a proposed revenue and expenditure statement;

(3) A certification that the proposed ferry route(s) is/are not otherwise served by adequate transportation facilities; and

(4) A certification that the proposed tolls and charges are consistent with the requirements of RCW 47.04.140(2) and 23 U.S.C. § 129.

NEW SECTION

WAC 468-22-030 REVIEW OF FRANCHISE APPLICATION BY DEPARTMENT. The department shall review a county's application for a ferry franchise, together with any accounting data required by WAC 468-22-060(3). If the department finds that the ferry route(s) described in the application is/are not otherwise served by adequate transportation facilities; and that the proposed tolls and charges are consistent with the requirements of RCW 47.04.140(2) and 23 U.S.C. § 129, it shall issue:

(1) A county ferry franchise for the operation of such route(s); and

(2) A toll certification, within sixty days of its receipt of the county's application.

NEW SECTION

WAC 468-22-040 APPLICATION FOR CERTIFICATION OF TOLL CHANGES. At least sixty days before implementation of any changes in tolls and charges for its route(s), a county shall submit to the state aid office of the department an application for certification of toll changes, on a form obtainable upon request from the department. The county shall include with its application:

(1) Schedules of both existing and proposed tolls and charges; and

(2) A certification that the proposed tolls and charges are consistent with the requirements of RCW 47.04.140(2) and 23 U.S.C. § 129.

NEW SECTION

WAC 468-22-050 REVIEW OF APPLICATION FOR CERTIFICATION OF TOLL CHANGES. The department shall review a county's application for certification of toll changes, together with any accounting data required by WAC 468-22-060(3). If the department finds that the proposed tolls and charges are consistent with the requirements of RCW 47.04.140(2) and 23 U.S.C. § 129, it shall issue a new toll certification. If the department finds that the proposed tolls and charges are not consistent with the requirements of RCW 47.04.140(2) and 23 U.S.C. § 129, it shall:

(1) So advise the county within thirty days of its receipt of the county's toll change application; and

(2) Cancel the county's toll certification, until it receives a revised schedule of proposed tolls which is consistent with the requirements of RCW 47.04.140(2) and 23 U.S.C. § 129 after which it shall issue a new toll certification.

NEW SECTION

WAC 468-22-060 PROCEDURES FOR OBTAINING FINANCIAL ASSISTANCE. To obtain financial assistance for a ferry or ferry system under RCW 47.56.720 or 47.56.725, a county and the department shall comply with the following procedures:

(1) Before receiving financial assistance, a county shall sign an agreement with the department, the form of which shall be agreed upon between the department, and the county.

(2) County requests for reimbursement and department payments to counties shall be made in the manner specified in the agreement for financial assistance.

(3) No later than September 1 of each year, a county shall provide to the department, on a form prescribed by the department, a complete

accounting of that county ferry's toll revenues and operation and maintenance expenditures.

WSR 90-16-062
WITHDRAWAL OF PROPOSED RULES
GAMBLING COMMISSION

[Filed July 30, 1990, 2:15 p.m.]

On July 18, 1990, CR-102 form was filed at 2:06 p.m., WSR 90-15-064. We are withdrawing this filing.

Maxine White

WSR 90-16-063
PROPOSED RULES
GAMBLING COMMISSION

[Filed July 30, 1990, 2:22 p.m.]

Original Notice.

Title of Rule: WAC 230-12-900 Deputy director; 230-30-050 Punchboard and pull tab operation; 230-30-102 Pull tab series assembly and packaging; 230-30-104 Possession or sale of pull tab series in which winners or location of winners may be determined in advance—Prohibited; and 230-60-065 Records index.

Purpose: To protect the public by ensuring randomization of the winners within a series of tabs. To implement the new Administrative Procedure Act.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Chapter 34.05 RCW.

Summary: To clarify the assembly, packaging and operation of pull tab series. Amend the deputy director and the records index to comply with the new APA.

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

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

Name of Proponent: Staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 230-12-900 and 230-60-065, to implement the new Administrative Procedure Act; and WAC 230-30-050, 230-30-102 and 230-30-104, housekeeping rules to protect the public by ensuring randomization of winners in pull tab series.

Proposal Changes the Following Existing Rules: Amended to protect the public and to have consistency with the new APA requirements.

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

The agency has considered whether these rules are subject to the Regulatory Fairness Act and has determined that they are not, because there is no impact to the business as a result of this filing.

Hearing Location: LaQuinta Inn, 1425 27th Street East, Tacoma, WA 98421, on October 12, 1990, at 10:00 a.m.

Submit Written Comments to: Washington State Gambling Commission, 4511 Woodview Drive S.E., Lacey, WA 98504-8121, by October 12, 1990.

Date of Intended Adoption: October 12, 1990.

July 30, 1990

Ronald Bailey

Director

AMENDATORY SECTION (Amending Order 104, filed 12/15/80)

WAC 230-12-900 DEPUTY DIRECTOR. The deputy director appointed by the director is hereby authorized to make any kind of decision or perform any kind of duty or function, which has by the commission rules been delegated to or required of the director, when authorized to do so by the director: Provided, That the deputy director shall not be empowered to:

- (1) ~~((Issue temporary licenses pursuant to WAC 230-04-255;~~
- (2) ~~Approve the transfer of licenses pursuant to WAC 230-04-340 or 230-04-350;~~
- (3) ~~Approve shortening of the time period required by WAC 230-20-380(4);~~
- (4) ~~Summarily suspend a license pursuant to WAC ((230-50-010(1) or)) 230-50-012;~~
- (5) ~~((2))~~ Impose any penalty under WAC 230-50-010 ~~((4))~~ (6); but the deputy director or any other designee of the director or the commission, may issue a summary of the charges or complaint against an applicant or licensee, pursuant to ~~((that subsection))~~ WAC 230-50-010 (1)(2)(3)(4); or
- ~~((6))~~ (3) Designate public records officers pursuant to WAC 230-60-030.

AMENDATORY SECTION (Amending Order 155, filed 3/14/86)]

WAC 230-30-050 PUNCHBOARD AND PULL TAB OPERATION. (1) No person under the age of eighteen years and no person visibly intoxicated or visibly under the influence of any narcotic, shall be allowed to play or sell any punchboard or pull tab device. It shall be the responsibility of the licensee and the responsibility of the person physically operating the punchboard or pull tab device to determine that no unauthorized person is allowed to play or sell.

(2) No operator shall permit the display or operation of any punchboard or pull tab which may have in any manner been marked, defaced, tampered with or otherwise placed in a condition, or operated in a manner, which may deceive the public or which affects the chances of winning or losing upon the taking of any chance thereon.

(3) All pull tabs must be dispensed from a coin-operated vending machine or a clear container which affords the player an opportunity to observe the complete series. If pull tabs are not sold out of a coin-operated vending machine, the complete series must be placed in a clear container and mixed prior to being offered for sale. Failure to mix will result in a minimum five day suspension of license for each series not mixed. Bingo licensees may bundle pull tabs into stacks of \$5 or \$10, provided the bundles are thoroughly mixed prior to sale to the public. This section of the rule shall be reviewed for its applicability at the Commission meeting in July 1991.

(4) All records, reports and receipts relating to a punchboard or pull tab series in play must be retained on the licensed premises so long as the series or punchboard is in play and be made available on demand to law enforcement officers and representatives of the commission.

~~((4))~~ (5) When operators purchase merchandise to be used as prizes on punchboards or pull tab series from other than a licensed distributor, the following information must be on the invoice provided by the seller:

- (a) The date of purchase;
- (b) The company's name and adequate business address;
- (c) A full description of each item purchased;
- (d) The quantity of items purchased;
- (e) The cost per individual items purchased; and
- (f) The sales invoice or receipt must be maintained by the operator for at least three years.

(Order 155), filed 3/14/86.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 142, filed 1/9/85)

WAC 230-30-102 PULL TAB SERIES ASSEMBLY AND PACKAGING. (1) Manufacturers of pull tabs shall manufacture, assemble, and package each pull tab series in one container and in such a manner that none of the winning pull tabs, nor the location or approximate location of any of the winning pull tabs can be determined, in advance of opening the pull tabs in any manner or by any device, including but not limited to any pattern in manufacture, assembly, packaging, markings, or by the use of a light.

(2) ~~((W))~~ Effective April 1, 1991, winning pull tabs shall be ~~((eventy))~~ distributed and mixed among all other pull tabs in ~~((the))~~ a series ~~((The series shall be assembled and packaged with special care))~~ so as to eliminate any pattern as between series, or portions of series, from which the location or approximate location of any of the winning tabs may be determined. The pull tab series must be assembled so that no placement of winners or losers exist that allows the possibility of prize manipulation or "pick out." Effective April 1, 1991, manufacturers shall not offer for sale in Washington any pull tab series in which the winning pull tabs are not distributed and mixed among all other pull tabs in that series. The director may authorize manufacturers up to sixty additional days to sell existing inventory when justified. Manufacturers shall assemble pull tab series so that general locations, such as the ends of rows, center of rows or complete rows are NOT void of winning pull tabs. For the purpose of this rule, it shall be prima facie evidence that a pattern exists between series or portions of series as to the winning pull tabs if tests of ten or more pull tab series by this agency reveal any of the following:

(a) One high tier winner located in the same general location in at least seventy percent of the series examined;

(b) Two high tier winners located in the same general location in at least fifty percent of the series examined;

(c) Three or more high tier winners located in the same general location in at least thirty percent of the series examined; or equal numbers of high tier winners in each row of a series in at least thirty percent of the series examined;

(d) No winning pull tab in a specific row in at least seventy percent of the series examined;

(e) No winning pull tab in a general location at the end of each row in at least seventy percent of the series examined;

(f) No winning pull tab in a section of a row containing 150 pull tabs in one hundred percent of the series examined.

High tier winning pull tab shall be \$25.00 or more and general location shall mean a range of 50 pull tabs or less.

If there are no winning pull tabs of \$25.00 or higher in the series, then the two highest tier winning pull tabs in that series must comply with paragraphs (a) through (f).

(3) ~~((When the series is packaged in more than one package, box or other container, the entire series of individual pull tabs shall be mixed in such a manner that no person can determine the position or approximate location of any of the winning pull tabs or determine whether any one package or portion of a series contains a larger or smaller percentage of winning pull tabs than the balance of the series. The packages, boxes or other containers shall not be numbered as to distinguish one from the other.))~~ Pull tabs packaged in bags rather than boxes shall be subject to the above requirements. In order to test for compliance bagged pull tabs will be divided into horizontal or vertical rows and then measured against the above criteria.

(4) Each series of pull tabs shall contain a packing slip placed inside the package containing the name of manufacturer, series number, date the series was packaged, and the name or identification of the person who packaged the series: Provided, That this information may be printed on the back of the flare or the outside ~~((of at least one))~~ of the package(s), box(es) or container(s) in which the pull tabs are packed.

(5) Effective October 1, 1990, manufacturers of pull tabs shall print on the outside of the die cut box, package or other container of pull tabs the following message "Washington State law requires that pull tabs NOT sold through a mechanical pull tab dispensing device must

be removed from the packaging container and mixed before selling to the public. Failure to remove and mix pull tabs from a packaging container may result in a minimum five day suspension of a license for each series not mixed." Provided, the above information may be printed on a crack and peel sticker and placed on the outside of the die cut box, package or other container of pull tabs. The above information may be printed on a colored packing slip and placed inside the package of pull tabs.

AMENDATORY SECTION (Amending Order 142, filed 1/9/85)

WAC 230-30-104 POSSESSION OR SALE OF PULL TAB SERIES IN WHICH WINNERS OR LOCATION OF WINNERS MAY BE DETERMINED IN ADVANCE—PROHIBITED. (1) No operator, distributor or manufacturer, or representative thereof, with knowledge or in circumstances whereunder he reasonably should have known, shall possess, display, put out for play, sell or otherwise furnish to any person any pull tab series or pull tab from any series:

(a) In which the winning tabs have not been ~~((eventy))~~ distributed and mixed among all other tabs in the series; or

(b) In which the location, or approximate location, of any of the winning tabs can be determined in advance of opening the tabs in any manner or by any device, including but not limited to, any pattern in the manufacture, assembly or packaging of the tabs by the manufacturer, by any markings on the tabs or container, or by the use of a light; or

(c) Which does not conform in any other respect to the requirements of these rules as to manufacture, assembly, or packaging of pull tabs.

(2) No manufacturer or distributor or representative thereof shall use as a sales promotion any statement, demonstration, or implication that any certain portion of a series of pull tabs contains more winners than other portions of the series or that any series of pull tabs may be sold by the operator in a particular manner that would give the operator any advantage in selling more of the pull tabs before having to pay out winners.

AMENDATORY SECTION (Amending Order 75, filed 9/16/77)

WAC 230-60-065 RECORDS INDEX. (1) ~~((Index. The commission has available to all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated since its inception:))~~ Pursuant to RCW 42.17.260 the Commission shall maintain a system of indexing for the dissemination of public records. The system shall be updated on a quarterly basis and be available at the Commission headquarters. The system will allow for the identification and location of the following records:

(a) ~~((Final opinions, including concurring and dissenting opinions, declaratory rulings, as well as orders, made in the adjudication of cases:))~~

All records issued before July 1, 1990, for which the agency has maintained an index;

(b) ~~((Those statements of policy and interpretations of policy, statute, and constitution which have been adopted by the agency:))~~

Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the agency in carrying out of its duties;

(c) ~~((Administrative staff manuals and instructions to staff that affect a member of the public:))~~

Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(d) ~~((Planning policies and goals, and interim and final planning decisions:))~~

Interpretive statements as defined in RCW 34.05.010(14) that were entered after June 30, 1990; and

(e) ~~((Factual staff reports and studies:))~~

Policy statements as defined in RCW 34.05.010(14) that were entered after June 30, 1990.

~~((f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.~~

(2) Availability. The current index promulgated by the commission shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection:))

WSR 90-16-064
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 90-62—Filed July 30, 1990, 2:26 p.m.]

Date of Adoption: July 27, 1990.

Purpose: Sport fishing regulations.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-56-19000S.

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: Quotas of coho and chinook are available for harvest in coastal waters. These regulations are adopted to concur with Pacific Fisheries Management Council recommendations.

Effective Date of Rule: Immediately.

July 27, 1990
 Judith Merchant
 Deputy Director
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-56-19000T SALTWATER SEASONS AND BAG LIMITS. *Notwithstanding the provisions of WAC 220-56-180 and WAC 220-56-190, effective immediately until further notice it is unlawful to fish for salmon in Marine Areas 1 - 4, except as provided for in this section:*

(1) Areas and times open to salmon angling:

(a) Marine Area 4 - July 2 through September 20, 1990 or until any quota is reached (coho quota 24,900, coastwide chinook quota 37,500) - Sunday through Thursdays only.

(b) Marine Area 3 - July 2 through September 20, 1990 or until any quota is reached (coho quota 5,400, coastwide chinook quota 37,500) - Sunday through Thursdays only.

(c) Marine Area 2 - June 18 through September 20, 1990 or until any quota is reached (coho quota 91,300, coastwide chinook quota 37,500) - Sunday through Thursdays only.

(d) Marine Area 1, except closed in the ocean area surrounding the Columbia River mouth bounded by a line extending six nautical miles due west from North Head 46 18'00" north latitude to 124 13'18" west longitude, then southerly along a line 167 true to the Washington Oregon border - June 24 through September 20, 1990 or until any quota is reached (coho quota 122,500, coastwide chinook quota 37,500) - Sunday through Thursdays only.

(2) Bag Limit - 2 salmon per day, minimum size limit in all ocean waters; Chinook, 24 inches, Coho, 16 inches.

(3) Shore based angling from the north jetty of the Columbia River is allowed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000S SALTWATER SEASONS AND BAG LIMITS.

WSR 90-16-065
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—July 24, 1990]

This memo is to notify you that the August 17, 1990, meeting of the University of Washington board of regents has been cancelled.

The next meeting of the board will be a special meeting on Monday, September 17, 1990. Special meeting notices will be sent in advance of that date. The regular September meeting will be held as scheduled on September 21, 1990.

WSR 90-16-066
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Board of Boiler Rules)
 [Filed July 30, 1990, 2:35 p.m.]

Original Notice.

Title of Rule: WAC 296-104-170 Shop inspections; and 296-104-400 Stamping of boilers and unfired pressure vessels.

Purpose: To comply with actions taken by the Board of Boiler Rules.

Statutory Authority for Adoption: RCW 70.79.040.

Statute Being Implemented: Rules and regulations—Scope.

Summary: WAC 296-104-170 will provide for ASME shop fabrication inspection now being done by the state and provide reimbursement as allowed in WAC 296-104-700; and WAC 296-104-400 will correct inaccurate WAC reference.

Reasons Supporting Proposal: To comply with actions taken by the Board of Boiler Rules.

Name of Agency Personnel Responsible for Drafting: Dick Barkdoll, Acting Chief Boiler Inspector, 805 Plum Street, (206) 586-0217.

Name of Proponent: Board of Boiler Rules, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 296-104-170 defines the means of providing inspections in ASME manufacturing shops that the state has been doing since 1952; and WAC 296-104-400 corrects an erroneous WAC reference.

Proposal does not change existing rules.

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

Hearing Location: 1011 Plum Street S.E., 2nd Floor Conference Room, Olympia, WA, on September 18, 1990, at 10:00 a.m.

Submit Written Comments to: Dick Barkdoll, by September 18, 1990.

Date of Intended Adoption: September 18, 1990.

July 16, 1990

Robert E. Reid

Chairman

AMENDATORY SECTION (Amending Order 78-3, filed 2/22/78)

WAC 296-104-170 INSPECTION OF SYSTEMS—SHOP INSPECTIONS. Shop inspections shall be as outlined in the applicable sections of the ASME Code. Only inspectors holding a national board commission and a commission issued by the state of Washington shall make shop inspections in this state. Upon request from a boiler or pressure vessel manufacturer holding an ASME Certificate of Authorization within the jurisdiction, the department shall provide inspection services as required by the ASME Code. The manufacturer receiving such inspection services shall reimburse the department for the time and expenses in accordance with the fee schedule established in WAC 296-104-700.

AMENDATORY SECTION (Amending Part VI, filed 3/23/60)

WAC 296-104-400 EXISTING INSTALLATIONS—STAMPING OF EXISTING BOILERS AND UNFIRED PRESSURE VESSELS. Each existing boiler and unfired pressure vessel shall be identified by a serial number of the state of Washington. The number will be assigned by the chief inspector and applied by an authorized inspector. The stamping shall be kept free of paint and lagging so that it will be plainly visible and easily read by the inspectors. Stamp shall be as outlined in WAC ((~~296-104-060~~) 296-104-140).

WSR 90-16-067

PROPOSED RULES

BOARD FOR

COMMUNITY COLLEGE EDUCATION

[Filed July 30, 1990, 2:38 p.m.]

Original Notice.

Title of Rule: Admission to a community college, definition of resident student, and students rights and responsibility rules.

Purpose: Amendment of existing rules and repeal of obsolete section.

Statutory Authority for Adoption: RCW 28B.50.090 (7)(d) and 28B.50.090(10).

Statute Being Implemented: See Statutory Authority above.

Summary: It is necessary to amend the standard admissions policy to accommodate the running start program established by chapter 9, Laws of 1990 1st sess. In addition, housekeeping amendments are proposed for two other sections of the same chapter.

Reasons Supporting Proposal: The first amendment is required to comply with the cited statute; and the others are only housekeeping amendments.

Name of Agency Personnel Responsible for Drafting: Gilbert J. Carbone, Assistant Director, 319 7th Avenue, Olympia, WA, 753-3650; Implementation and Enforcement: Earl Hale, Director, 319 7th Avenue, Olympia, WA, 753-7412.

Name of Proponent: State Board for Community College Education, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The 1990 legislation establishing the student choice program known as running start provide certain high school students a legal right to attend a community college which supersedes certain provisions of the standard admissions policy contained in WAC 131-12-010. The proposed amendment makes the WAC section consistent with the recent legislation. Two other housekeeping amendments to chapter 131-12 WAC are also proposed.

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: Bellevue Community College, 3000 Landerholm Circle, Bellevue, WA 98007, on September 13, 1990, at 10:00 a.m.

Submit Written Comments to: Gilbert J. Carbone, 319 7th Avenue, FF-11, Olympia, WA 98504, by September 11, 1990.

Date of Intended Adoption: September 13, 1990.

July 27, 1990

Gilbert J. Carbone

Assistant Director

AMENDATORY SECTION (Amending Order 3, filed 6/19/69)

WAC 131-12-010 MINIMUM STANDARDS FOR ADMISSION TO A COMMUNITY COLLEGE. Any applicant for admission to a community college shall be admitted when, as determined by the chief administrative officer of the district or his (~~authorized representative~~) or her designee, such applicant:

(1) Is competent to profit from the curricular offerings of the college; and

(2) Would not, by his or her presence or conduct, create a disruptive atmosphere within the community college inconsistent with the purposes of the institution; and

(3) Is eighteen years of age or older; or ((~~who is a graduate of a high school or whose application, if under eighteen years of age and not a graduate of a high school, has been approved, insofar as acquisition of approval is feasible, by the principal of the high school he is attending or which he last attended~~))

(4) Is a high school graduate; or

(5) Has applied for admission under the provisions of a student enrollment options program such as Running Start or a successor program; or

(6) If not qualified under subsections (1) through (5) of this section, has filed a written release from a public, private, or home school he or she is attending or last attended; PROVIDED, That an applicant transferring from another institution of higher education who meets the above criteria, but who is not in good standing at the time of his transfer may be conditionally admitted to a community college on a probationary status as determined by the chief administrative officer of the community college district or his ((~~authorized representative~~)) or her designee.

AMENDATORY SECTION (Amending Order 3, filed 6/19/69)

WAC 131-12-020 DEFINITION OF RESIDENT STUDENT AND PROCEDURES FOR CLASSIFICATION. For tuition purposes, an applicant or enrolled student shall be deemed to be a resident student if he or she has been domiciled in the state of Washington for a full year prior to commencement of the quarter for which (~~he applies or is~~) enrolled, or ((~~he~~)) is a federal employee, military personnel, or a staff member of the community college, or the child or spouse of such federal employee or military personnel residing within the state

or of a staff member of the community college. The definition of "domicile" shall be the legal definition.

The following procedures shall be followed by community colleges in making residency classifications:

(1) Upon receipt of an application for admission to the community college the applicant shall be classified as either a resident or nonresident as the facts may indicate.

(2) The notice of acceptance shall be accompanied by a statement of the applicant's residency classification and, in the case of those classified as nonresidents, a statement of the criteria and procedures to be followed for establishing resident status.

(3) Changes in residency classifications of applicants or enrolled students shall be made by the authorized college official as follows:

(a) In the case of applicants or enrolled students who have been classified as nonresident, upon presentation by the applicant or student or an authorized representative of sufficient proof that the applicant or enrolled student has been legally domiciled in the state of Washington for one year, or is a federal employee, military personnel, or a staff member of the community college, or the child or spouse of a federal employee or military personnel residing within the state or of a staff member of the community college; and

(b) In the case of applicants or enrolled students who have been classified as residents, upon presentation or discovery of proof that such individual is legally domiciled outside the state of Washington.

(4) In the event of dispute or question regarding the residency status of any applicant or enrolled student, the matter shall be referred to the office of attorney general for advice.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 131-12-070 DEADLINE FOR COMPLIANCE AND FILING WITH DIRECTOR.

WSR 90-16-068
PROPOSED RULES
BOARD FOR
COMMUNITY COLLEGE EDUCATION

[Filed July 30, 1990, 2:40 p.m.]

Original Notice.

Title of Rule: Definition of special funds for faculty tenure purposes, exceptional faculty awards trust fund.

Purpose: The first item is an amendment that deletes an inoperative section of an existing rule. The second is a new section that will implement a new faculty recognition awards program.

Statutory Authority for Adoption: RCW 28B.50.851 and chapter 29, Laws of 1990.

Statute Being Implemented: See Statutory Authority above.

Summary: Pursuant to RCW 28B.50.851, the state board established a definition of special funds for determining tenure status of certain college faculty members. The rule contains an inoperative section. The other rule satisfies a statutory requirement for regulating the management of certain trust funds.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting: Ron Crossland, Associate Director, 319 7th Avenue, Olympia, WA, 753-3674; Implementation and Enforcement: Earl Hale, Director, 319 7th Avenue, Olympia, WA, 753-7412.

Name of Proponent: State Board for Community College Education, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The first amendment removes from the existing rule a provision that legal counsel has advised is inoperative by virtue of passage of time and therefore inconsistent with current application of the rule. The second proposed a new section that will implement a faculty awards program created by 1990 legislative act.

Proposal Changes the Following Existing Rules: In the first instance, material is deleted from an existing rule; and in the second instance, the rule is new material.

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

Hearing Location: Bellevue Community College, 3000 Landerholm Circle, Bellevue, WA 98007, on September 13, 1990, at 10:00 a.m.

Submit Written Comments to: Ron Crossland, 319 7th Avenue, FF-11, Olympia, WA 98504, by September 11, 1990.

Date of Intended Adoption: September 13, 1990.

July 27, 1990

Gilbert J. Carbone
Assistant Director

AMENDATORY SECTION (Amending Order 67, filed 9/13/77)

WAC 131-16-400 DEFINITION OF "SPECIAL FUNDS" FOR THE PURPOSE OF DETERMINING ELIGIBILITY FOR TENURABLE FACULTY POSITIONS. (1) RCW 28B.50.851 authorizes the state board for community college education to designate certain funds as "special funds" for the purpose of exempting positions funded thereby from the award of community college faculty tenure status as provided in RCW 28B.50.850 through 28B.50.869.

(2) For the purpose of implementing the provisions of RCW 28B.50.851, "special funds" shall be defined as all funds received by a community college district other than those generated by operating fees and special fees collected by such district pursuant to RCW 28B.15.100 and 28B.15.500 and state general funds appropriated by the legislature and distributed to college districts by the state board.

(3) "Special funds" shall include, but not be limited to, funds received by a community college district through contracts with federal, state, local, or private agencies; grants or gifts from philanthropic organizations; revenue produced by any auxiliary enterprise operated by a college district; federal vocational funds distributed by the commission for vocational education; adult basic education funds distributed by the superintendent of public instruction; and specifically funds received for operating overseas military educational programs.

(4) In order to qualify for the exemption from faculty tenure status, a position must be primarily maintained and funded at least 51% for salary and related benefits by such "special funds" as defined in this section.

(5) Determination of the application of the provisions of this section to any future programs shall be made by the state director consistent with subsections (2) and (3) of this section.

~~((6) Pursuant to chapter 282, Laws of 1977 ex. sess., the provisions of this section shall not be applicable to faculty members holding appointments in an educational program operated in a state correctional institution pursuant to a written contract with a community college district, provided such program has been in existence for five or more years under the administration of one or more community college districts:))~~

NEW SECTION

WAC 131-16-450 EXCEPTIONAL FACULTY AWARDS TRUST FUND. (1) Pursuant to chapter 29, Laws of 1990, the community college exceptional faculty award program shall be subject to the following limitations:

(a) All funds generated by and through this program shall be credited to the college district's exceptional faculty local endowment trust

fund, from which only the earnings of such funds may be expended for the purpose of this program.

(b) Authorization to transfer funds from the exceptional faculty award trust fund in the state treasury to a college district endowment fund shall be contingent upon certification by the college district that no less than twenty-five thousand dollars of matching cash donations from private sources has been deposited in the district endowment fund.

(c) Grants to individual colleges shall not exceed:

(i) One grant to each college prior to June 30, 1991, unless all colleges have received one grant each;

(ii) Two grants to each college prior to December 31, 1991; and

(iii) Four grants to each college in any single biennium.

(d) Award of requested grants to colleges shall be contingent upon determination by the state board for community college education that the request is consistent with and meets the requirements of these guidelines. Further, if grant requests exceed available funds, the state board for community college education shall select the recipients.

(e) Funds granted for the purposes of the faculty awards program shall be held in trust by the district for the college to which such funds were specifically awarded.

(f) Each college district shall establish procedures by which awards may be named in honor of a donor, benefactor, or honoree; may designate the use of funds; and may renew or redesignate the award annually.

(g) By September 1 of each year beginning in 1991, each district shall report to the state board for community college education the amount of contributed endowment funds, their earnings, type of investments, and uses made during the previous fiscal year.

(h) The process for determining awards shall be subject to collective bargaining, except that the amount of individual awards and the recipient(s) shall be determined by the district board of trustees.

(i) Only persons holding faculty assignments as defined by RCW 28B.52.020(2) shall be eligible to receive awards under this section.

(2) The award of exceptional faculty grants from the district endowment fund shall be subject to the following limitations:

(a) The proceeds from the endowment fund shall be used to pay expenses for faculty awards, which may include in-service training, temporary substitute or replacement costs directly associated with faculty development programs, conferences, travel, publication and dissemination of exemplary projects; to make a one time supplement to the salary of the holder or holders of a faculty award, for the duration of the award; or to pay expenses associated with the holder's program area.

(b) Funds from this program shall not be used to supplant existing faculty development funds.

courses at community colleges and to correct an RCW reference.

Name of Agency Personnel Responsible for Drafting: Gilbert J. Carbone, Assistant Director, 319 7th Avenue, Olympia, WA, 753-3650; Implementation and Enforcement: Earl Hale, Director, 319 7th Avenue, Olympia, WA, 753-7412.

Name of Proponent: State Board for Community College Education, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The first amendment adjusts the tuition rate for farm and small business management courses that operate on a year-long basis to make the charges more consistent with the level of credit granted for the courses. It also clarifies the rule with respect to the charges for certain adult basic education courses and for paramedics who enroll in emergency medical training courses. The second amendment merely updates a statutory reference.

Proposal Changes the Following Existing Rules: Only to the extent that it clarifies the method of assessing tuition for farm and small business management ungraded courses and adds a new class of students as eligible for receiving the reduced tuition rate for emergency medical training.

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

Hearing Location: Bellevue Community College, 3000 Landerholm Circle, Bellevue, WA 98007, on September 13, 1990, at 10:00 a.m.

Submit Written Comments to: Gilbert J. Carbone, 319 7th Avenue, FF-11, Olympia, WA 98504, by September 11, 1990.

Date of Intended Adoption: September 13, 1990.

July 27, 1990

Gilbert J. Carbone
Assistant Director

WSR 90-16-069

PROPOSED RULES

BOARD FOR

COMMUNITY COLLEGE EDUCATION

[Filed July 30, 1990, 2:44 p.m.]

Original Notice.

Title of Rule: Tuition and fee charges for certain ungraded courses and for unemployed and underemployed resident students.

Purpose: The proposed amendments will adjust the tuition rates and clarify certain rule language.

Statutory Authority for Adoption: RCW 28B.15.502(4) and 28B.15.522.

Statute Being Implemented: See Statutory Authority above.

Summary: Tuition charges for farm and small business management, adult basic education, and emergency medical technician training are adjusted or clarified. The second amendment is a housekeeping change.

Reasons Supporting Proposal: To make tuition rule consistent with program changes for certain ungraded

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-026 TUITION CHARGES FOR CERTAIN UNGRADED COURSES. (1) When in the judgment of a district board of trustees certain courses should be designated as ungraded courses and offered by tuition rates that differ from the standard rates set by WAC 131-28-025, the board of trustees may propose such designations and tuition levels. Implementation of such proposals shall be contingent upon approval of the state director, who shall review such proposals with respect to the provisions of subsection (2) of this section and with respect to a general standard of system-wide consistency of tuition charges when essentially similar services are provided.

(2) Ungraded courses designated pursuant to subsection (1) of this section shall meet the following qualifications:

(a) The primary intent of offering the course is other than providing academic credit applicable to an associate's or higher degree.

(b) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

(c) The course is offered for the purpose of providing the individual student with a discrete skill or basic body of knowledge other than that intended to lead to initial employment.

(d) The course cannot be administered as a contract course pursuant to WAC 131-28-027, 131-32-010, or 131-32-020.

(e) The course is not offered primarily as an integral part of any lower-division curriculum or program.

(f) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) For the purposes of this section, ungraded courses shall be defined as those courses classified according to the official course classification taxonomy established by the state board as occupational supplementary, occupational homemaking, academic basic education, or academic general education courses, provided they shall also meet the qualifications set forth in subsection (2) of this section.

(4) For the purpose of implementing WAC 131-28-025(2), the tuition, exclusive of special fees, charged by any Washington community college for the following ungraded courses shall be:

COURSE FEE	TUITION		
	BUILDING FEE	OPERATING FEE	SERVICES AND ACTIVITIES
(a) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices while indentured with the Washington state apprenticeship council or Federal Bureau of Apprenticeship and Training	\$1.40 per credit	\$3.60 per credit	No charge
(b) Department of labor and industries approved industrial first aid courses offered for the purpose of satisfying WISHA first aid certification requirements	Standard rate	Standard rate	No charge
(c) Parent education involving cooperative preschool program	The combined standard district charge per credit hour for tuition and operating fees less the preschool cooperative fee, with any remainder divided equally between tuition and operating fee		No charge
(d) Farm management and small business management	((Standard rate)) \$1.85	((Standard rate)) \$9.15	No charge
(e) Adult basic education, <u>English as a second language, and GED preparation</u> courses supported by federal funds ((and English as a second language courses funded from such sources))	No charge	No charge	No charge
(f) Emergency medical technician and paramedic	\$1.40 per credit	\$3.60 per credit	No charge

COURSE FEE	TUITION		
	BUILDING FEE	OPERATING FEE	SERVICES AND ACTIVITIES
(g) Courses specifically designed to provide skills and understandings particularly related to the problems of retirement and advanced age	\$1.00 per credit hour	\$1.00 per credit hour	No charge
(h) Courses providing advanced training and skill maintenance for journeypersons in cooperation with local joint apprenticeship and training committees	Standard rate	Standard rate	No charge

(5) Application of this section shall be subject to administrative procedures established by the state director with respect to maximum credit values of such ungraded courses, curriculum, or any unique circumstances related to enrollment in such courses.

(6) Tuition and services and activities fees received pursuant to this section shall be accounted for and deposited in conformance with the provisions of RCW 28B.50.360, 28B.15.031, and 28B.15.041 respectively.

(7) The term "standard rate" as used in this section shall mean the tuition charged for one quarter credit.

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-090 TUITION AND FEE WAIVERS FOR UNEMPLOYED AND UNDEREMPLOYED RESIDENT STUDENTS. (1) The purpose of this section is to carry out the intent of the legislature to provide tuition-free educational opportunities for unemployed and underemployed individuals who wish to attend a Washington community college on a space-available basis.

(2) Pursuant to authority granted by ((chapter 50, Laws of 1984)) RCW 28B.15.522 community college districts may waive, in whole or in part, tuition and services and activities fees for any individual who:

(a) Is a resident student as defined by RCW 28B.15.012(2);
 (b) Will have attained age twenty-one prior to the first day of instruction on the basis of such waiver;

(c) Has not attended an institution of higher education during the six-month period immediately prior to the first day of instruction, other than pursuant to this section;

(d) Is not receiving or eligible to receive unemployment compensation funded by federal, state matching, or trade readjustment benefit sources;

(e) Has a monthly household income below four hundred sixty-five dollars for a single person and an additional one hundred thirty dollars for each additional household member or the successor values to these amounts as may be subsequently established by the department of social and health services as need standards for assistance determination purposes;

(f) Has been or will have been unemployed for at least six months prior to the first day of instruction or is underemployed as evidenced by monthly income for the preceding six-month period below the level established in (e) of this subsection.

(3) Enrollments made pursuant to this section shall be on a space available basis.

(4) No new course sections shall be created as a result of enrollments based on waivers authorized by this section.

(5) Enrollment information on students registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor be considered in any enrollment statistics which would affect budgetary determinations.

(6) Persons enrolled pursuant to this section shall have the same access to support services as do all other students and shall be subject to all course prerequisites and requirements.

WSR 90-16-070
PERMANENT RULES
DEPARTMENT OF HEALTH
(Board of Physical Therapy)

[Order 074—Filed July 30, 1990, 2:51 p.m.]

Date of Adoption: March 20, 1990.

Purpose: To update licensure requirements for physical therapists.

Citation of Existing Rules Affected by this Order: Amending WAC 308-42-045 and 308-42-060.

Statutory Authority for Adoption: Chapter 18.74 RCW.

Pursuant to notice filed as WSR 90-04-095 on February 7, 1990.

Changes Other than Editing from Proposed to Adopted Version: WAC 308-42-060(3) the word registered is changed to licensed; and WAC 308-42-145 is withdrawn in the adopted version, it will be refiled at a later date.

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

July 27, 1990

Carol Neva

Program Administrator

AMENDATORY SECTION (Amending Order PM 619, filed 9/16/86)

WAC 308-42-045 EXAMINATION. (1) The examination acceptable to and approved for use under the provisions of RCW 18.74.035 shall be the examination for physical therapists as ~~((prepared))~~ recognized by the ~~((Professional Examining Service of New York))~~ American Physical Therapy Association. A passing score is not less than sixty percent raw score on each of the three examination parts.

(2) If a candidate fails to receive a passing score on the examination, he or she will be required to retake only the section(s) failed.

(3) Where necessary, applicant's score will be rounded off to the nearest whole number.

AMENDATORY SECTION (Amending Order PM 619, filed 9/16/86)

WAC 308-42-060 RECIPROCITY—REQUIREMENTS FOR LICENSURE. (1) Before reciprocity is extended to any individual licensed to practice physical therapy under the law of another state, territory, or District of Columbia, the board shall determine the qualifications of the applicant as prescribed by law based in part on the ~~((Professional Examining Service examination))~~ examination approved by the board with not less than sixty percent raw score on each of the three examination parts.

(2) If the decision to extend reciprocity is based on an examination other than the ~~((Professional Examining Service))~~ examination approved by the board, the board shall determine if such examination is equivalent to that required by the laws of this state.

(3) The board shall not recommend to the director that a person be ~~((registered))~~ licensed as a physical

therapist under the reciprocity provisions of RCW 18.74.060, unless said applicant shall have taken and passed the ~~((Professional Examining Service examination))~~ examination approved by the board, or other examination equivalent to that required by the laws of this state.

WSR 90-16-071
PERMANENT RULES
DEPARTMENT OF HEALTH
(Occupational Therapy Practice Board)

[Order 075—Filed July 30, 1990, 2:54 p.m.]

Date of Adoption: March 20, 1990.

Purpose: To update licensure requirements for occupational therapists.

Citation of Existing Rules Affected by this Order: Amending WAC 308-171-001, 308-171-010 and 308-171-020.

Statutory Authority for Adoption: Chapter 18.59 RCW.

Pursuant to notice filed as WSR 90-04-096 on February 7, 1990.

Changes Other than Editing from Proposed to Adopted Version: WAC 308-171-041 is withdrawn in the adopted version, it will be refiled at a later date.

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

July 27, 1990

Carol Neva

Program Administrator

AMENDATORY SECTION (Amending Order PM 645, filed 4/14/87)

WAC 308-171-001 DEFINITIONS. (1) The following terms in RCW 18.59.020(2) shall mean:

(a) "Scientifically based use of purposeful activity" is the treatment of individuals using established methodology based upon the behavioral and biological sciences and includes the analysis, application and adaptation of activities for use with individuals having a variety of physical, emotional, cognitive and social disorders. Use of purposeful activity includes a process of continually modifying treatment to meet the changing needs of an individual. Purposeful activity is goal-oriented and cannot be routinely prescribed.

(b) "Teaching daily living skills" is the instruction in daily living skills based upon the evaluation of all the components of the individual's disability and the adaptation or treatment based on the evaluation. Components of a disability are physical, sensory, social, emotional and cognitive functions.

(c) "Developing prevocational skills and play and avocational capabilities" is not only the development of prevocational skills and play and avocational capabilities but involves the scientifically based use of purposeful activity.

(d) "Designing, fabricating, or applying selected orthotic and prosthetic devices or selected adaptive equipment" is not specific occupational therapy services if a person designs, fabricates, or applies selected orthotic

and prosthetic devices or selected adaptive equipment for an individual if the device or equipment is prescribed or ordered by a health care professional authorized by the laws of the state of Washington to prescribe the device or equipment or direct the design, fabrication, or application of the device or equipment.

(e) "Adapting environments for the handicapped" is the evaluation of all the components of an individual's disability and the adaptation of the environment of the individual based on the evaluation. Components of a disability are physical, sensory, social, emotional and cognitive functions.

(2) "Supervision" and "regular consultation" of an occupational therapy assistant by an occupational therapist in RCW 18.59.020(4) and "direct supervision" of a person holding a limited permit by an occupational therapist in RCW 18.59.040(7) shall mean face to face meetings between the occupational therapist and occupational therapy assistant and between the occupational therapist and holder of a limited permit occurring at intervals as determined necessary by the occupational therapist to establish, review, or revise the client's treatment objectives. The meetings shall be documented and the documentation shall be maintained in each client's treatment record. The failure to meet to establish, review, or revise the client's treatment objectives at sufficient intervals to meet the client's needs shall be grounds for disciplinary action against the occupational therapist's license and/or the occupational therapy assistant's license to practice in the state of Washington and/or the limited permit pursuant to WAC 308-171-300 (4) and (14), 308-171-301 (2) and (3) and RCW 18.59.100 for conduct occurring prior to June 11, 1986 and pursuant to RCW 18.130.180 for conduct occurring on or after June 11, 1986.

(3) "Professional supervision" of an occupational therapy aide in RCW 18.59.020(5) shall mean:

(a) Documented training by the occupational therapist of the occupational therapy aide in each specific occupational therapy technique for each specific client and the training shall be performed on the client;

(b) Face to face meetings between the occupational therapy aide and the supervising occupational therapist or an occupational therapy assistant under the direction of the supervising occupational therapist occurring at intervals as determined by the occupational therapist to meet the client's needs, but shall occur at least once every two weeks; and

(c) The occupational therapist shall observe the occupational therapy aide perform on the client the specific occupational therapy techniques for which the occupational therapy aide was trained at intervals as determined by the occupational therapist to meet the client's needs, but shall occur at least once a month.

The meetings and client contacts shall be documented and the documentation shall be maintained in the client's treatment records. The failure to meet at sufficient intervals to meet the client's needs shall be grounds for disciplinary action against the occupational therapist's license to practice in the state of Washington pursuant to WAC 308-171-300 (4) and (14), 308-171-301 (2)

and (3) and RCW 18.59.100 for conduct occurring prior to June 11, 1986 and pursuant to RCW 18.130.180 for conduct occurring on or after June 11, 1986.

(4) Sections (2) and (3) of this rule shall not be effective until July 1, 1985.

(5) "Clients" include patients, students, and those to whom occupational therapy services are delivered.

(6) "Evaluation" is the process of obtaining and interpreting data necessary for treatment, which includes, but is not limited to, planning for and documenting the evaluation process and results. The evaluation data may be gathered through record review, specific observation, interview, and the administration of data collection procedures, which include, but are not limited to, the use of standardized tests, performance checklists, and activities and tasks designed to evaluate specific performance abilities.

(7) "Work site" in RCW 18.59.080 means the primary work location.

(8) "In association" for RCW 18.59.040(7) shall mean practicing in a setting in which another occupational therapist licensed in the state of Washington is available for consultation and assistance as needed to provide protection for the clients' health, safety and welfare.

(9) One "contact hour" is considered to be sixty minutes.

AMENDATORY SECTION (Amending Order PM 805, filed 12/20/88)

WAC 308-171-010 RECOGNIZED EDUCATIONAL PROGRAMS—OCCUPATIONAL THERAPISTS. The board recognizes and approves courses of instruction conducted by schools that have obtained accreditation of the program in occupational therapy from the Committee on Allied Health Education and Accreditation of the American Medical Association in collaboration with the American Occupational Therapy Association as recognized in the ~~((1987-1988))~~ 1989-1990 Listing of Educational Programs in Occupational Therapy published by the American Occupational Therapy Association, Inc. ~~((The following school program is also approved: Worcester State College.))~~

AMENDATORY SECTION (Amending Order PM 805, filed 12/20/88)

WAC 308-171-020 RECOGNIZED EDUCATIONAL PROGRAMS—OCCUPATIONAL THERAPY ASSISTANTS. The board recognizes and approves courses of instruction conducted by schools that have obtained approval of the occupational therapy assistant associate degree programs and occupational therapy assistant certificate programs from the American Occupational Therapy Association as recognized in the ~~((1987-1988))~~ 1989-1990 Listing of Educational Programs in Occupational Therapy published by the American Occupational Therapy Association, Inc. ~~((The following school programs are also approved: Austin Community College, Cincinnati Technical College, and Williamsport Area Community College.))~~

WSR 90-16-072
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed July 30, 1990, 2:59 p.m., effective September 1, 1990]

Date of Adoption: July 30, 1990.

Purpose: The purpose of these rules is to enable the Department of Licensing to implement and administer proportional vehicle registration of fleets of vehicles being operated interstate under the provisions of chapter 46.87 RCW.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-91-160; and amending WAC 308-91-010, 308-91-030, 308-91-040, 308-91-050, 308-91-060, 308-91-070, 308-91-080 and 308-91-090.

Statutory Authority for Adoption: RCW 46.01.110 and 46.87.010(2).

Pursuant to notice filed as WSR 90-13-058 on June 15, 1990.

Effective Date of Rule: September 1, 1990.

July 27, 1990

Mary Faulk
Director

AMENDATORY SECTION (Amending Order PFT 8803, filed 3/2/88)

WAC 308-91-010 PRORATION AND RECIPROCIITY AGREEMENTS. The state of Washington is a member of the uniform vehicle registration proration and reciprocity agreement which is hereafter referred to as the "compact" and the international registration plan which is hereafter referred to as the "IRP." These agreements provide for the proportional registration of fleets of commercial or apportioned vehicles operated in two or more jurisdictions that are members of the compact and/or the IRP. ~~((Member jurisdictions of the compact who are not also members of the IRP are Alaska, British Columbia, Nevada, and New Mexico.))~~

AMENDATORY SECTION (Amending Order PFT 89-04, filed 3/10/89)

WAC 308-91-030 DEFINITIONS. The definitions set forth below, and in chapters 46.04, 46.85, and 46.87 RCW, apply throughout this chapter.

(1) "Backing plate" means a license plate which is designed for displaying validation decals, stickers or tabs issued by jurisdictions of the compact in which the vehicle displaying the plate is proportionally registered.

(2) "Base jurisdiction," under provisions of the compact, means the jurisdiction in which the owner has "properly registered" vehicle(s) of a fleet as defined in RCW 46.87.020(14).

(3) "Base plate" means the vehicle license plate assigned to a vehicle by the base jurisdiction. Under the provisions of the IRP, this would be an "apportioned plate."

(4) "Compact" means the uniform vehicle registration proration and reciprocity agreement.

(5) "Combination of vehicles" means a power unit used in combination with trailer(s), semitrailer(s) and/or converter gear.

(6) "Department" means the department of licensing, state of Washington.

(7) "Interstate operation" means vehicle movement between or through two or more jurisdictions.

(8) "Intrastate operation" means vehicle movement within a single jurisdiction, from one point within that jurisdiction to another point within the same jurisdiction.

(9) "Latest purchase cost or price" means the actual purchase cost or price, if reasonable, for a vehicle paid by the current owner, including the value of any trade-in or other valuable considerations, cost of accessories and modifications but excluding taxes, transportation or shipping costs, and preparatory or delivery costs. Reasonable purchase cost is considered to be the ~~((fair market))~~ value of the vehicle as determined from guide books, reports or compendiums of value recognized in the automotive industry. All values are to be expressed in United States dollars.

(10) "Owner-operator" means an equipment lessor who leases their vehicular equipment with driver to a carrier.

(11) "Reciprocity jurisdiction" means a jurisdiction with which the state of Washington extends full vehicle license reciprocity because of an agreement, arrangement, declaration or mirror reciprocity as provided for in RCW 46.85.080.

~~((+1))~~ (12) "Bus" (BS) means every motor vehicle designed for carrying more than five passengers and the driver and used primarily for the transportation of people.

~~((+2))~~ (13) "Converter gear" (CG) means an auxiliary under carriage assembly with the fifth wheel and tow bar, used to convert a semitrailer to a full trailer.

~~((+3))~~ (14) "Double bottom" (DB) means two full trailer(s)/semitrailer(s) used in a combination of vehicles.

~~((+4))~~ (15) "Dump truck" (DT) means a truck whose contents are unloaded by tilting the truck bed backward with the tailgate open.

~~((+5))~~ (16) "Full trailer" (FT) means every vehicle without motive power, designed for carrying persons or property, drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

~~((+6))~~ (17) "Lessee" means a person, firm or corporation which has legal possession and control of a vehicle owned by another under the terms of a lease agreement.

~~((+7))~~ (18) "Lessor" means a person, firm or corporation which, under the terms of a lease, grants the legal right of possession, control of and responsibility for the operation of the vehicle to another person, firm or corporation.

~~((+8))~~ (19) "Mileage experience year" means the period of time between July 1st and June 30th of the year immediately preceding the year in which application for registration is made.

~~((+9))~~ (20) "Road tractor" (RT) means every motor vehicle designed without a fifth wheel and used for drawing other vehicles by use of a ball hitch and so constructed as to carry part of the weight of a vehicle or load so drawn (commonly referred to as a mobile home toter).

~~((20))~~ (21) "Semitrailer" (ST) means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle.

~~((21))~~ (22) "Tractor" (TR) means every motor vehicle designed and used primarily for drawing other vehicles but not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

~~((22))~~ (23) "Trailer" refers to a full trailer, semitrailer, pole trailer, or utility trailer.

~~((23))~~ (24) "Trip lease" means a lease of vehicular equipment to a common or contract carrier (lessee) for a single movement by either (a) another common or contract carrier for transportation in the direction of a point which the lessor carrier is authorized to serve, or (b) a carrier of exempt commodities, as defined in the interstate commerce act, for transportation in the general direction of the general area in which the vehicle is based. The term may also include a similar movement intrastate where such movement is authorized under the laws of the jurisdiction.

~~((24))~~ (25) "Truck" (TK) means every motor vehicle designed, used or maintained primarily for the transportation of property (the maximum gross weight for solo trucks with three axles is 40,000 pounds).

~~((25))~~ (26) "Truck tractor" (TT) means every motor vehicle designed and used primarily for drawing other vehicles but so constructed as to carry a load thereon in addition to a part of the weight of the vehicle and load so drawn (dromedary).

~~((26))~~ (27) "Utility trailer" means any full trailer or semitrailer constructed and used solely for the purpose of carrying property and not to exceed a gross weight of 6,000 pounds.

~~((27))~~ (28) "Washington fee/tax receipt" is a receipt issued to foreign based IRP vehicles for which Washington must calculate and collect Washington fee/taxes. The receipt is issued upon payment of the Washington fee/taxes due on the vehicle. The receipt is proof of payment of Washington fee/taxes and must be carried with the vehicle while being operated in Washington.

AMENDATORY SECTION (Amending Order PFT 89-03, filed 3/10/89)

WAC 308-91-040 GENERAL PROVISIONS. (1) Fleet composition. Carriers may separate their commercial or apportionable vehicles into two or more fleets if such divisions are consistent with their operational practices, by reason of equipment design, or restrictions imposed by member jurisdictions. Fleets will consist of either motor or nonmotor vehicles but not a mixture of both.

(2) Records substantiating the latest purchase cost or price and year of purchase of each vehicle in the fleet must be retained for the period specified in RCW 46.87.310 and made available to the department upon request.

(3) Filing and compliance dates. Proportional registration annual renewal applications must be filed with

the prorate section of the department on or before December 1 of the year immediately preceding the year in which proportional registration is sought to insure timely issuance of identification for the new registration year. No temporary operating authority will be issued for renewal vehicles if the renewal application is received by the department after the above date. Washington proportional registrations expire at midnight, December 31st of each registration year; however, vehicles undergoing renewal processing and for which renewal fees and taxes have been received by the department prior to the beginning of the registration year, will have until March 1st of such registration year to display current year prorate credentials. During the first two months of the registration year, such vehicles will display the credentials issued for the previous registration year.

(4) Proportional registration credentials. Washington prorate credentials consist of a cab card, which describes the vehicle and period for which the vehicle has been proportionally registered, and a prorate backing plate upon which is affixed a current prorate validation tab. If the vehicle described on the cab card is Washington based, apportioned license plates, with current validation tab affixed, will be issued in lieu of the backing plate. If the vehicle is operating under the IRP, the cab card must show the jurisdiction(s) and gross weight for which the vehicle is registered. The cab card is to be carried in or on the vehicle to which it has been issued, or in the case of a trailing unit, it may be carried in or on the power unit of the combination. Photocopies or other facsimiles of the cab card are invalid. The cab card or the Washington fee/tax receipt issued by the department, or the IRP base jurisdiction's cab card, are the only acceptable evidence of proportional registration in this state, unless the receipt required by WAC 308-91-170 is required to accompany the base jurisdiction's cab card. The prorate backing plate, if applicable, is mounted on the front of a power unit and on the rear of a trailing unit. The validation tab shall be affixed to the upper left-hand corner square of the prorate backing plate or the space designated on the apportioned plate if applicable.

(5) Transfer of proportional registration credentials. Washington proportional registration credentials cannot be transferred from one vehicle to another vehicle or from one fleet to another fleet.

(6) Surrender of proportional registration credentials. Upon termination of proportional registration or deletion of a vehicle from a fleet, prorate credentials will be disposed of as follows:

(a) Vehicle based in Washington. The cab card and apportioned plate(s) with current validation tab attached must be returned to the prorate section of the department. If vehicle is being deleted from the fleet, credentials must accompany the application effecting the deletion.

(b) Vehicle registered under provisions of the compact and based in another jurisdiction. Only the Washington cab card is returned to the prorate section. The prorate backing plate with validation tab attached must be returned to the prorate unit of the base jurisdiction licensing agency. If vehicle is being deleted from the fleet, cab

card must accompany the application effecting the deletion. The end of year (December 31st) deletion of a vehicle listed on the renewal application need not be accompanied by the identification issued to such vehicle.

(c) Vehicles based in IRP jurisdictions. Upon termination of proportional registration or deletion of a vehicle from a fleet, the credentials must be returned to the base jurisdiction.

AMENDATORY SECTION (Amending Order PFT 89-03, filed 3/10/89)

WAC 308-91-050 APPLICATIONS FOR PROPORTIONAL REGISTRATION. (1) Applicants desiring proportional registration in this state must make application to the prorate section of the department in the manner and upon the forms prescribed. Forms will be made available by the department. Washington based carriers desiring registration in other IRP jurisdictions must indicate on their applications the jurisdictions in which the fleet is (is to be) registered, list vehicles by gross weight groups and indicate within each gross weight group the gross weight each vehicle of the group is to be registered for in each jurisdiction listed. Motor vehicles and nonmotor vehicles must be in separate fleets. Incorrect, illegible, or incomplete applications will be returned without action.

(2) Registration options for owner-operators who lease their vehicles(s) with driver(s) to motor carriers are as follows:

(a) The owner-operator may be the registrant. The vehicle(s) will be titled and registered in the owner-operator's name. The registration will show the name of the owner-operator followed by the name of the carrier to whom the vehicle(s) and driver(s) are leased for operations. The owner-operator will be responsible for registration of such vehicles(s), and establishing and maintaining records required of proportionally registered fleets.

(b) The carrier (lessee) may be the registrant. The vehicle(s) will be titled and registered in the names of both the carrier as lessee and the owner-operator as lessor. The carrier will be responsible for registration of such vehicle(s), and establishing and maintaining records required of proportionally registered fleets.

(3) The application for any fleet shall bear the same applicant's name, or be identified therewith, for each jurisdiction in which proportional registration is sought for such fleet.

~~((3))~~ (4) After an original or renewal proportional registration application has been filed with this state for a fleet, vehicles can only be added or deleted, or changes made in registered/combined gross vehicle weight, by filing a proration registration application supplement - Schedule "A & C" in the manner prescribed.

~~((4))~~ (5) In circumstances where immediate operation of vehicles being added to the fleet is essential, a temporary letter of authority may be requested by the applicant for such vehicles, pending processing of the application and issuance of prorate credentials by the department, provided that:

(a) Licensing fees and taxes have been paid in full for the fleet's original Washington proportional registration application; and

(b) The proportional registration renewal application or supplement - Schedule "A & C" adding such vehicles to the proportionally registered fleet is acceptable and on file in the prorate section of the department; and

(c) The applicant's proportional registration account is considered to be in good standing and on active status.

~~((5))~~ (6) The temporary letter of authority will permit operation of the vehicles listed thereon, in jurisdictions and at gross weights indicated, for a period of time to be determined by the department but not longer than two months from the effective date of the letter. The temporary letter of authority will be issued by one of the following means as requested by the applicant:

(a) Mail;

(b) Collect facsimile or other electronic transmission for which the requestor pays the transmission and handling fees;

(c) Over the counter.

AMENDATORY SECTION (Amending Order PFT 8803, filed 3/2/88)

WAC 308-91-060 MILEAGE AND PRORATE PERCENTAGE. (1) Vehicles developing mileage experience must travel in two or more jurisdictions during the mileage experience or registration year. The mileage reported must be the actual miles accumulated by only those vehicles that were part of the proportionally registered fleet during the mileage experience year. If a vehicle was part of the proportionally registered fleet for only a part of the mileage experience year, then only the miles accumulated by this vehicle during the time it was a part of the fleet are to be included in the mileage experience year. If a carrier has more than one prorate fleet, a separate mileage report must be kept for each fleet.

(2) Vehicles operating only intrastate during the registration year are not eligible for proportional registration and cannot be considered as part of a prorate fleet. Mileage accumulated by such vehicles cannot be included in the mileage experience year of any prorate fleet.

(3) Estimated mileage:

(a) New fleets will estimate their mileage for the first year of operation. If operations began prior to June of the first year of operation, the actual mileage accumulated by the fleet during the preceding year will be utilized in calculating the prorate percentage for the second year of operation. If operations began during the month of June or later in the first year, mileage will be estimated for the second year of operation.

(b) When a carrier wants to expand operations of a fleet into a new jurisdiction(s), mileage will be estimated for such jurisdiction(s) as indicated for new fleets in (a) of this subsection. Because the prorate percentage of the fleet is based on the actual mileage accumulated by the fleet during the preceding year, the prorate percentage for the new jurisdiction(s) will be above that calculated for the original jurisdictions in which the fleet operated during the preceding year.

(c) If a fleet fails to accumulate mileage during the preceding year in a jurisdiction(s) in which the fleet was registered and they desire to register the fleet in such jurisdiction(s) the following year, mileage will be estimated for such jurisdiction(s) as indicated for new jurisdictions in (b) of this subsection.

(4) Mileage computation.

~~(a) Applications containing ((either power units and trailing units pulled by such power units or)) power units only: Use miles of prorated fleet power units only.~~

~~(b) ((Fleets)) Applications containing trailing units ((that are operated in jurisdictions in addition to those in which the power units of the fleet are operated, or trailing units of a fleet operated with motor vehicles that are not part of the fleet, shall be placed in separate fleets.~~

~~(c) Applications for trailer fleet only: Use miles of power units only, whether prorated or not, which are operated in combination with the prorated trailers)) only: Use either the mileage traveled by the trailers of the fleet or use the mileage traveled by the motor vehicles while used in combination with the trailers of the fleet. In instances where the use of mileage accumulated by the trailer fleet is impractical, see alternate measures provided under the provisions of RCW 46.87.120(3).~~

~~((4)) (5) The prorated section of the department will not accept any original or renewal prorated applications which contains one or more of the following:~~

~~(a) Estimated mileage that does not realistically reflect proposed operations.~~

~~(b) Estimated mileage on renewal applications, unless operations began so late in the previous registration year (June or later), that an actual mileage experience year is not yet available.~~

~~(c) Mileage data, other than estimated mileage, expressed in rounded-off numbers on renewal applications.~~

~~(d) Identical mileage data reported for consecutive registration years for the same fleet, except when mileage is estimated.~~

~~((5)) (6) To compute the prorated percentages, divide the miles for each jurisdiction by the total fleet miles. The results are to be computed to the fourth decimal of the percent and rounded up to the third decimal. Express the percent in two digits before the decimal and three digits after the decimal. The Washington prorated percentage established on an original or renewal application will remain in effect for all supplemental applications filed during the registration year unless adjusted by audit or under the provisions of RCW 46.87.120.~~

AMENDATORY SECTION (Amending Order PFT 8803, filed 3/2/88)

WAC 308-91-070 QUARTERLY LICENSING FOR PROPORTIONALLY REGISTERED VEHICLES. In order to participate in the quarterly (three months) licensing program, a Washington based carrier must initially make ((its)) their desire known to the prorated section by attaching a note or letter to the original or renewal proration application stating ((its)) their desire to participate in the quarterly licensing program. Participation will then continue as long as the fleet

maintains eligibility under the provisions of RCW 46.87.160, the carrier withdraws from the program or the privilege is withdrawn by the department for cause. This program pertains only to the quarterly payment of the license fee prescribed in RCW 46.16.070; it does not authorize partial payment of any other fee or tax authorized or required for payment by another statute or rule.

AMENDATORY SECTION (Amending Order PFT 8803, filed 3/2/88)

WAC 308-91-080 TEMPORARY AUTHORIZATION PERMIT. Washington temporary authorization permits (TAPs) are available to carriers who have been prorated with the state of Washington for a minimum of one year; have not had their TAP or prorated privileges suspended, revoked or canceled in this state within the past three years; and who have a history of making prompt payment of fees when due and final, usually within thirty days of the billing date. These permits may be used by qualified carriers to allow immediate operation of vehicles being added to their fleet pending issuance of proportional registration credentials.

Carriers desiring the privilege of obtaining and using TAPs must make application in writing to the prorated section of the department and indicate their anticipated annual requirements for these permits. Upon approval of the application, the carrier may place an order for ten or more TAPs utilizing order forms to be provided by the department; payment as prescribed in RCW 46.87.080 must accompany the application. TAPs are valid for a period of two months from the date of issue by the carrier. The following procedures govern the use and issuance of these permits:

(1) TAPs are serially numbered and must be issued by the carrier in sequential order. Carriers are accountable and liable for all TAPs purchased from the department. These permits are not transferable and may be utilized only by the carrier to whom they were issued for use with vehicles being added to their fleet or fleets. Carriers must return all unused TAPs at such time as they cancel or fail to renew their Washington prorated account; or at such time as the department withdraws, suspends, revokes or cancels their TAP and/or prorated privileges in this state. No refunds or credits will be given for TAPs that are returned to the department.

(2) TAPs may only be used for vehicles being added to a carrier's established fleet. They cannot be used to increase gross weight on a vehicle or for a vehicle that has already been listed on a proportional registration application Schedule "A & C" or ((prorated registration application supplement Schedule "C" or)) renewal application which has been submitted to the prorated section of the department. Only one permit may be issued for any one vehicle.

(3) TAPs must be filled out with a typewriter. All applicable blanks must be completed with requested data. If an error is made in the issue date, expiration date, gross weight, license plate number, serial/identification number blanks or in the jurisdiction/weight section, void the permit by printing the word "VOID" in large letters

across the face of the permit. ((Then)) Return the vehicle copy and prorate copy to the department within one week or with your next proration application supplement, whichever is sooner. If TAP is to be used for a vehicle being added to a fleet registered under the provisions of the IRP, the jurisdiction postal code abbreviation, along with the declared operating weight for such jurisdiction, must be indicated in the space provided for each jurisdiction in which the fleet is registered. Jurisdiction/weight listings must begin in the upper left space provided and continue across the form to the right. Each line must be completed before starting the next line immediately below if needed. After the last entry, spaces to the right must be filled with asterisks as must be the entire line immediately below the last completed line in this section of the form. The purpose of the asterisks is to preclude entry of additional jurisdictions/weights. Retain the applicant's file copy for four years pending possible audit of account under the provisions of RCW 46.87.310. No refund or credit will be given for voided permits; and, they must be accounted for in the department records.

(4) The original copy of the TAP is to be carried in the vehicle to which it was issued; however, if the vehicle is a trailing unit, it may be carried in the towing vehicle. The second copy of the permit is to be retained in the carrier's files for a period of four years pending possible audit under the provisions of RCW 46.87.310. The third copy is to be attached to a Washington proration application supplement which is used to add the vehicle to the carrier's fleet.

(5) When TAPs have been issued, a proration registration application supplement Schedule "A & C," listing such vehicles as additions to the fleet, must be submitted to the prorate section of the department, along with the third copy of the TAP attached, within one week of the issue date of such TAPs. To facilitate compliance with this requirement, proration registration application supplement Schedule "A & C" and TAPs should be issued from the same location. Failure to submit a proration application for vehicles to which TAPs have been issued, within one week, shall be cause for suspension and cancellation of TAP and/or proportional registration privileges in the state of Washington.

(6) Other causes for suspension and cancellation of TAP and/or proportional registration privileges are:

(a) Failure to comply with these rules and procedures; or

(b) Failure to complete TAPs in their entirety prior to use; or

(c) Failure to comply with Washington prorate instructions, rules or laws; or

(d) Failure to make timely payment of registration fees, taxes or audit assessments when due and final (usually within thirty days); or

(e) Failure to maintain accountability of TAPs.

AMENDATORY SECTION (Amending Order PFT 8803, filed 3/2/88)

WAC 308-91-090 LEASED AND RENTED VEHICLES. (1) The registration of rental vehicles will be conducted under the provisions, currently identified as

article XI—registration of rental vehicles, of the international registration plan (IRP) as now written or hereafter amended. Rental vehicles under this section include: Trucks, tractors, and truck-tractors; trucks of one-way fleets (less than 26,000 pounds gross weight); trailers and semitrailers (exceeding 6,000 pounds gross weight), utility trailers (not exceeding 6,000 pounds gross weight), and passenger cars (includes recreational vehicles). A copy of the rental/lease agreement must be carried in the rental/leased vehicle or if it is a nonpowered vehicle, the vehicle providing the motive power for the combination.

(2) Single trip lease. The requirements for single trip leasing are as follows:

(a) The lessor's motor vehicles must be prorated in this state or operated under authority of vehicle trip permits.

(b) The duration of the lease agreement is for a single trip and cannot exceed thirty days.

(c) A completed copy of the single trip lease agreement must be carried in the lessor's vehicle throughout the duration of the lease.

(d) All mileage accumulated throughout the duration of the single trip lease agreement will be recorded by the lessor and become a part of the lessor's mileage experience year. The mileage records, trip reports and single trip lease agreement must be maintained by the lessor for a period of four years following the mileage experience year or period upon which the application is based.

(3) Normally the lessee of a vehicle is responsible for its licensing under proportional registration subject to the following exceptions:

(a) Household goods carriers, wherein the agent is the lessor and the company is the lessee, may file and register as dual applicants. Under this procedure, the lessor's fleet is prorated in its name and cab cards are issued in the name of both the lessor and lessee. The application is based on the lessor's vehicles and the mileage accumulated by the lessor under its name and that of the lessee. The application should be filed in the name of the lessee and the lessor. For equipment owned and operated by owner-operators, other than service representatives, and used exclusively to transport cargo for the household goods carrier, the vehicle shall be registered by the carrier in the base jurisdiction of the carrier, but in both the owner-operator's name and that of the carrier as lessee, with the apportionment of fees according to the records of the carrier.

(b) The lessor of a single trip lease agreement is responsible for licensing and recordkeeping.

(c) Optional for rental vehicles referred to in subsection (1) of this section.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-91-160 RECIPROCITY FOR COMBINATIONS OF VEHICLES.

WSR 90-16-073
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed July 30, 1990, 3:05 p.m.]

Original Notice.

Title of Rule: Chapter 16-470 WAC, Rules relating to honey bee tracheal mite quarantine.

Purpose: To repeal the Washington state honey bee tracheal mite quarantine.

Statutory Authority for Adoption: Chapter 17.24 RCW.

Statute Being Implemented: Chapter 17.24 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: Quarantine is no longer necessary.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: William E. Brookreson, 6120 Capitol Boulevard, Tumwater, (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: See Summary above.

Proposal Changes the Following Existing Rules: This proposal repeals the existing rule.

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

Hearing Location: Agricultural Service Center Conference Room, 2015 South First Street, Yakima, WA 98503 [98903], on September 5, 1990, at 10:00 a.m.

Submit Written Comments to: William E. Brookreson, 406 General Administration Building, AX-41, Olympia, WA 98504, by September 5, 1990.

Date of Intended Adoption: September 20, 1990.

July 30, 1990

William E. Brookreson
Assistant Director

Title of Rule: Chapter 16-752 WAC, Rules relating to the noxious weed grant program.

Purpose: To update the rules at the advice of the Washington State Noxious Weed Control Board and to delete obsolete rules.

Statutory Authority for Adoption: Chapters 17.10 and 34.04 [34.05] RCW.

Statute Being Implemented: Chapter 17.10 and 34.04 [34.05] RCW.

Summary: Grant rules and procedures are developed in consultation with the Washington State Noxious Weed Control Board. Changes in rule are intended to clarify applications by grant type—Biocontrol, control, education or survey. References to obsolete interim [interim] grant procedures are being deleted.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: William E. Brookreson, 6120 Capitol Boulevard, Tumwater, (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: See Summary above.

Proposal Changes the Following Existing Rules: See Summary above.

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

Hearing Location: Agricultural Service Center Conference Room, 2015 South First Street, Yakima, WA 98903, on September 5, 1990, at 1:00 p.m.

Submit Written Comments to: William E. Brookreson, 406 General Administration Building, AX-41, Olympia, WA 98504, by September 5, 1990.

Date of Intended Adoption: September 20, 1990.

July 30, 1990

William E. Brookreson
Assistant Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-470-200 QUARANTINE—HONEY BEE TRACHEAL MITE.

WAC 16-470-210 ARTICLES UNDER QUARANTINE—HONEY BEE TRACHEAL MITE HOSTS AND CARRIERS.

WAC 16-470-220 HONEY BEE TRACHEAL MITE—AREA UNDER QUARANTINE—EXTERIOR.

WAC 16-470-230 HONEY BEE TRACHEAL MITE—RESTRICTIONS.

WAC 16-470-240 HONEY BEE TRACHEAL MITE—ENFORCEMENT.

WSR 90-16-074
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed July 30, 1990, 3:10 p.m.]

Original Notice.

AMENDATORY SECTION (Amending Order 1963, filed 1/29/88)

WAC 16-752-001 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of agriculture of this state, or a duly authorized representative.

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

(3) "Person" means any individual, partnership, corporation, association, agency, or organized group of persons whether or not incorporated.

(4) "Hay" means the harvested herbage of forage plants, including but not limited to grasses, legumes, sedges and rushes.

(5) "State board" means the Washington state noxious weed control board.

(6) ("Abstract" means a concise summary of the main parts of a noxious weed control project.

(7)) "Applicant" means a project sponsor.

((8)) (7) "BARS" means the budgeting, accounting, and reporting system of municipal fiscal management.

((9)) (8) "Environmental checklist" means the form in WAC 197-11-960.

((10)) (9) "Executive secretary" means the state noxious weed control board executive secretary.

~~((11)) "Intangible benefits" means those benefits lacking physical form including but not limited to goodwill, increased public awareness, and aesthetic improvements.~~

~~((12)) "Intangible costs" means those costs lacking physical form including but not limited to ill will, decreased public enjoyment, reduced aesthetics.~~

~~((3))~~ (10) "Integrated pest management" means a decision-making process which combines all feasible control techniques into a program for managing targeted noxious weeds including but not limited to prevention, monitoring, consideration of alternative methods, and evaluation.

~~((4))~~ (11) "Local noxious weed control agency" means any activated county or regional noxious weed control board created under chapter 17.10 RCW, any weed district created under chapter 17.04 RCW, or any intercounty weed district created under chapter 17.06 RCW.

~~((5))~~ (12) "Monitoring" means inspecting to gather and record site specific information on which decisions about treatment choices are to be based.

~~((6))~~ (13) "Objectives" means statements of precise outcomes which can be measured to determine actual accomplishments.

~~((7)) "Principle")~~ (14) "Principal investigator" means the person under whose direction the noxious weed control project will be carried out such as the county weed control ~~((supervisor))~~ coordinator or county weed control board chairperson.

~~((8))~~ (15) "Project sponsor" means the county legislative authority of a county with an activated noxious weed control board, a local weed control agency, or a combination of two or more agencies acting through a lead agency, responsible for implementing an approved project.

~~((9))~~ (16) "Public benefits" means those services, goods, or other benefits, whether tangible or intangible, which accrue to persons other than those on whose property weed control measures pursuant to this chapter are undertaken.

~~((20))~~ (17) "Public costs" means those costs, whether tangible or intangible, which accrue to persons other than those on whose property weed control measures pursuant to this chapter are undertaken.

~~((21))~~ (18) "Significant environmental harm" means a reasonable likelihood of more than a moderate adverse impact on environmental quality as set forth in WAC 197-11-794.

~~((22)) "Tangible benefits" means those benefits possessing physical form, whether monetary or nonmonetary, including but not limited to public health and safety enhancement, environmental enhancement, and cost savings on consumer goods.~~

~~((23)) "Tangible costs" means those costs possessing physical form, whether monetary or nonmonetary, including but not limited to public health and safety degradation, environmental degradation cost increases on consumer goods.))~~

AMENDATORY SECTION (Amending Order 1963, filed 1/29/88)

WAC 16-752-115 NOXIOUS WEEDS GRANT PROGRAM—PURPOSE. The purpose of the noxious weeds grant program is to control and prevent noxious weed infestations that pose a potential economic or environmental threat to the state by funding educational projects ~~((with comprehensive)), weed surveys, biological control activity and control projects with strategies that are well planned, documented, and specific to targeted weed species.~~

AMENDATORY SECTION (Amending Order 1963, filed 1/29/88)

WAC 16-752-125 NOXIOUS WEEDS GRANT PROGRAM—WHO MAY APPLY. The legislative authority of any county with an activated county noxious weed control board, or the board of any ~~((local))~~ weed control ~~((agency))~~ district may apply for noxious weed control grant program funds ~~((if such applicant employs adequate administrative personnel to supervise the proposed project for the duration of such project)). In addition, pursuant to RCW 17.10.074(3), the Washington state noxious weed control board may advise the director to reallocate funds designated for the noxious weed grant program to identified projects of general benefit to activated county weed boards and weed districts and/or of benefit to noxious weed control efforts state-wide.~~

AMENDATORY SECTION (Amending Order 1963, filed 1/29/88)

WAC 16-752-130 NOXIOUS WEEDS GRANT PROGRAM—APPLICATION PROCEDURE. (1) The department shall specify

funding cycles, and application and reporting deadlines as necessary, and shall give reasonable notice in writing and shall send by regular mail to the legislative authority of each county with an activated county noxious weed control board and each local weed control ~~((agency))~~ district notice of such cycles and deadlines.

(2) The applicant may request assistance from the state board executive secretary or from the department in completing the application. The state board executive secretary and the department may provide such assistance subject to the availability of staff and funds for this purpose.

(3) The state board may ~~((reject or))~~ establish a committee to provide a preliminary review of grant applications. The committee may refer back to the applicant ~~or the state board may reject~~ those applications which it finds are:

- (a) Insufficiently documented; or
- (b) Incomplete; or
- (c) Inadequate; or
- (d) Postmarked after the deadline.

AMENDATORY SECTION (Amending Order 1963, filed 1/29/88)

WAC 16-752-135 NOXIOUS WEEDS GRANT PROGRAM—CONTENT OF GRANT APPLICATION. Applications for grants shall include, but not be limited to, the following information:

(1) The legal name and address of the organization to whom the award should be made;

(2) The scientific name of targeted noxious weed species if applicable;

(3) The weed classification status if applicable;

(4) The project title and status (new or renewal);

(5) The amount of money being requested from the state;

(6) The estimated length of the project and the starting and ending dates;

(7) The name, business address, and telephone number of the ~~((principle))~~ principal investigators;

(8) The type of performing organization;

(9) The signature of the ~~((principle))~~ principal investigator;

(10) ~~((The abstract, not to exceed one page, which summarizes the main parts of the project;~~

~~((11))~~ Background information which demonstrates the applicant's familiarity with similar projects;

~~((12))~~ (11) The objectives of the project;

~~((13))~~ (12) The statement of the approach and procedures to be used to accomplish objectives. This section of the proposal shall describe how the applicant plans to approach the problem and indicate the method the applicant will employ to accomplish the objective;

~~((14))~~ (13) A description of actual project activity, utilization of personnel, and compilation of data ~~((including the following:))~~;

~~((a))~~ The precise location of the area affected by the project;

~~((b))~~ The known distribution of the weed species outside the project area;

~~((c))~~ The number of acres encompassed by project area;

~~((d))~~ The number of acres infested by the targeted noxious weed species;

~~((e))~~ The type of land affected in the project area including but not limited to cropland, rangeland, pasture, urban/industrial, transportation rights-of-way, or forest;

~~((f))~~ A designation of the land within the project areas expressed as percent including but not limited to public land, federal land, tribal land, state land, or private land;

~~((g))~~ A description of the agricultural and nonagricultural uses of the project area;

~~((15))~~ (14) A projected breakdown of the work to be accomplished on a monthly basis during the funding period;

~~((16))~~ (15) A budget consistent with the BARS format which indicates revenues and expenditures by source;

~~((17))~~ (16) A quarterly expenditure plan;

~~((18))~~ (17) A list of any in-kind contributions committed to the proposed project;

~~((19))~~ (18) If the project is sponsored by several agencies, a draft copy of the interlocal cooperation agreement, memorandum of understanding, or other contract showing the relationship and responsibilities of the agencies;

~~((20))~~ (19) A statement that the project sponsor will enter into a contract with the department for utilization of grant program funds upon approval of the application.

AMENDATORY SECTION (Amending Order 1963, filed 1/29/88)

WAC 16-752-140 NOXIOUS WEEDS GRANT PROGRAM—APPLICATION EVALUATION—RANKING AND NOTICE OF ACCEPTANCE OR REJECTION OF APPLICATION. (1) The state board shall review, evaluate, assign points to, and rank each application by grant type according to the criteria contained in WAC 16-752-145: PROVIDED, That board members who are also officials of the project sponsor shall not be eligible to rank that project sponsor's application. The state board may establish funding targets by grant application type prior to review of grant applications: PROVIDED, That grant applicants are advised of such targets prior to the final recommendations for grant funding. Each grant application type may be considered separately in line with funding targets.

(2) For control, other than biocontrol, first priority in funding will be given to class "A" and class "B" designate noxious weed species: PROVIDED, That the minimal acceptable standards set forth in WAC 16-752-145(2) are met.

(3) Each state board member shall independently evaluate and score each application by grant type according to WAC 16-752-145(3), after which the state board shall discuss the applications and review the scores. During such discussions, any state board member may change her or his scores. Following the review, the sum of the individual state weed board member scores for each application shall be determined and divided by the number of members scoring the application. This product shall constitute the board's score for the application. The applications thus scored shall be ranked from highest to lowest score.

(4) The results of the state board's scores and ranking shall be submitted to the director for final scoring, ranking, and acceptance or rejection of the application: PROVIDED, That in scoring applications, the director shall use the same criteria as that used by the state board and shall consult with the state board prior to any change in an applicant's rank.

(5) The department shall give notice to each applicant in writing and send by regular mail notice of the action taken on their application. Such notice shall include the applicant's final score and ranking among the applications considered during that cycle.

AMENDATORY SECTION (Amending Order 1963, filed 1/29/88)

WAC 16-752-145 NOXIOUS WEEDS GRANT PROGRAM—EVALUATION CRITERIA. (1) The state board shall evaluate each application to determine if it meets all the minimal acceptable standards set forth in subsection (2) of this section. Any application which does not meet these standards shall be rejected and no further consideration shall be given to the application.

(2) The minimal acceptable standards are as follows:

(a) The grant applicant employs adequate administrative personnel to supervise the proposed project for the duration of such project;

(b) The proposed (~~method of control~~) project is technically feasible;

~~((b))~~ (c) The grant application does not represent an unreasonable portion of the weed board or weed districts total budget;

(d) The project provides public benefits in excess of public costs;

~~((c))~~ (e) The project will not cause significant environmental harm;

(f) Past grants have been used according to the terms of the grant, reports have been compiled as required, and no serious problems have been identified in project audits;

(g) For control projects, adequate insurance coverage is in place.

(3) Any application which meets all of the minimal acceptable standards shall be assigned points by the state board for each of several specific scientific, technical, economic, and environmental measures established by the state board.

NEW SECTION

WAC 16-752-146 MINIMUM STANDARDS FOR ALL GRANT PROJECT PERFORMANCE. All grants funded by the department shall meet the following requirements:

(1) All treatments of A, B designate, B, or C weeds will be done in a timely manner, at the most susceptible stage.

(2) Record keeping will be consistent with good accounting practices. All records will be available for audit during regular business hours.

(3) All statutory requirements of chapter 17.10 RCW will be met.

NEW SECTION

WAC 16-752-147 MINIMUM STANDARDS FOR A AND B DESIGNATE CONTROL WORK—GRANT FUNDING. In addition to the requirements of WAC 16-752-146, all grants for A and B designate control shall meet the following performance requirements:

(1) Principal goal of designed projects will be immediate containment, and control to the extent that containment is assured; medium range reduction in size of infestation, and long range eradication.

(2) Infestations must be adequately surveyed (as per guidelines provided by the survey committee) to assure that the species is not growing outside the project containment. In cases of newly discovered infestations, where prompt control action is necessary and the survey has not been done, grant applications may be approved if:

(a) The local weed board or weed district has a survey plan to accompany the grant application as a condition of the grant; or

(b) The control grant application is accompanied by a survey grant application.

(3) A and B designates must be treated in a timely fashion at the most susceptible stage of growth and soon enough to prevent viable seed production. Late treatments are not acceptable except in case of newly identified infestation.

(4) All herbicide treatments of A and B designates will be performed by licensed applicators/operators.

(5) Target areas will be inspected after treatment but before seed set to determine if seed production has been prevented. If seed may still be produced then appropriate follow-up action will be required to prevent seed set.

(6) Landowners who employ alternative methods to that approved in the grant will do so at their own expense. Landowners who opt for hand removal must have an approved disposal method, and both infestation and disposal sites are subject to inspection.

(7) In cases of noncompliance, where the landowner fails to control A and B designates, legal enforcements by counties and districts for immediate control and containment will be mandatory for all state funded programs.

AMENDATORY SECTION (Amending Order 1963, filed 1/29/88)

WAC 16-752-155 NOXIOUS WEEDS GRANT PROGRAM—PROJECT MONITORING, EVALUATION AND REPORTING.

(1) The ~~((principle))~~ principal investigator shall monitor the progress of the project; evaluate the effects of the project; account for all project funds and expenditures; and submit ~~((an annual))~~ a biennial and/or final report of its findings to the department and state board.

(2) The department shall conduct financial, compliance, or performance audits as necessary to review project accounting, ensure program compliance, and determine project efficiency and effectiveness.

(3) If the department determines that the project's progress effectiveness or fiscal management is deficient, the department may take one or more of the following actions:

(a) Advise the project sponsor in writing of the deficiency and direct the necessary corrective action;

(b) Suspend the project for a period of not more than sixty days during which time the department shall evaluate the project and determine what, if any, corrective action shall be taken to correct the deficiency: PROVIDED, That the department shall notify the project sponsor by certified mail of such suspension and shall forward a copy of such notice to the state board;

(c) Terminate the project: PROVIDED, That the department shall consult with the state weed board before termination of a project.

AMENDATORY SECTION (Amending Order 1963, filed 1/29/88)

WAC 16-752-165 NOXIOUS WEEDS GRANT PROGRAM—RECORDS RETENTION, FINAL REPORT, UNUSED ALLOCATED MONEYS. (1) Grant program records shall be retained by the project sponsor and a copy forwarded to the department and the executive secretary upon request upon project completion or termination.

(2) The project sponsor shall submit a financial statement within thirty days and a final report within one hundred eighty days of the completion or termination of a project to the department and the executive secretary which shall include:

(a) A brief listing of the primary objectives of the project;

(b) ~~((The results))~~ A review of the effectiveness of the project summarized according to project objectives;

(c) A brief summary of the public benefits accrued to the state as a result of the project;

(d) An itemized accounting of all grant moneys spent consistent with the BARS format.

(3) ~~((Unused allocated grant moneys shall be returned to the state grant fund within thirty days of the termination of a project. PROVIDED, That unused allocated moneys shall be returned no later than thirty days before the end of the biennium:))~~ Grant applicants shall notify the department at the earliest possible date, but no later than thirty days from the termination of the project or the end of the biennium, of any allocated grant funds that will not be expended. The director, with the advice of the state board, may reallocate those funds consistent with WAC 16-752-125.

AMENDATORY SECTION (Amending Order 1963, filed 1/29/88)

WAC 16-752-170 NOXIOUS WEEDS GRANT PROGRAM—~~((EMERGENCES))~~ EMERGENCY AND INTERIM FUNDING. Nothing in this chapter shall prevent the use of available noxious weed grant funds when it is determined by the director with advice of the state board that a noxious weed emergency exists because of:

(1) The discovery of a new infestation of an A or B designate weed in a county or weed district;

(2) A significant underestimation of the cost of control by the principal investigator due to circumstances beyond his or her control;

(3) The failure of a control strategy to be as efficacious as the investigator and the state board had anticipated.

Interim funding may be provided where unallocated grant funds are available according to the criteria in WAC 16-752-125.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-752-200 EMERGENCY NOXIOUS WEEDS GRANT PROGRAM—PURPOSE.

WAC 16-752-201 EMERGENCY NOXIOUS WEEDS GRANT PROGRAM—ALLOTMENT.

WAC 16-752-202 EMERGENCY NOXIOUS WEEDS GRANT PROGRAM—APPLICATION.

WAC 16-752-203 EMERGENCY NOXIOUS WEEDS GRANT PROGRAM—REQUIREMENTS.

WAC 16-752-204 EMERGENCY NOXIOUS WEEDS GRANT PROGRAM—PAYMENT.

**WSR 90-16-075
PERMANENT RULES
DEPARTMENT OF
GENERAL ADMINISTRATION**

[Filed July 30, 1990, 3:17 p.m.]

Date of Adoption: July 18, 1990.

Purpose: To amend WAC 236-48-198 to read "handgun" instead of "revolver." Under WAC 236-48-198, provision is made for a commissioned officer of the state patrol or other state-wide law enforcement agency, to purchase at fair market value, their service "revolver" upon retirement. 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 proposed change in WAC 236-48-198, would change the word "revolver" to "handgun".

Citation of Existing Rules Affected by this Order: Amending WAC 236-48-198.

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

Pursuant to notice filed as WSR 90-11-011 on May 7, 1990.

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

July 18, 1990

K. Wendy Holden
Director

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 90-16-076

**NOTICE OF PUBLIC MEETINGS
HIGHLINE COMMUNITY COLLEGE**

[Memorandum—July 24, 1990]

The following information regarding the regular monthly meetings of the Community College District 9 board of trustees is forwarded in compliance with RCW 42-30.075. All meetings begin at 8:00 a.m. except for those times indicated below.

Date	Change in Meeting Time
July 12, 1990	
August	no meeting
September 13, 1990	
October 11, 1990	
November 8, 1990	3:00 p.m.
December 13, 1990	
January 10, 1991	
February 14, 1991	3:00 p.m.
March 14, 1991	
April 11, 1991	
May 9, 1991	3:00 p.m.
June 13, 1991	

WSR 90-16-077

**NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION**

[Memorandum—July 30, 1990]

This is to advise you that the Washington State Human Rights Commission will hold its next regular commission meeting in Seattle on August 22 and 23, 1990. The

meeting on August 22, will be held at the Edgewater Inn, 2411 Alaskan Way, Pier 67, Olympic Room, Seattle, from 5:30 p.m. to 8:00 p.m. and will be a reception to provide the members of the Seattle community with an opportunity to meet informally with the commissioners and the new executive director. The regular business meeting will be held at the same location on August 23, beginning at 9:30 a.m.

WSR 90-16-078
NOTICE OF PUBLIC MEETINGS
PRODUCTIVITY BOARD
[Memorandum—July 31, 1990]

The August 3, 1990 meeting of the Washington State Productivity Board will take place from 9:00 a.m. to 11:00 a.m. in the Office of the Secretary of State in the Legislative Building, Olympia, Washington.

Next meeting: Friday, September 7, 1990.

WSR 90-16-079
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE
[Memorandum—July 26, 1990]

At their July 26, 1990, meeting, the board of trustees changed the September 6 meeting date to September 13.

WSR 90-16-080
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed July 31, 1990, 1:46 p.m.]

Continuance of WSR 90-09-079.

Title of Rule: WAC 388-24-050 Aid to families with dependent children—Assistance unit.

Date of Intended Adoption: August 14, 1990.

July 31, 1990
Leslie F. James, Director
Administrative Services

WSR 90-16-081
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 3046—Filed July 31, 1990, 1:48 p.m.]

Date of Adoption: July 31, 1990.

Purpose: To clarify in accordance with RCW 74.04-.050 the department's policy related to good cause waiver of the requirement to cooperate with the Office of

Support Enforcement; department waiver of census temporary employment and its effect on deprivation; and correct operative wording changed in error during the last amendment of WAC 388-24-070.

Citation of Existing Rules Affected by this Order: Amending WAC 388-24-070 and 388-24-111.

Statutory Authority for Adoption: RCW 74.04.050.

Pursuant to notice filed as WSR 90-09-054 on April 16, 1990.

Changes Other than Editing from Proposed to Adopted Version: This rule amendment is necessary to administer the Office of Support Enforcement good cause program. Clarify that there are two good cause levels of protection if a valid claim exists and makes minor corrections to enhance program policy.

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

July 31, 1990
Leslie F. James, Director
Administrative Services

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

WAC 388-24-070 AID TO FAMILIES WITH DEPENDENT CHILDREN—REGULAR—DEPRIVATION DUE TO CONTINUED ABSENCE FROM HOME. (1) The department shall determine whether a child is deprived of parental support or care due to the absence of a child's parent.

(2) The department shall determine deprivation due to the continued absence of a parent, regardless of legal marital status, when:

(a) The parent is living out of the home in which the child resides; ((or)) and

(b) The absence interrupts or terminates the parent's functioning as a provider of:

(i) Maintenance at least equal to the child's prorated share of the monthly need standard for the number of persons in the child's assistance unit as specified in WAC 388-29-100; or

(ii) Physical care; or

(iii) Guidance for the child; and

(c) The absence precludes the parent's involvement in planning for the present support or care of the child.

(3) The department shall disregard the assumption in subsection (2)(a) that parental functioning is interrupted only if the absent parent routinely visits the child, and continuously provides all elements of parental functioning.

(4) The department shall document reduction of one or more of the elements of parental care to establish deprivation. The following definitions shall apply:

(a) "Maintenance" means the financial support and in-kind contributions paid directly to the child's household, including:

(i) Child support,

(ii) Food,

(iii) Clothing, and

(iv) Other necessities.

(b) "Physical care" means continuous care of the child on a day-to-day basis by performing tasks, depending upon the age of the child, required in the child's daily life including, but not limited to:

- (i) Providing clean clothing and dressing the child;
- (ii) Preparing meals and feeding;
- (iii) Supervising bedtime; and
- (iv) Assisting with other personal care needs.

(c) "Guidance" means day-to-day parental participation in and responsibility for the child's physical, emotional, and intellectual development including, but not limited to:

- (i) Accompanying to doctor visits;
- (ii) Attending school conferences;
- (iii) Disciplining; and
- (iv) Participating in decisions concerning the child's well-being and extracurricular activities.

~~((4))~~ (5) The department shall not establish deprivation due to absence if:

(a) The reason for the parent's absence is due solely to serving on active duty in the uniformed military services of the United States; or

(b) For applicants, the department's best estimate based on available evidence is that an absent parent will return to reside in the home at any time within the month of initial grant authorization. However, if the department's best estimate is that the absent parent will return to the home within the month following the month of initial grant authorization, deprivation may exist for the initial month of grant authorization, but not for the month following.

(c) For recipients, after the first two months of eligibility, the department determines an absent parent will return to the home. Deprivation due to absence ceases the end of the month in which the parent returns to the home.

~~((5))~~ (6) The department shall consider deprivation due to continued absence established when a parent convicted of an offense is permitted to reside in the family home but is required by the court to perform unpaid work or unpaid community service, and:

(a) Shall not include the needs of the convicted parent in the determination of eligibility or the payment of financial assistance; and

(b) Shall treat earned income outside of the hours of sentenced unpaid work or community service in accordance with WAC 388-28-500.

~~((6))~~ (7) The department shall assume, when a nonresponsible relative applies on behalf of a child who was not placed in custody through a court order, and whose parent though able has failed to support the child, that apparent abandonment exists and shall apply policies outlined in WAC 388-24-114.

AMENDATORY SECTION (Amending Order 2737, filed 12/14/88)

WAC 388-24-111 GOOD CAUSE NOT TO COOPERATE WITH SUPPORT ENFORCEMENT. (1) The department shall waive the requirement for client cooperation in WAC 388-24-109 if ~~((it))~~ the client claims and the department determine(s) cooperation would not be in the best interest of the eligible child.

(2) The department shall inform a client of:

(a) How establishing paternity and collecting support may benefit the child; and

(b) Their right to claim good cause not to cooperate.

(3) The department shall require the client who claims good cause to provide:

(a) ~~((Provide))~~ Corroborative evidence supporting the good cause circumstances; or

(b) ~~((Provide))~~ Enough information, such as the absent parent's name and address, to permit the department to investigate the existence of the claimed circumstances specified in subsection (6) of this section.

(4) When a client claims to have good cause, the department IV-A staff will determine if:

(a) The client claim is based on an allowable circumstance under subsection (6) of this section; and

(b) The evidence supplied by the client ~~((establishes))~~ corroborates that cooperation would be against the best interest of the child; or

~~((b))~~ (c) Investigation of the claimed circumstances confirms that cooperation would be against the best interest of the child.

(5) The department shall:

(a) Determine good cause, as quickly as possible, according to time limits in WAC 388-38-110;

(b) Notify the client, in writing, of the department findings and basis for determination; and

(c) Document the determination and basis in the financial and service records.

(6) Department IV-A staff shall only determine ~~((that))~~ cooperation is against the best interest of the child if the claim is based on one of the following:

(a) The client's cooperation can reasonably be anticipated to result in serious physical or emotional harm which ~~((impairs))~~ is detrimental to the ~~((functioning of))~~:

(i) ~~((The))~~ Child; or

(ii) ~~((The))~~ Caretaker relative to the extent the impairment reduces their capacity to care for the child adequately; or

(b) ~~((To establish))~~ Establishing paternity or ~~((secure))~~ securing support ~~((it))~~ would be detrimental to the child and:

(i) The child was conceived as a result of incest or rape;

(ii) Legal adoption proceedings of the child are pending before a superior court; or

(iii) The parent is working with a public or licensed child-placement agency, for up to three months, to decide whether to keep or relinquish the child for adoption.

(7) The department shall limit evidence used to determine good cause without further investigation to the following:

(a) Birth, medical, or law enforcement records which show the child was conceived as the result of incest or rape;

(b) Court or other records which show proceedings for adoption are pending before a superior court;

(c) Court, medical, criminal, child protective services, social services, psychological, or law enforcement records upon which ~~((show))~~ the department determines the absent parent might harm the child or caretaker relative;

(d) Medical records or written statements from a mental health professional, with a diagnosis or prognosis which shows cooperation by the caretaker relative would not be in the best interest of the child; ~~((or))~~

(e) Child-placement agency verification, including the dates of counseling, regarding the issue of whether to keep or relinquish the child for adoption; or

(f) Sworn statements from knowledgeable persons, other than the client, regarding the circumstances upon which the claim is based.

(8) ~~((Upon))~~ If the client requests, the department shall assist the client in obtaining ~~((the))~~ required evidence.

(9) If the client cannot obtain required evidence yet continues to claim good cause, the client shall provide information to allow the department to investigate the circumstances of the claim. The department may base good cause on any verifying information acceptable to the department; however, during the investigation the department:

(a) Shall not contact the absent parent unless necessary to establish the good cause claim; and

(b) ~~((Prior to))~~ Before such contact, shall notify and allow the client the opportunity to:

(i) Present additional evidence or information that makes contact unnecessary; ~~((or))~~

(ii) Withdraw the application for assistance; ~~((or))~~

(iii) Have the good cause claim denied; or

(iv) Request a fair hearing.

(10) Where the department bases good cause on emotional harm, the department shall consider and document the following factors:

(a) ~~((The))~~ Past and present emotional state of the individual subject to emotional harm;

(b) ~~((The))~~ Degree and probable duration of the emotional upset;

(c) ~~((The))~~ Degree of cooperation ~~((to be))~~ required; and

(d) ~~((The))~~ Child's involvement in the paternity establishment or support enforcement activity.

(11) Department IV-A staff shall also determine if support enforcement could proceed without risk ~~((of harm))~~, detrimental to the child or caretaker relative ~~((and))~~ where the collection activities would not involve their participation. If ~~((there is no risk))~~ the title IV-D staff can proceed where such activity will not cause risk of harm, IV-A staff shall:

(a) Document this decision in the case file; and

(b) Notify the client of this decision so ~~((he or she))~~ the client may withdraw the application; and

(c) Provide available information about the absent parent to IV-D staff if the application is not withdrawn.

(12) ~~((Prior to))~~ Before a final determination of good cause, IV-A staff shall:

(a) Give IV-D staff the opportunity to review and comment on the finding and basis for the proposed determination;

(b) Consider IV-D comments or recommendations; and

(c) Provide IV-D staff the opportunity to participate in any fair hearing based on a good cause claim.

(13) The department shall not deny or delay assistance for a pending good cause determination if the client ~~((is cooperating with the requirements to furnish))~~ has a

valid claim basis as stated in subsection (6) of this section and has provided corroborative evidence ~~((or))~~ and information.

(14) If IV-A staff determine any collection activity may place the child or caretaker relative at risk, the department shall not attempt to establish paternity or secure support.

(15) IV-A staff shall review, at least ~~((at each eligibility review))~~ every six months, all active good cause cases. If good cause no longer exists, the department shall require the client to cooperate.

(16) When good cause does not exist:

(a) The department shall notify the client and afford the opportunity to cooperate, withdraw the application, or request a fair hearing; and

(b) Continued refusal to cooperate shall result in the loss of AFDC eligibility for the caretaker relative as specified in WAC 388-24-108(2).

(17) The department shall maintain records of good cause claims.

(18) IV-A staff shall promptly report to IV-D staff those cases in which:

(a) Good cause has been claimed and a determination is pending;

(b) A determination of good cause exists;

(c) A determination that good cause does not exist; and

(d) A fair hearing has been requested.

WSR 90-16-082
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD
[Filed July 31, 1990, 3:54 p.m.]

Original Notice.

Title of Rule: State of Washington pacific rim language scholarship program.

Purpose: Adoption of rules to establish the pacific rim scholarship program.

Statutory Authority for Adoption: Chapter 243, Laws of 1990.

Statute Being Implemented: Chapter 243, Laws of 1990.

Summary: A program to promote international awareness and understanding by encouraging high school students to study pacific rim languages.

Reasons Supporting Proposal: Implementation of the pacific rim scholarship program.

Name of Agency Personnel Responsible for Drafting and Implementation: Ann McLendon and John Klacik, 917 Lakeridge Way, Olympia, 753-3571; and Enforcement: Ann Daley and Shirley Ort, 917 Lakeridge Way, Olympia, 753-3571.

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 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: Higher Education Coordinating Board, 917 Lakeridge Way, GV-11, Olympia, WA 98504, on September 11, 1990, at 9:00 a.m.

Submit Written Comments to: Ann Daley, Executive Director, Higher Education Coordinating Board, 917 Lakeridge Way, GV-11, Olympia, WA 98504, by September 11, 1990.

Date of Intended Adoption: September 19, 1990.

July 27, 1990

Ann Daley
Executive Director

STATE OF WASHINGTON

PACIFIC RIM LANGUAGE SCHOLARSHIP PROGRAM

Chapter 243, Laws of 1990

WAC 250-74

WAC 250-74-010	Purpose
WAC 250-74-020	Program Definitions
WAC 250-74-030	Eligibility Criteria
WAC 250-74-040	Selection Criteria
WAC 250-74-050	Administration
WAC 250-74-060	Management of Funds

The following general regulations govern the administration of the Pacific Rim Languages Scholarship Program.

NEW SECTION

WAC 250-74-010 **PURPOSE.** The purpose of this act is to promote international awareness and understanding by encouraging high school students to study pacific rim languages.

NEW SECTION

WAC 250-74-020 **PROGRAM DEFINITIONS.** (1) "Washington state pacific rim language scholarship" means a scholarship awarded, for a period not to exceed one year, to a student proficient in speaking one of the following languages: Spanish, Russian, Chinese, or Japanese.

(2) "Institution of higher education" or "institution" shall mean any public university, college, community college, or vocational-technical institute operated by the state of Washington political subdivision thereof, or any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a member institution of the Northwest Association of Schools and Colleges, providing such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of the above named accrediting association.

(3) "Board" means 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.

(4) "Student" means a high school senior who is a proficient speaker of a pacific rim language, and who intends to enroll in an institution of higher education within one year of high school graduation.

(5) "Half-time student" means any student enrolled in exactly one-half the credit hour or clock hour load defined by the institution as constituting expected full time progress toward the particular degree or certificate.

NEW SECTION

WAC 250-74-030 **ELIGIBILITY CRITERIA.** (1) Student Eligibility. In order to be eligible to receive a scholarship under this program, the student must:

(a) Have attended high school in the state of Washington or be a resident of Washington state as defined in RCW 28B.15.011-015 and Chapter 250-18 WAC.

(b) Be a proficient speaker of either Spanish, Russian, Japanese, or Chinese.

(c) Be enrolled at a public or independent college or university in the state of Washington within one year of high school graduation, as at least a half-time student.

(d) 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.

(e) Agree to provide appropriate documentation of undergraduate studies as may be requested by the higher education coordinating board.

NEW SECTION

WAC 250-74-040 **SELECTION CRITERIA.** (1) Program Advisory and Selection Committee. The board will appoint an advisory committee to advise the board on matters of program administration including, but not limited to, application procedures, selection criteria, fund raising, and program publicity. The advisory committee shall also serve as a screening committee to assist the board in selecting the students to receive pacific rim language scholarships. The committee membership shall be comprised of leaders in government, business, and education.

(2) Selection of Recipients. Assuming program eligibility criteria are met, the board shall select students who have shown the most improvement in their ability to speak the language during their high school careers. The following additional selection criteria may be employed by the board in ranking applicants:

(a) Commitment to continuing studies in, or use of, one of the following languages: Spanish, Russian, Chinese, or Japanese, or any other pacific rim language;

(b) Commitment to increasing, broadening, or deepening his/her knowledge and understanding of the economics, politics, and cultures of the pacific rim region;

(c) Commitment to use that knowledge to teach within the state or otherwise enrich this state's economic health and cultural understanding;

(d) Superior scholastic achievement;

(e) Honors and awards;

(f) Financial need.

(3) Number of students to be selected. The board shall select up to four students yearly from each congressional district. Of the four students selected, one student shall be a proficient speaker of Spanish, one of Russian, one of Japanese, and one of Chinese.

NEW SECTION

WAC 250-74-050 **ADMINISTRATION.** (1) Administering Agency. The higher education coordinating board shall administer the pacific rim language scholarship program. The board shall have the following administrative responsibilities:

(a) Publicize the program.

(b) Adopt necessary program guidelines.

(c) Select students to receive the pacific rim languages scholarship, with the assistance of the selection committee created by section 250-74-040, subsection (1) of this act.

(d) Disburse funds to named scholarship recipients.

(e) Maintain records on all pacific rim language scholarship recipients.

(f) Solicit and accept grants and donations from public and private sources for the program.

NEW SECTION

WAC 250-74-060 **MANAGEMENT OF FUNDS.** The higher education coordinating board may award grants to eligible students from the funds appropriated to the board for this purpose, or from any private donations, or any other funds given to the board for this program.

(1) Scholarship Amounts. The amount of the pacific rim language scholarship awarded an individual shall not exceed one thousand dollars (\$1000) in total.

(2) The scholarship is awarded to a recipient on a one-time, non-renewable basis.

(3) The scholarship shall not be disbursed to the student until the higher education coordinating board has received verification that the awardee is enrolled as at least a half-time student.

WSR 90-16-083
PERMANENT RULES
PUBLIC DISCLOSURE COMMISSION
[Filed July 31, 1990, 4:02 p.m.]

Date of Adoption: July 24, 1990.

Purpose: Changes in statute and correct typographical errors.

Citation of Existing Rules Affected by this Order:
Repealing WAC 390-20-022; and amending WAC 390-20-111, 390-12-050, 390-12-250, 390-12-255, 390-16-033, 390-16-041, 390-16-120, 390-16-125, 390-16-155, 390-20-125, 390-37-100 and 390-37-210.

Statutory Authority for Adoption: RCW 42.17.370.

Pursuant to notice filed as WSR 90-12-091 on June 4, 1990.

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

July 31, 1990

Graham E. Johnson
Executive Director

NEW SECTION

WAC 390-20-111 FORM FOR LOBBYIST EMPLOYERS REPORT OF POLITICAL CONTRIBUTIONS. The official form entitled "Employer of Lobbyist Monthly Political Contribution Report" as required by RCW 42.17-.180 (2)(a) is designated "L-3c." Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504. Any attachments must be on 8-1/2" x 11" white paper.



EMPLOYER OF LOBBYIST
MONTHLY POLITICAL CONTRIBUTION
REPORT

Employer's Name (Use Complete Company, Association, Union or Entity Name)	L-3c 6/90 P D C O F F I C E U S E
Mailing Address	
City State ZIP	
Reporting Period (Month/Year During Which Contribution(s) Occurred)	

Who Must File Report: Employers of lobbyists registered in Washington State making one or more contributions, including in-kind contributions, during one calendar month totaling more than \$100 to a candidate for state or local office, an elected state or local official, an officer or employee of any public agency, or a political committee. *Employer contributions made through and reported by a registered lobbyist or an employer-affiliated PAC are not reportable on an L-3c*

What Must Be Reported: Contributions, including a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, or transfer of anything of value, including personal and professional services for less than full consideration. Contributions to campaign accounts and public office fund accounts are reportable.

When Is The Report Filed: Within 15 days after the last day of each calendar month during which reportable contributions were made. Reports are considered filed as of the post mark or hand-delivery date to PDC.

Itemize contributions that alone, or together with other contributions to the same recipient, total over \$100 during the calendar month specified above. If space provided is insufficient, use additional L-3c forms or 8 1/2" x 11" white paper.

DATE OF CONTRIBUTION	NAME AND ADDRESS OF RECIPIENT	DESCRIPTION OF CONTRIBUTION*	AMOUNT OR VALUE*

*See reverse for details.

Certification: I certify that the information contained herein is true and complete to the best of my knowledge.

Name and title of person authorized to sign on employer's behalf (type or print)	Signature	Date
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PDC Form L-3c (6/90)-F

Description of Contribution

Monetary Monetary contributions are those made in cash or by check, money order or other negotiable instrument. If total in amount column represents aggregate total given that recipient during the month (i.e., more than one contribution), indicate the date and amount of each contribution figured into the total.

For contributions given to incumbent candidates and elected officials, indicate whether the contribution is for the recipient's campaign account or public office account.

In-Kind Donated goods or services qualify as reportable contributions. In-kind contributions include such things as discounts on products or services, free transportation, free or reduced-rate office space, personal services, polling services, professional assistance to campaign managers and help with preparation of political advertising.

Amount or Value of Contribution

If the aggregate amount or value contributed to one recipient (candidate, elected official, agency officer or employee, or political committee) during a calendar month was over \$100 -- and the aggregate contribution was not reported by your lobbyist on his/her monthly report or the aggregate contribution was not made through and reported by your affiliated PAC -- put the total contributed in the Amount or Value column and provide the other required information.

In-Kind Value in-kind contributions at the amount you actually paid for the donated item or service or, if no purchase was made, value them at their fair market value. Fair market value is the amount a well-informed buyer or lessee, willing but not obligated to buy or lease, would pay; and what a well-informed seller, or lessor, willing but not obligated to sell or lease, would accept.

AMENDATORY SECTION (Amending Order 85-03, filed 7/9/85)

WAC 390-12-050 OPERATIONS AND PROCEDURES. (1) The public disclosure commission was created by the passage of Initiative 276 in 1972 for the principal purpose of providing the public with accurate information about certain financial affairs of candidates and elected officials, about the financing of election campaigns and the sponsors of political advertising, and about expenditures made in the course of lobbying. The initiative also contains provisions guaranteeing citizen access to most records of most elements of state and local government.

(2) The duties, responsibilities and powers of the commission are set forth in RCW 42.17.360, 42.17.370, 42.17.395 and 42.17.397. Provisions for establishing the commission and appointing the members thereof are stated in RCW 42.17.350.

(3) Commissioners meet monthly to consider and act on major policy matters, on requests for reporting modifications and on enforcement cases. All meetings are conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter ~~((34.04))~~ 34.05 RCW), and Sturgis Standard Code of Parliamentary Procedure. The passage of any motion adopting, amending or repealing any rule, or recommending changes to the act shall require a majority vote of the members of the commission as distinguished from a quorum of the commissioners.

(4) The staff prepares and distributes reporting forms and instructions in the most practical manner to persons subject to the law. The instructions are intended to satisfy the requirement of RCW 42.17.360 to publish bookkeeping manuals. The staff also provides personal instruction and technical assistance to persons with specific problems and questions.

(5) Between ~~((35,000 and))~~ 45,000 and 55,000 reports are received during a calendar year from ~~((approximately 9,000))~~ an average of 9,500 reporting "clients." The staff receives these reports, records their receipt, and microfilms and files them. Every effort is made to have reports filmed and available for public inspection and copying within twenty-four hours of their receipt.

(6) Procedures for accessing the files of the agency are given in chapter 390-14 WAC. The staff will provide microfiche copies of reports when requested by mail or telephone. Reports are generally sent the same day the request is received. Answers to telephone inquiries seeking information from particular reports will be limited to (a) verification that a report is on file and (b), if regarding a campaign financing report, the most recent totals for contributions and expenditures.

(7) While some citizens will benefit from the reports by personally reviewing them, most will look to the news media for information. The staff compiles occasional summaries and studies for distribution to news outlets. Known as "Reports to the Public," they provide a condensed mirror image of the information in reports filed with the commission.

(8) The act demands complete, accurate and timely reporting. The commission, as a vehicle of communication between those engaged in political life and the general public, is expected to take whatever actions are necessary to assure the public of having the information it is entitled to; that the flow of communication is not interrupted by those responsible for providing the information. Within the resources provided the commission, reports are reviewed, field audits are conducted and complaints are investigated. The staff concentrates on assisting people in meeting their obligations under the law in hopes of fulfilling the purpose of the act without having to resort to enforcement actions resulting in embarrassment and monetary penalties. Gross negligence and evasions of the act will not be tolerated, however. Acting without fear or favor, the staff will bring to the commissioners for appropriate action all matters where there is evidence of a material violation of chapter 42.17 RCW and/or lack of substantial compliance.

AMENDATORY SECTION (Amending Order 85-03, filed 7/9/85)

WAC 390-12-250 DECLARATORY ~~((RULINGS))~~ ORDER—PETITION REQUISITES—CONSIDERATION—DISPOSITION. (1) Any person may submit a petition for a declaratory ~~((ruling))~~ order pursuant to RCW ~~((34.04.080))~~ 34.05.240 in any form so long as it

(a) Clearly states the question the declaratory ~~((ruling))~~ order is to answer, and

(b) Provides a statement of the facts which raise the question.

(2) The executive director may conduct an independent investigation in order to fully develop the relevant facts.

(3) The executive director will present the petition to the commission at the first meeting when it is practical to do so and will provide the petitioner with at least five days notice of the time and place of such meeting. Such notice may be waived by the petitioner.

(4) The petitioner may present additional material and/or argument at any time prior to the issuance of the declaratory ~~((ruling))~~ order.

(5) The commission may issue either a binding or a nonbinding ~~((ruling))~~ order or decline to issue any ~~((ruling))~~ order.

(6) The commission may decide that a public hearing would assist its deliberations and decisions. If such a hearing is ordered, it will be placed on the agenda of a meeting and at least five days notice of such meeting shall be provided to the petitioner.

(7) If an ~~((ruling))~~ order is to be issued, the petitioner shall be provided a copy of the proposed ~~((ruling))~~ order and invited to comment.

(8) The declaratory ~~((ruling))~~ order cannot be a substitute for a compliance action and is intended to be prospective in effect.

(9) The commission will decline to consider a petition for a declaratory ~~((ruling))~~ or to issue an ~~((ruling))~~ order when (a) the petition requests advice regarding a factual situation which has actually taken place, or (b)

when a pending investigation or compliance action involves a similar factual situation.

AMENDATORY SECTION (Amending Order 81-03, filed 8/28/81)

WAC 390-12-255 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—FORM—CONSIDERATION—DISPOSITION. (1) Any person may submit a petition requesting the promulgation, amendment or repeal of any rule by the commission pursuant to RCW (~~(34.04.060)~~) 34.05.330.

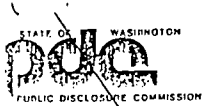
(2) The petition for rule making should contain a draft of any proposed rule and any argument in favor of its adoption, but no particular form is necessary.

(3) The commission will consider the petition at its next regular meeting after its submission. The petitioner shall be given notice of the time of that meeting.

(4) Within (~~(30)~~) 60 days after its (~~(consideration)~~) submission, the commission shall advise the petitioner that the petition has been denied, giving its reasons in detail, or initiate rule making proceedings under RCW (~~(34.04.025)~~) 34.05.330.

AMENDATORY SECTION (Amending WSR 89-20-068, filed 10/4/89)

WAC 390-16-033 **EARMARKED CONTRIBUTIONS—REPORTING—FORM.** The official form for reporting the details surrounding an earmarked contribution, as required by RCW 42.17.125, is designated "((Attachment E)) Special Report E," revised 1/90. This ((attachment)) report shall ((accompany each C-3 or C-4 which reports the receipt or giving of the contribution)) be filed within two working days of receiving a contribution earmarked for another candidate or committee. Copies of this form are available at the Commission Office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. ((Any attachments shall be on 8-1/2" x 11" white paper.))



EARMARKED CONTRIBUTION

SPECIAL REPORT **E**

P M O A S T R K	PDC OFFICE USE
R E C E I V E D	

Name of committee filing this report (Candidate or committee which received a contribution earmarked for another.) _____

Address _____

City _____ County _____ Zip _____

Original source of earmarked contribution

Name _____

Address _____

City _____ State _____ Zip _____

<u>Contribution Date</u>	<u>Amount/Value</u>	<u>Description</u> (Fully describe in kind contributions)

1. Name of candidate or committee to be benefited _____

Address _____

City _____ County _____ Zip _____

If candidate, what office is the person seeking? _____

5. Certification: I certify that the information contained herein is true, complete and correct to the best of my knowledge.

Treasurer's signature _____ Date _____

Instructions:

The purpose of this report is to highlight receipt of an earmarked contribution. (That is, a contribution given to one candidate or political committee with the understanding, intent or instruction that it be used to benefit another candidate or committee.) This report is filed in addition to any other required reporting of the transaction.

A separate "Special Report E" is filed for each earmarked contribution received by any candidate or political committee.

File this report within two working days of receiving the earmarked contribution. Mail or deliver the original to PDC. Send a copy to the benefiting candidate or committee, also within two working days.

Note: Candidates or committees for whom the earmarked contribution is ultimately intended report the contribution when they actually receive it. Such candidates and committees will use form C-3 or Schedule B to the C-4 to show receipt of the contribution. See PDC instruction manual for examples and more information.

PUBLIC DISCLOSURE COMMISSION
403 Evergreen Plaza, Mail Stop Fj-42 • Olympia, Washington 98504-3342 • (206) 753-1111

STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

EARMARKED CONTRIBUTION

SPECIAL REPORT

E

PDC OFFICE USE

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1. Name of committee filing this report (Candidate or committee which received a contribution earmarked for another.)

Address

City

County

Zip

2. Original source of earmarked contribution

Name

Address

City

State

Zip

3. Contribution Date	Amount / Value	Description (Fully describe in kind contributions)

4. Name of candidate or committee to be benefited

Address

City

County

Zip

If candidate, what office is the person seeking? _____

5. Certification: I certify that the information contained herein is true, complete and correct to the best of my knowledge.

Treasurer's signature _____ Date _____

INSTRUCTIONS:

The purpose of this report is to highlight receipt of an earmarked contribution. (That is, a contribution given to one candidate or political committee with the understanding, intent or instruction that it be used to benefit another candidate or committee.) This report is filed in addition to any other required reporting of the transaction.

A separate "Special Report E" is filed for each earmarked contribution received by any candidate or political committee.

File this report within two working days of receiving the earmarked contribution. Mail or deliver the original to PDC. Send a copy to the benefiting candidate or committee, also within two working days.

NOTE: Candidates or committees for whom the earmarked contribution is ultimately intended report the contribution when they actually receive it. Such candidates and committees will use form C-3 or Schedule B to the C-4 to show receipt of the contribution. See PDC instruction manual for examples and more information.

PUBLIC DISCLOSURE COMMISSION

403 Evergreen Plaza, Mail Stop FJ-42 • Olympia, Washington 98504-3342 • (206) 753-1111

AMENDATORY SECTION (Amending WSR 89-20-068, filed 10/4/89)

WAC 390-16-041 FORMS—SUMMARY OF TOTAL CONTRIBUTIONS AND EXPENDITURES. (1) The official form for reports of contributions and expenditures by candidates and political committees who use the "full" reporting option is designated "C-4," revised 1/90, and includes Schedule A, revised 1/90, Schedule B, revised 1/90, Schedule C, revised 1/90, and Schedule L, revised 1/90.

(2) The official form for reports of contributions and expenditures by candidates for the state legislature or state executive office and who use the "full" reporting option is designated C-4, revised 1/90, and includes form ((C4s)) C4x, revised 1/90, Schedule A-s/l, revised 1/90, Schedule B, revised 1/90, Schedule C, revised 1/90, and Schedule L, revised 1/90.

(3) The official form for reports of contributions and expenditures by candidates and political committees who use the "abbreviated" reporting option is designated "C-4abb," revised 1/90.

(4) Copies of these forms are available at the Commission Office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

PUBLIC DISCLOSURE COMMISSION		SUMMARY, FULL REPORT RECEIPTS AND EXPENDITURE		C4 1/90	P M A S T K R E C E I V E D	PDC OFFICE USE.
Candidate or committee name (Do not abbreviate. Include full name).						
Date						
County		Zip				
From: (last C-4)	To: (end of period)		This report period		Total for campaign or year	
RECEIPTS						
Previous total cash and in kind contributions (From line 8, last C-4) (If beginning a new campaign or calendar year, see instruction booklet)						
1. Cash received (From line 2, Schedule A)						
2. In kind contributions received (From line 1, Schedule B)						
3. Total cash and in kind contributions received (Line 2 plus 3)						
4. Loan principal repayments made (From line 2, Schedule L)						
5. Corrections (From line 1 or 3, Schedule C) Show + or (-)						
6. Net contributions this period (Combine lines 4, 5, & 6) Show + or (-)						
7. Total cash and in kind contributions during campaign (Total lines 1 & 7)						
8. Total pledge payments due (From line 2, Schedule B)						
EXPENDITURES						
9. Previous total cash and in kind expenditures (From line 17, last C-4) (If beginning a new campaign or calendar year, see instruction booklet)						
10. Total cash expenditures (From line 4, Schedule A)						
11. In kind expenditures (goods & services) (From line 1, Schedule B)						
12. Total cash and in kind expenditures made (Line 11 plus line 12)						
13. Loan principal repayments made (From line 2, Schedule L)						
14. Corrections (From line 2 or 3, Schedule C) Show + or (-)						
15. Net expenditures this period (Combine lines 13, 14 & 15) Show + or (-)						
16. Total cash and in kind expenditures during campaign (Total lines 10 and 15)						
CANDIDATES				CASH SUMMARY		
Please complete:				18. Funds on hand at start of period (include all accounts, savings)		
Primary election				19. Cash receipts this period		
General election				20. Disbursements this period		
Won	Lost	Unopposed	None not on ballot	21. Funds on hand at close of period		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	22. Liabilities: ^{Sum of} Loans and debts owed		
				23. Surplus or deficit: (Subtract line 22 from line 21)		
CERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true to the best of my knowledge.						
Candidate's Signature				Date	Treasurer's Signature (if a political committee)	
					Date	

STATE OF WASHINGTON
 PUBLIC DISCLOSURE COMMISSION

SUMMARY, FULL REPORT RECEIPTS AND EXPENDITURE

PDC OFFICE USE
C4
 1/90
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D

Candidate or committee name (Do not abbreviate. Include full name.) _____

Address _____

City _____ County _____ Zip _____

Report Period Covered From: (last C-4) _____ To: (end of period) _____

RECEIPTS

1. Previous total cash and in kind contributions (From line 8, last C-4) (If beginning a new campaign or calendar year, see instruction booklet) _____
2. Cash received (From line 2, Schedule A) _____
3. In kind contributions received (From line 1, Schedule B) _____
4. Total cash and in kind contributions received this period (Line 2 plus 3) _____
5. Loan principal repayments made (From line 2, Schedule L) _____ ()
6. Corrections (From line 1 or 3, Schedule C) _____ Show + or (-) _____
7. Net adjustments this period (Combine lines 5 & 6) _____ Show + or (-) _____
8. Total cash and in kind contributions during campaign (Combine lines 1, 4 & 7) _____
9. Total pledge payments due (From line 2, Schedule B) _____ ()

EXPENDITURES

10. Previous total cash and in kind expenditures (From line 17, last C-4) (If beginning a new campaign or calendar year, see instruction booklet) _____
11. Total cash expenditures (From line 4, Schedule A or line 5 Schedule A-s/l) _____
12. In kind expenditures (goods & services) (From line 1, Schedule B) _____
13. Total cash and in kind expenditures made this period (Line 11 plus line 12) _____
14. Loan principal repayments made (From line 2, Schedule L) _____ ()
15. Corrections (From line 2 or 3, Schedule C) _____ Show + or (-) _____
16. Net adjustments this period (Combine lines 14 & 15) _____ Show + or (-) _____
17. Total cash and in kind expenditures during campaign (Combine lines 10, 13 and 16) _____

CANDIDATES	CASH SUMMARY															
<p><i>Please complete:</i></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Won</td> <td style="text-align: center;">Lost</td> <td style="text-align: center;">Unopposed</td> <td style="text-align: center;">Name not on ballot</td> </tr> <tr> <td>Primary election</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>General election</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>		Won	Lost	Unopposed	Name not on ballot	Primary election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	General election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ol style="list-style-type: none"> 18. Cash on hand (Line 8 minus line 17) _____ (Line 18 should equal your checkbook balance.) 19. Liabilities: (Sum of loans and debts owed) _____ () 20. Balance (Surplus or deficit) (Line 18 minus line 19) _____
	Won	Lost	Unopposed	Name not on ballot												
Primary election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
General election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												

CERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true to the best of my knowledge.

Candidate's Signature	Date	Treasurer's Signature (if a political committee)	Date
-----------------------	------	--	------

See instructions on reverse

PDC form C4 (Rev. 1/90) -1499



INSTRUCTIONS

Please consult PDC instruction manuals when completing this report. Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

- WHO MUST FILE** Each candidate and political committee using Full Reporting.
- FILING DATES**
- 1) File with C-1 (Registration) if you received contributions or made expenditures before registering.
 - 2) File on the 10th of each month if contributions or expenditures were over \$200 since last C-4 was filed. (Note: These 10th-of-the-month reports are not required if another C-4 must be filed during that month. See #3 below.)
 - 3) For each primary, general and special election in which the candidate or political committee makes an expenditure, file
 - 21 days prior to the election
 - 7 days prior to the election
 - 10th of the first month after the election*

(*Not required after primary from candidates who will be in the general election or from continuing political committees.)
 - 4) File final report when campaign is finished or committee closes operation. Often, this coincides with the primary or general post-election, 10th-of-the-month report.
- All reports are considered filed as of the postmark date or the date hand-delivered to PDC.
- SCHEDULES AND ATTACHMENTS**
- State executive and legislative candidates will file Schedules A-s/I, B, C and L, as appropriate, along with the C-4. These candidates also will file Form C-4x with each C-4.
- Judicial and local office candidates and all political committees will file Schedules A, B, C and L, as appropriate, along with their C-4 reports.
- All candidates and committees must attach any C-3 reports that were due but not filed.
- WHERE TO SEND REPORTS**
- Send original C-4 reports along with any attachments to PDC at the above address. Candidates send a duplicate copy to their County Auditor (County Elections Department). Political committees send a copy to County Auditor of the county in which their headquarters is located or, if no headquarters, the county in which their treasurer resides.
- OTHER REPORTS**
- C-3 (Cash Receipts Report): Used with Full Reporting only.
- C-4 (Contribution and Expenditure Report): Used with Full Reporting only.
- ABB C-4 (Receipts and Expenditures Summary): Filed by candidates using Abbreviated Reporting.
- Special Report E (Farmed Contributions Report): Filed by committees which receive funds earmarked for use on behalf of another candidate or committee.

For assistance, call or write PDC!

CASH RECEIPTS AND EXPENDITURES

SCHEDULE to C4 A (1/90)

Candidate or committee name (Do not abbreviate. Use full name)

Table with 6 columns: Date of deposit, Amount, Date of deposit, Amount, Date of deposit, Amount, and Total deposits. Section 1: CASH RECEIPTS (Contributions) which have been reported on C3. List each deposit made since last C4 report was submitted.

2. TOTAL CASH RECEIPTS Enter also on line 2 of C4 Amount

3. CASH EXPENDITURES. List all expenses since last C-4 report was filed. a. Total expenditures each \$50 or less not itemized below (including petty cash) b. Payments and reimbursement to candidate or committee officials. Attach a sheet listing each payment, the person paid, the original vendor and the purpose of the expenditure. Attach a copy of each receipt or invoice.

Table with 3 columns: Date paid, Name and address of recipient or vendor paid, Purpose of expenditure. Section: EXPENDITURES OVER \$50.00. ITEMIZE EACH BELOW.

Check here [] if continued on attached sheet

Total from attached pages

4. TOTAL CASH EXPENDITURES

Enter also on line 11 of C4

PDC form C4A (rev. 1-90) -1499-

**IN KIND CONTRIBUTIONS, PLEDGES, ORDERS,
DEBTS, OBLIGATIONS**

SCHEDULE B
to C4 (1/80)

Candidate or committee name (Do not abbreviate. Use full name)

1. IN KIND CONTRIBUTIONS RECEIVED (goods, services, discounts, etc.)

Date received	Contributor's name and address	Description of contribution	Fair market value	Total given by this person during campaign or year
TOTAL (Enter also on line 3 and line 12 of C4)				

2. PLEDGES RECEIVED BUT NOT YET PAID. List each pledge of \$100.00 or more.

Date you were notified of pledge	Name and address of person making pledge (including organizations)	Amount	Total given by this person during campaign or year
TOTAL (Include new pledges above and all other outstanding pledges.) (Enter also on line 9 of C4)			

3. ORDERS PLACED, DEBTS, OBLIGATIONS, ESTIMATED EXPENDITURES (Excluding loans. Report loans on Schedule L.)

- a. List each debt, obligation or estimated expenditure which is more than \$250.00.
- b. List each debt, obligation or estimated expenditure which is more than \$50.00 and has been outstanding for over 30 days.

Expenditure date	Vendor's/Recipient's name and address	Amount owed	Purpose of expenditure
TOTAL (Include in line 19 of C4)			

CORRECTIONS

SCHEDULE C
to C4

Candidate or committee name (Do not abbreviate. Use full name.) _____ Date _____

1. CONTRIBUTIONS AND RECEIPTS (Include mathematical corrections.)

Date of report	Contributor's name or description of correction	Amount reported	Corrected amount	Difference (+ or -)
		Total corrections to contributions		
		Enter on line 6 of C4. Show + or (-).		

2. EXPENDITURES (Include mathematical corrections.)

Date of report	Vendor's name or description of correction	Amount reported	Corrected amount	Difference (+ or -)
		Total corrections to expenditures		
		Enter on line 15 of C4. Show + or (-).		

3. REFUNDS. The below listed amounts have been received as refunds on expenditures previously reported. The refund has been deposited and reported on C3 report, line 1d.

Date of refund	Source/person making refund	Amount of refund
		Total refunds
		Enter as (-) on line 6 & line 15 of C4.

FD-1 Form 44 (rev. 1-90) 1518

LOANS

See instructions and examples on reverse

SCHEDULE
TO C3
OR C4



Candidate or committee name

1. LOAN RECEIVED.

Date loaned	Lender's name and address	Amount of loan	Annual interest rate	Repayment schedule	Date due

Also include this amount on line 1c, C3 report →

Name and address of each endorser, co-signer, guarantor or other person liable for the loan:

2. LOAN PAYMENTS.

Date paid	Lender's name and address	Principal paid	Interest paid	Total payment	Balance owed

Total Principal Paid (Enter also on lines 5 and 14, C-4 report) →

Total Payments (Enter as an expenditure on Schedule A) →

3. LOAN FORGIVEN.

Date	Lender's name and address	Original amount	Principal repaid	Amount forgiven	Balance owed

4. LOANS STILL OWED. List each loan which has previously been reported and still has a balance due.

Loan date	Lender's name and address	Original amount	Principal repaid or forgiven	Amount owed
				Subtotal _____
				New loans received during this reporting period _____
				Total Loans Owed (Include in total on line 19, C-4 report) _____

Check here if continued on attached sheet.



SCHEDULE TO C3 OR C4	L (1/90)	LOANS
----------------------------	--------------------	--------------

INSTRUCTIONS

Please consult PDC instruction manuals when completing this schedule. Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

WHO MUST FILE Each candidate and political committee using full reporting that receives one or more campaign loans.

FILING DATES When a loan is received by the campaign, complete Part 1 and file the Schedule L with the C-3 report that corresponds with the loan's deposit into the account. Use a separate schedule for each loan received.

When a loan is paid or forgiven, in whole or in part, complete Part 2 and/or Part 3 and file the Schedule L with the C-4 covering the period when the payment or forgiveness occurred.

When one or more loans remain unpaid, complete Part 4 and file the schedule with each C-4 report until all loans are repaid in full or forgiven. (The same schedule may be used to show loan payments, forgiveness information and to show which loans remain unpaid.)

LOAN RECEIVED
(Information would appear on separate Schedule L)

LOAN PAYMENTS

LOAN FORGIVEN

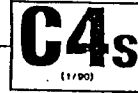
LOANS STILL OWED

LOANS		See instructions and examples on reverse		SCHEDULE TO C3 OR C4		L (1/90)	
Candidate or committee name Adrian Adams for State House							
1. LOAN RECEIVED.							
Date loaned	Lender's name and address	Amount of loan	Annual interest rate	Repayment schedule	Date due		
2/10/91	Candidate	\$5,000	12%	\$200/month	Not fixed		
		Also include this amount on line 1c, C-3 report → \$5,000					
Name and address of each endorser, co-signer, guarantor or other person liable for the loan							
Commercial loan to the candidate from Washington State Bank. Loan co-signed by Sam P. Smith, 145 Boulevard Drive, Podunk, WA and Jane S. Paul, 541 B Street, Podunk, WA. Each guaranteed \$2,500 of the loan.							
2. LOAN PAYMENTS.							
Date paid	Lender's name and address	Principal paid	Interest paid	Total payment	Balance owed		
3/30/91	Candidate	\$200	\$50	\$250	\$4,800		
3/31/91	Michael Murray	\$100	None	\$100	\$400		
		Total Principal Paid → \$300 (Enter also on lines 8 and 14, C-4 report)		Total Payments → \$350 (Enter on an expenditure on Schedule A)			
3. LOAN FORGIVEN.							
Date	Lender's name and address	Original amount	Principal repaid	Amount forgiven	Balance owed		
3/15/91	Kelly Adams	\$250	None	\$150	\$100		
4. LOANS STILL OWED. List each loan which has previously been reported and still has a balance due.							
Loan date	Lender's name and address	Original amount	Principal repaid or forgiven	Amount owed			
2/10/91	Candidate	\$5,000	\$200	\$4,800			
1/22/91	Michael Murray	500	100	400			
3/01/91	Kelly Adams	250	150	100			
3/11/91	K.M. Lawrence	1,000	0	1,000			
				Subtotal:		\$6,300	
New loans received during the reporting period: \$							
Total Loans Owed \$6,300 (Includes in total on line 16, C-4 report)							
11 Check box if continued on another sheet							

DETAILED EXPENDITURE SUMMARY

State executive and legislative candidates only.

Candidate Name (Do not abbreviate. Include full name).



INSTRUCTIONS: State executive and legislative candidates are required to provide additional detail about the purpose of expenditures from their campaign funds. Using information from the Schedule A-5/1 report and your campaign financial records, provide the information below. Attach this report to each C4 report filed.

1. EXPENDITURES FOR YOUR OWN CAMPAIGN

- a. Expenditures previously reported (from line 1c, last C4s)
- b. Campaign spending during this report period
- c. Total campaign expenditures (1a + 1b)

2. CONTRIBUTIONS OR LOANS TO OTHER CANDIDATES OR COMMITTEES

- a. Previous contributions or loans still outstanding (from line 2d, last C4s)
- b. Loans repaid to your committee during this period
- c. Contributions or loans during this report period
- d. Total contributions or loans to others (2a-2b+2c)

3. OFFICE RELATED EXPENSES

- a. Previous office expenses (from line 3c, last C4s)
- b. Office related expenses this report period
- c. Total office related expenses (3a + 3b)

4. OTHER EXPENDITURES

- a. Other miscellaneous expenditures previously reported (from line 4c, last C4s)
- b. Other expenditures this report period
- c. Total other expenditures (4a + 4b)

5. TOTAL CASH EXPENDITURES (1c + 2d + 3c + 4c)

DETAILED EXPENDITURE SUMMARY

State executive and legislative candidates only.



Candidate Name (Do not abbreviate. Include full name.) _____

INSTRUCTIONS: State executive and legislative candidates are required to provide additional detail about the purpose of expenditures from their campaign funds. Using information from the Schedule A-s/l report and your campaign financial records, provide the information below. Attach this report to each C4 report filed.

1. EXPENDITURES FOR YOUR OWN CAMPAIGN

- a. Expenditures previously reported (from line 1c, last C4x) _____
- b. Campaign spending during this report period _____
- c. Total campaign expenditures (1a & 1b) _____

2. CONTRIBUTIONS OR LOANS TO OTHER CANDIDATES OR COMMITTEES

- a. Previous contributions or loans still outstanding (from line 2d, last C4x) _____
- b. Loans repaid to your committee during this period () _____
- c. Contributions or loans during this report period _____
- d. Total contributions or loans to others (2a-2b+2c) _____

3. OFFICE RELATED EXPENSES

- a. Previous office expenses (from line 3c, last C4x) _____
- b. Office related expenses this report period _____
- c. Total office related expenses (3a + 3b) _____

4. OTHER EXPENDITURES

- a. Other miscellaneous expenditures previously reported (from line 4c, last C4x) _____
- b. Other expenditures this report period _____
- c. Total other expenditures (4a + 4b) _____

5. TOTAL CASH EXPENDITURES (1c + 2d + 3c + 4c) _____

CASH RECEIPTS AND EXPENDITURES STATE EXECUTIVE AND LEGISLATIVE CANDIDATES

SCHEDULE to C4 A-S/L (1/90)

Candidate or committee name (Do not abbreviate. Use full name)

Table with 7 columns: Date of deposit, Amount, Date of deposit, Amount, Date of deposit, Amount, Total deposits. Row 1: 1. CASH RECEIPTS (Contributions) which have been reported on C3. List each deposit made since last C4 report was submitted.

2. TOTAL CASH RECEIPTS Enter also on line 2 of C4

3. CASH EXPENDITURES FOR YOUR OWN ELECTION CAMPAIGN. List all expenses since last C-4 report was filed. a. Total expenditures each \$50 or less not itemized below (including petty cash) b. Payments and reimbursement to candidate or committee officials. Attach a sheet listing each payment, the person paid, the original vendor and the purpose of the expenditure. Attach a copy of each receipt or invoice.

EXPENDITURES OVER \$50.00. ITEMIZE EACH BELOW.

Table with 3 columns: Date paid, Name and address of recipient or vendor paid, Purpose of expenditure. Multiple rows for itemizing expenses.

Check here [] if continued on attached sheet

Total from attached pages

Total expenses Also enter on line 1b of C4x

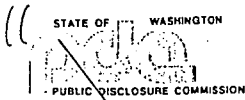
c. Total election related expenditures

4. Non-campaign Expenditures. Provide information about any campaign account expenditures which were not related to your own election or re-election. Enter the total amount spent for each category on the line provided. If "none," specify none. In the space provided for each category (or on an attached sheet), show the date, recipient's name and mailing address, the purpose and the amount of each expenditure included in the category total. Also enter the respective totals on lines 2c, 3b and 4b of form C4x.

- a. Contributions or loans to other candidates or political committees
b. Office related expenses (incumbents only)
c. All other non-campaign expenses (including expenditures of surplus funds)

5. TOTAL CASH EXPENDITURES Enter also on line 11 of C4

DC Form C4A-S/L (rev. 1/90) 1499



SUMMARY, ABBREVIATED REPORT RECEIPTS AND EXPENDITURES

ABB C4 (1/90)

PDC OFFICE USE RECEIVED

Candidate or committee name (Do not abbreviate. Include full name) Address City County Zip

- 1. PERIOD COVERED BY REPORT: From: to: a. Candidates: Start of campaign through general election b. Ballot measure committees: Start of campaign through date of election c. Other committees: Calendar year January 1 through December 31

2. RECEIPTS

- a. Cash on hand from previous campaign or year (Include money in checking, savings and other accounts) b. Cash contributions received this campaign or year (Include monetary contributions, loans, fund raising and cash contributions by a candidate) c. Total cash receipts (Add lines 2a + 2b) d. Other contributions, including in-kind (Include candidates and committee workers out of pocket expenditures over \$50.00, donated goods and services, filing fees paid by others and similar non-cash contributions) e. Total contributions (Add lines 2c + 2d)

3. EXPENSES

- a. Cash expenditures b. Other expenditures. (Enter the amount shown on line 2d above here. Non-cash contributions are listed as both received and expended. Disregard any materials which may remain on hand.) c. Total expenditures (Add lines 3a + 3b)

4. SURPLUS/DEFICIT

- a. Cash on hand at end of reporting period (Subtract: line 3a from 2c) b. Debts and obligations owed c. Surplus or deficit

CANDIDATES Won Lost Unopposed Name not on ballot Primary election General election

CERTIFICATION: I certify that this report is true and correct to the best of my knowledge.

Candidate's signature Date Treasurer's signature (if a political committee) Date

STATE OF WASHINGTON

**SUMMARY, ABBREVIATED REPORT
RECEIPTS AND EXPENDITURES**

PUBLIC DISCLOSURE COMMISSION

ABB C4 <small>(1/90)</small>	PDC OFFICE USE
	P M A R K R E C E I V E D

Candidate or committee name (Do not abbreviate. Include full name) _____

Address _____

City _____ County _____ Zip _____

1. PERIOD COVERED BY REPORT: From: _____ to: _____

- a. Candidates: Start of campaign through the end of the month in which the election occurred.
- b. Ballot Measure Committees: Start of campaign through the end of the month in which the election occurred.
- c. Continuing Committees filing post-election report: January 1 through end of the month in which election occurred.
- d. Continuing Committees filing annual report: Calendar year (January 1 through December 31).

2. RECEIPTS

- a. Cash on hand from previous campaign or year (Include money in checking, savings and other accounts) _____
- b. Cash contributions received this campaign or year (Include monetary contributions, loans, fund raising and cash contributions by a candidate) _____
- c. Total cash receipts (Add lines 2a + 2b) _____
- d. Other contributions, including in-kind (Include candidates and committee workers out of pocket expenditures over \$50.00, donated goods and services, filing fees paid by others and similar non-cash contributions) _____
- e. Total contributions (Add lines 2c + 2d) _____

3. EXPENSES

- a. Cash expenditures _____
- b. Other expenditures. (Enter the amount shown on line 2d above here. Non-cash contributions are listed as both received and expended. Disregard any materials which may remain on hand.) _____
- c. Total expenditures (Add lines 3a + 3b) _____

4. SURPLUS/DEFICIT

- a. Cash on hand at end of reporting period (Subtract: line 3a from 2c) _____
- b. Debts and obligations owed _____
- c. Surplus or deficit _____

CANDIDATES	Primary election	Won	Lost	Unopposed	Name not on ballot
	<i>Please complete:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	General election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CERTIFICATION: I certify that this report is true and correct to the best of my knowledge.

Candidate's signature _____	Date _____	Treasurer's signature (if a political committee) _____	Date _____
-----------------------------	------------	--	------------

PDC form C4ABB (Rev. 1/90) -1499-

See instructions on reverse



INSTRUCTIONS

Please consult PDC instruction manuals when completing this report.
 Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

- WHO MUST FILE** Each candidate and political committee using Abbreviated Reporting.
- FILING DATES**
- 1) Special election candidates and political committees supporting or opposing special election candidates or ballot issues file on the 10th of the month following the election.
 - 2) Candidates and political committees making expenditures supporting or opposing primary or general election candidates or ballot measures file on December 10.
 - 3) Continuing political committees that do not take part in a primary or general election are only required to file an annual report on January 10 covering the preceding calendar year.
 - 4) A final report is filed whenever a candidate's committee or a political committee ceases operation, disposes of any surplus campaign funds and has a zero account balance. Final reports may be filed at any time and may coincide with one of the due dates listed above.
- All reports are considered filed as of the postmark date or the date hand-delivered to PDC.
- WHERE TO FILE** Send original ABB C-4 report to PDC at the above address. Candidates send a duplicate copy to their County Auditor (County Election Department). Political committees send a copy to County Auditor of the county in which their headquarters is located or, if no headquarters, the county in which their treasurer resides.

For assistance, call or write PDC!

AMENDATORY SECTION (Amending WSR 89-20-068, filed 10/4/89)

WAC 390-16-120 ABBREVIATED CAMPAIGN REPORTING—TIMES AND PLACE FOR FILING REPORTS C-1, C-1PC AND C-4ABB. (1) The report C-1 or C-1pc shall be filed by any candidate or political committee intending to use the abbreviated reporting recognized and regulated by WAC 390-16-105 or 390-16-115 within fourteen days of becoming a candidate or organizing a committee.

(2) In the case of a continuing political committee, the C-1pc report shall be filed initially within fourteen days after accepting any contributions or making any expenditures. Thereafter, the C-1pc shall be filed each year between January 1 and January 31 for any year in which the committee intends to use the abbreviated reporting system and within ten days of any date a change is made in reportable information. Failure to file a new registration statement during January shall automatically terminate the committee's entitlement to use the abbreviated reporting system until such time as a new C-1pc is filed.

(3) The report Form C-4abb shall be filed by each candidate and political committee by the tenth day of the first month after each election in which there was participation. However, no report shall be required following a primary election unless the candidate is defeated in the primary.

Additionally, in the case of a continuing political committee, the report Form C-4abb shall be filed not later than January 10 summarizing the total contributions received and expenditures made during the preceding calendar year.

(4) The original of each report required by this section shall be filed with the public disclosure commission. A copy shall be filed with the elections officer of the county in which the candidate or committee treasurer resides and a copy shall be retained by the candidate or committee treasurer.

AMENDATORY SECTION (Amending WSR 89-20-068, filed 10/4/89)

WAC 390-16-125 ABBREVIATED CAMPAIGN REPORTING—EXCEEDING LIMITATIONS. Whenever there is reason to believe that any of the aggregate limitations specified in WAC 390-16-105, 390-16-115, or 390-16-120 will or may be exceeded, the candidate or committee may apply to the commission for authorization to change reporting options.

(1) If the application is made more than thirty days prior to the date of the election, the application will be considered approved without further action by the commission if the person making application submits:

(a) A PDC Form C-1 or C-1pc indicating the intention of using the full reporting system provided by RCW 42.17.040 - 42.17.090;

(b) A PDC Form C-4 with Schedules A, B, ~~((C))~~ C and L, as appropriate, disclosing all contributions and expenditures reportable under RCW 42.17.090 for the election campaign or in the case of continuing political

committees for the calendar year. Additionally candidates for state executive or legislative office must file a ~~((C-4s))~~ C4x report.

(c) A statement affirming that all known candidates for the office being sought have been notified personally of the application stating the manner and date of such notification. In the case of a ballot proposition, the statement shall affirm that the committee treasurer of all committees identifiable from the records of the county elections officer or public disclosure commission to be opposing or supporting the proposition have been notified personally of the application stating the manner and date of such notification.

(2) If the application is made within thirty days of the date of the election, the application shall be approved only by authorization of the ~~((commission))~~ commission executive director.

(a) Prior to such approval being granted, the executive director shall determine that the application contains those documents shown in subsection (1)(a), (b) and (c) above.

(b) The commission staff shall investigate why the applicable requirements were not complied with in the first instance and whether or not the probability of exceeding such limitations was reasonably foreseeable. If the investigation shows that the declaration by the candidate, committee or other person filed under WAC 390-16-115 was made in good faith and that the probability of exceeding such limitations was not reasonably foreseeable, the executive director will approve the reporting option change conditioned upon full future compliance with all applicable requirements of chapter 42.17 RCW.

(3) When one candidate or committee on either side of an election campaign has applied for permission to exceed the limitations of the exemption under subsection (1) above, all other candidates and/or committees may change reporting options by meeting the requirements of subsection (1)(a), (b), and (c) ~~((of this section))~~.

(4) Any person who knowingly or negligently causes or permits the limitations specified in these regulations to be exceeded shall be deemed to have violated the applicable provisions of RCW 42.17.040 - 42.17.090.

AMENDATORY SECTION (Amending WSR 89-20-068, filed 10/1/89 [10/4/89])

WAC 390-16-155 MINI CAMPAIGN REPORTING—EXCEEDING LIMITATIONS. (1) Whenever there is reason to believe that the expenditure limits provided in WAC 390-16-150 will be exceeded or that the candidate or candidate's committee will exceed the limitations on contributions and expenditures provided in WAC 390-16-150, the candidate may apply to the commission for authorization to change to the abbreviated reporting option provided in WAC 390-16-105.

(a) The application shall take the form of a new C-1 report indicating the candidate's or candidate committee's intent to report in accordance with ~~((either))~~ the abbreviated reporting system provided in WAC 390-16-105.

(b) The application shall be accompanied by a statement signed by the candidate affirming that all known

candidates for the office being sought have been notified personally of the application stating the manner and date of notification.

(c) The application shall be submitted to the commission and duplicate copies of the C-1 report submitted to the county elections officer of the county where the candidate resides within one day of the time that expenditure limits are exceeded.

(2) The application shall be approved without further commission action.

(3) The candidate shall subsequently comply with the rules for abbreviated campaign finance reporting.

(4) Any candidate desiring to change to the full reporting option will follow the procedures outlined in WAC 390-16-125.

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

AMENDATORY SECTION (Amending Order 85-05, filed 11/26/85)

WAC 390-20-125 FORMS FOR REGISTRATION AND REPORTING BY SPONSORS OF GRASS ROOTS LOBBYING CAMPAIGNS. The official form for registration and reporting by sponsors of grass roots lobbying campaigns as required by RCW 42.17.200 is designated "L-6," ((revised 12/85)) revised 6/90. Copies of this form are available at the Commission Office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

State of Washington
Public Disclosure Commission

GRASS ROOTS LOBBYING

PDC FORM
L-6
(12/85)

PDC OFFICE USE
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V

SPONSOR'S NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____ PHONE _____

1. DESCRIBE THE TOPIC(S) OR LEGISLATION ABOUT WHICH THE CAMPAIGN IS CONDUCTED. INCLUDE BILL, RULE, RATE, STANDARD NUMBER, IF ANY.

2. THIS REPORT COVERS:

REGISTRATION (INITIAL REPORT)

MONTHLY REPORT FROM _____ TO _____

FINAL REPORT (CAMPAIGN IS ENDED)

3. LIST THE PRINCIPAL OFFICERS OF THE GROUP OR ORGANIZATION IF THE SPONSOR IS A BUSINESS, UNION, ASSOCIATION, POLITICAL ORGANIZATION OR OTHER ENTITY.

NAME	TITLE	ADDRESS

4. WHO IS ORGANIZING OR MANAGING THE CAMPAIGN? LIST PERSONS OR FIRMS HIRED TO ASSIST IN THE CAMPAIGN, INCLUDING PUBLIC RELATIONS AND ADVERTISING AGENTS

NAME AND ADDRESS	OCCUPATION OR BUSINESS	TERMS OF COMPENSATION

5. EXPENDITURES MADE OR INCURRED IN THE CAMPAIGN:

1. Previous expenditures (from line 4, last L-6 report) \$ _____

2. Expenses this reporting period:

A. Radio	_____
B. Television	_____
C. Newspapers, magazines	_____
D. Brochures, signs	_____
E. Printing and mailing	_____
F. Consultants, public relations	_____
G. Office expense, travel, salaries	_____
H. Contributions	_____
I. Entertainment	_____
J. Other expenses	_____

3. Total expenditures this period (lines 2a-2j) _____

4. Total expenditures in the campaign (lines 1 + 3) _____

6. CONTRIBUTIONS:

LIST EACH PERSON OR ORGANIZATION WHO HAS CONTRIBUTED \$25 OR MORE DURING THIS REPORT PERIOD

NAME	ADDRESS, CITY, ZIP	AMOUNT

LIST TOTAL AMOUNT FROM ANY ATTACHED PAGES.....

TOTAL AMOUNT RECEIVED IN CONTRIBUTIONS LESS THAN \$25 WHERE CONTRIBUTOR'S NAME IS NOT LISTED

TOTAL CONTRIBUTIONS THIS PERIOD.....

CONTRIBUTIONS PREVIOUSLY REPORTED.....

TOTAL CONTRIBUTIONS DURING THE CAMPAIGN

CERTIFICATION: I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE AND CORRECT.

SIGNATURE.....

TITLE..... DATE.....

INSTRUCTIONS

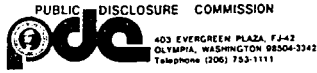
WHO SHOULD FILE THIS FORM: Any sponsor, i.e., any person who has made expenditures, not reported under other sections of the Public Disclosure Act, exceeding \$1,000 within any three month period or exceeding \$500 within any one month period in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence state legislation.

FILING DEADLINE: Within 30 days after becoming a sponsor. Monthly reports required on the 10th of the following month. Termination Statement to be filed with final monthly report.

SEND REPORT TO: PUBLIC DISCLOSURE COMMISSION
403 Evergreen Plaza Bldg.
Olympia, WA 98504

QUESTIONS: CALL (206) 753-1111

PDC FORM L-6 (REV. 12/85) E-1078



GRASS ROOTS LOBBYING

PDC FORM
L-6
(6-90)

PDC OFFICE USE

P
M
O
A
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K

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D

SPONSOR'S NAME _____

ADDRESS _____

CITY _____

STATE _____

ZIP _____

PHONE _____

1. DESCRIBE THE TOPIC(S) OR LEGISLATION ABOUT WHICH THE CAMPAIGN IS CONDUCTED. INCLUDE BILL, RULE, RATE, STANDARD NUMBER, IF ANY.

3. LIST THE PRINCIPAL OFFICERS OF THE GROUP OR ORGANIZATION IF THE SPONSOR IS A BUSINESS, UNION, ASSOCIATION, POLITICAL ORGANIZATION OR OTHER ENTITY.

NAME	TITLE	ADDRESS

2. THIS REPORT COVERS:

REGISTRATION (INITIAL REPORT)

MONTHLY REPORT

FROM _____ TO _____

FINAL REPORT (CAMPAIGN IS ENDED)

4. WHO IS ORGANIZING OR MANAGING THE CAMPAIGN? LIST PERSONS OR FIRMS HIRED TO ASSIST IN THE CAMPAIGN, INCLUDING PUBLIC RELATIONS AND ADVERTISING AGENTS

NAME AND ADDRESS _____

OCCUPATION OR BUSINESS _____

TERMS OF COMPENSATION _____

5. EXPENDITURES MADE OR INCURRED IN THE CAMPAIGN:

1. Previous expenditures (from line 4, last L-6 report) \$ _____

2. Expenses this reporting period: _____

A. Radio _____

B. Television _____

C. Newspapers, magazines _____

D. Brochures, signs _____

E. Printing and mailing _____

F. Consultants, public relations _____

G. Office expense, travel, salaries _____

H. Contributions _____

I. Entertainment _____

J. Other expenses _____

3. Total expenditures this period (lines 2a-2j) _____

4. Total expenditures in the campaign (lines 1 + 3) _____

6. CONTRIBUTIONS:

LIST EACH PERSON OR ORGANIZATION WHO HAS CONTRIBUTED \$25 OR MORE DURING THIS REPORT PERIOD

NAME	ADDRESS, CITY, ZIP	AMOUNT

LIST TOTAL AMOUNT FROM ANY ATTACHED PAGES.....

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CERTIFICATION: I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE..

NAME AND TITLE (Type or Print)	SIGNATURE	DATE
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INSTRUCTIONS

WHO SHOULD FILE THIS FORM: Any person making grass roots lobbying expenditures not reported by a registered lobbyist, a candidate, or a political committee exceeding \$1,000 in the aggregate in any three month period or exceeding \$500 in the aggregate in any one month in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence state legislation.

FILING DEADLINE: Within 30 days after becoming a sponsor of a grass roots lobbying campaign. Thereafter, sponsors file monthly reports on the 10th of the month covering the preceding calendar month. Termination notice is to accompany the final monthly report.

SEND REPORT TO:
 PUBLIC DISCLOSURE COMMISSION
 403 Evergreen Plaza Bldg., FJ-42
 Olympia, WA 98504

QUESTIONS:
 CALL (206) 753-1111

PDC FORM L-6 (REV. 8-90) -E-1076-

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

WAC 390-37-100 ENFORCEMENT PROCEDURES—CONDUCT OF HEARINGS. (1) An enforcement hearing shall be conducted pursuant to the Administrative Procedure Act (chapter ~~((34.04))~~ 34.05 RCW) and its supporting regulations (chapter 10-08 WAC).

(2) An enforcement hearing shall be heard either by the commission or under RCW 34.12.040 or 34.12.050(2), by a duly designated administrative law judge.

(3) Upon the conclusion of an enforcement hearing heard by an administrative law judge, the judge shall prepare and present to the commission findings of fact, conclusions of law, and a proposed decision determinative of the matter. A copy of the findings of fact, conclusions of law and the proposed decision shall be served upon the executive director and the respondent. Both the respondent and the executive director shall be afforded an opportunity to file exceptions and written argument with the commission. The commission shall review the proposed decision at its next regular meeting or at a special meeting called for that purpose. The commission shall consider the whole record or such portions as shall be cited by the parties. Oral argument may be heard at the discretion of the commission.

(4) After either a hearing by the commission or review by the commission of the proposed decision of an administrative law judge the commission may find that:

(a) Respondent did not violate the act, as alleged, and dismiss the case; or

(b) Respondent violated chapter 42.17 RCW, as alleged, and determine the sanction, if any, to be imposed, or

(c) Respondent is in apparent violation of chapter 42.17 RCW, its own remedy is inadequate and enter its order referring the matter to the appropriate law enforcement agency as provided in RCW 42.17.360.

(5) Upon the conclusion of a hearing, the commission

(a) Shall set forth in writing its findings of fact, conclusions of law and decision on the merits of the case; and

(b) Shall deliver, either in person or by mail, to each respondent and their representative a copy of the findings of fact, conclusions of law and decision.

(6) When the commission finds an apparent violation and refers the matter to an enforcement agency, the commission shall give to the respondent written notice of such finding and order of referral.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

WAC 390-37-210 HEARINGS—SUBPOENAS.

(1) The commission, upon request by any party, may subpoena persons to appear and give testimony and may

require the production of any books, papers, correspondence, memorandums or other records which the commission deems relevant or material.

(2) Such subpoena will issue and may be enforced in the form and manner set forth in RCW (~~((34.04.105))~~ 34.05.446 and WAC 10-08-120.

REPEALER

WAC 390-20-022 Definition—Development

WSR 90-16-084**PROPOSED RULES****DEPARTMENT OF ECOLOGY**

[Order 90-37—Filed July 31, 1990, 4:08 p.m.]

Original Notice.

Title of Rule: Chapter 173-03 WAC, Public records.

Purpose: Adopt records indexing rules required by chapter 175, Laws of 1989 and RCW 42.17.260.

Statutory Authority for Adoption: RCW 43.17.060.

Statute Being Implemented: RCW 42.17.260.

Summary: RCW 42.17.260(4) requires that "By July 1, 1990, each agency shall, by rule, establish and implement a system of indexing for the identification and location" of certain categories of records.

Reasons Supporting Proposal: To provide a records indexing system throughout the department.

Name of Agency Personnel Responsible for Drafting and Implementation: Diane W. Pratt, PV-11, Olympia, Washington, 459-6066; and Enforcement: William M. Wheeler, PV-11, Olympia, Washington, 459-6179.

Name of Proponent: Washington State Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Pursuant to legislated changes to the Administrative Procedure Act, we are required to adopt amendments to chapter 173-03 WAC, Public records, to conform with RCW 42.17.260 Public disclosure. This law requires that the index used for retrieval or other public access to records be adopted by rule by July 1. The form of the index will be the records retention schedule index maintained by the archives division of the Office of the Secretary of State. This index is now in use.

Proposal Changes the Following Existing Rules: WAC 173-03-050.

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

Economic Compliance Document: The purpose of amending chapter 173-03 WAC, Public records, is to comply with RCW 42.17.260, to provide the public with an index of records and to allow ecology five days to provide requested documents. In addition the addresses and the agencies organizational structure have been updated. This should provide clarity for the public.

Small Business Economic Impact Statement: 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 impose costs on the Department of Ecology. The rule will not have an impact on businesses unless they wish to obtain public records. The only form provided in the rule is one that allows the entity requesting public records to provide all the necessary information for obtaining those documents. No recordkeeping or actions are required of any entity outside the Department of Ecology. No small business economic impact statement is required.

Economic Policy Act Compliance: The Economic Policy Act requires that ecology give appropriate consideration to economic values in promulgating rules. This rule has been reviewed. The cost of compliance is negligible for the Department of Ecology, for individuals, or for businesses requesting records.

Hearing Location: Energy Facility Site Evaluation Council, Rowsix Building 1, Lacey, Washington, on September 13, 1990, at 7:00 p.m.

Submit Written Comments to: Diane Pratt, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711, by September 20, 1990.

Date of Intended Adoption: October 23, 1990.

July 23, 1990

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order DE 77-35, filed 1/17/78)

WAC 173-03-010 **PURPOSE.** The purpose of this chapter is to implement the requirements of ~~((sections 25 through 32, chapter 1, Laws of 1973-))~~ RCW 42.17.250 - ~~((42.17.320))~~ 42.17.340 relating to public records.

AMENDATORY SECTION (Amending Order DE 77-35, filed 1/17/78)

WAC 173-03-020 **DEFINITIONS.** (1) The terms "person," "public record," and "writing" shall have the meanings as stated in RCW 42.17.020.

(2) "Department" means the department of ecology.

(3) "Director" means the director of the department.

(4) "Public records officer" means the ~~((records manager of))~~ employee designated as such by the department.

(5) "Designee" means the employee of the department designated by the director or the public records officer to serve as the public records ~~((officer))~~ coordinator at the ~~((central))~~ headquarters offices or at each of the satellite and regional offices in the absence of the officer.

AMENDATORY SECTION (Amending Order DE 77-35, filed 1/17/78)

WAC 173-03-030 **DESCRIPTION OF ORGANIZATION.** (1) Headquarters office.

(a) The headquarters office is located in Abbott Raphael Hall on the campus of St. Martin's College, Lacey, Washington. The mailing address for the headquarters office and all satellite program offices, except for the environmental investigations and lab services program is:

Department of Ecology
Mailstop PV-11
Olympia, Washington 98504-8711

(b) The offices of the director, deputy director, and assistant directors all are located in the headquarters office.

(c) The titles and responsibilities of the ~~((six))~~ seven assistant directors are as follows:

(i) Assistant director for the office of water ((programs)) and shorelands — water quality, water resources, shorelands and coastal zone management, and water quality financial assistance programs.

(ii) Assistant director for ((air programs — air quality, air monitoring)) the office of central programs and enforcement — central programs, air program, and environmental investigations and lab services program.

(iii) Assistant director for ((land programs)) the office of waste management — solid ((waste, shorclines)) and hazardous waste program, hazardous waste investigations and cleanup program, nuclear and mixed waste program, and waste reduction, recycling and litter control program.

(iv) Assistant director for ((comprehensive programs — major industries, tax credits for pollution control expenditures, environmental review)) the office of quality control, information management and comprehensive planning.

(v) Assistant director for ((external affairs — department liaison with other agencies)) the office of legislative and intergovernmental affairs.

(vi) Assistant director for ((field operations — enforcement, regional affairs)) the office of financial, personnel, and support services.

~~((d))~~ (vii) Assistant director for the office ~~((s))~~ of public ~~((affairs and legal affairs, also are at the headquarters office))~~ information and education.

(2) Satellite program offices are located as follows:

(a) Air program:

Rowsix Building 4
4224 6th Avenue S.E.
Lacey, Washington

(b) Budget, accounting, and support services program:

Sawyer Hall
St. Martin's College Campus
Lacey, Washington

(c) Central programs:

Abbott Raphael Hall
St. Martin's College Campus
Lacey, Washington

(d) Environmental investigations and lab services program:

Airustrial Building 8
7272 Cleanwater Lane #8
Tumwater, Washington

Mailing address:

Mailstop LH-14
Olympia, WA 98504-6814

(e) Hazardous waste investigations and cleanup program:

Woodland Square
4415 Woodview Drive S.E.
Lacey, Washington

(f) Nuclear and mixed waste program:

99 South Sound Center
Lacey, Washington

(g) Shorelands and coastal zone management program:

Baran Hall
St. Martin's College Campus
Lacey, Washington

(h) Solid and hazardous waste program:

Rowsix Building 4
4224 6th Avenue S.E.
Lacey, Washington

(i) Waste reduction, recycling, and litter control program:

Eikenberry Building
4407 Woodview Drive S.E.
Lacey, Washington

(j) Water quality financial assistance program:

Module Building
4500 3rd Avenue
Lacey, Washington

(k) Water quality program:

Prudential Building
715 Woodview Drive S.E.
Lacey, Washington

(1) Water resources program:

Baran Hall
St. Martin's College Campus
Lacey, Washington

(3) Regional offices and their geographical jurisdictions are as follows:

(a) Northwest regional office (Whatcom, Skagit, Snohomish, San Juan, Island, King, and Kitsap counties):

4350 - 150th Avenue N.E.
Redmond, Washington ((98050)) 98052-5301

(b) Southwest regional office (Pierce, Thurston, Mason, Clallam, Jefferson, Grays Harbor, Pacific, Lewis, Cowlitz, Wahkiakum, Clark, and Skamania counties):

7272 Cleanwater Lane
Tumwater, Washington ((98504))
Mailing address:
Mailstop LU-11
Olympia, Washington 98504-6811

(c) Central regional office (Okanogan, Chelan, Douglas, Kittitas, Yakima, Benton, and Klickitat counties):

((2802 Main Street
Union Gap, Washington 98903
2015 South First Street
Yakima, Washington 98703
(Environmental Quality Section))
3601 W. Washington
Yakima, Washington 98903-1164
801-B Summitview Ave.
Yakima, Washington 98902-3033
(Waste Management Section)
1600 S.W. Perry Street, Suite F
Yakima, Washington 98902-5713
(Yakima Adjudications)

(d) Eastern regional office (Ferry, Stevens, Pend Oreille, Grant, Lincoln, Spokane, Adams, Whitman, Franklin, Walla Walla, Columbia, Garfield, and Asotin counties):

((103 East Indiana
Spokane, Washington 99207))
N. 4601 Monroe, Suite 100
Spokane, Washington 99205-1295

AMENDATORY SECTION (Amending Order DE 77-35, filed 1/17/78)

WAC 173-03-050 RECORDS INDEX. ((The department does not maintain an index of just the material listed in RCW 42.17.260. It does maintain for its own use a "records management procedures manual" which indexes the location of categories of all records, not just public records, which exist in the department. The manual is available to the public for inspection and copying. With the assistance of the public records officer or designee, any person can obtain access to public records of the department using the manual.

Because of the existence of the manual, the department has not developed any other index for its own use, and it would be unduly burdensome to develop such an index merely for the material listed in RCW 42.17.260.))

The records retention schedule established by the division of state archives of the office of the secretary of state serves as an index for the identification and location of the following records:

- (1) All records issued before July 1, 1990, for which the department has maintained an index;
- (2) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the department in carrying out its duties;
- (3) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the department in carrying out its duties; and
- (4) Interpretive statements as defined in RCW 34.05.010(8) that were entered after June 30, 1990.

The records retention schedule indexes records according to the originating program or section, and then the record series title. Each title is further identified by a statement of function or purpose, and the retention period. The records retention schedule is available to the public for inspection and copying. With the assistance of the public records officer or designee, any person can obtain access to public records of the department using the records retention schedule.

A separate index of policy statements as defined in RCW 34.05.010(4) entered after June 30, 1990, shall be maintained by the department's policy manual coordinator or designees.

AMENDATORY SECTION (Amending Order DE 77-35, filed 1/17/78)

WAC 173-03-060 REQUESTS FOR PUBLIC RECORDS. (1) All requests for inspection or copying made in person at a department office shall be made on a form substantially as follows:

REQUEST FOR PUBLIC RECORDS

Date of Request Time of Request
Name
Address

Description of Records:
.....
.....

((I certify that lists of names obtained through this request for public records will not be used for political or commercial purposes.)) I understand that if a list of individuals is provided me by the Department of Ecology, it will neither be used to promote the election of an official or promote or oppose a ballot proposition as prohibited by RCW 42.17.130 nor for commercial purposes or give or provide access to material to others for commercial purposes as prohibited by RCW 42.17.260(5).

I understand that I will be charged cents per copy for all standard letter size copies I desire and that other size publications are available at cost.

.....
Signature
Number of copies
Number of pages
Per page charge \$.....
Total charge \$.....

(2) All requests made in person may be made at a department office between the hours of 8:00 a.m. to 12:00 noon and 1:00 p.m. to ((4:00)) 4:30 p.m., Monday through Friday, excluding legal holidays.

(3) A request for inspection or copying of public records may be made by mail in a letter containing the following information:

- (a) The name and address of the person making the request and the organization the person represents;
- (b) The time of day and calendar date on which the person wishes to inspect the public records;
- (c) A description of the public records requested;
- (d) A statement whether access to copying equipment is desired;
- (e) A phone number where the person can be reached in case the public records officer or designate needs to contact the person for further description of the material or any other reason.
- (f) A statement that the record will not be used for commercial purposes.

(4) All requests by mail must be received by the department at least ((three)) five business days before the requested date of inspection to allow the public records officer or designee to make certain the requested records are available and not exempt and, if necessary, to contact the person requesting inspection. All requests will be handled in a timely manner. However, for large requests or for public records maintained off-site, it may require more than five business days for location and withdrawal from archives.

(5) The department may in its discretion fill requests made by telephone.

AMENDATORY SECTION (Amending Order DE 77-35, filed 1/17/78)

WAC 173-03-070 FEES. No fee shall be charged for the inspection of public records. For printed, typed, and written material of a maximum size of 8 1/2" by 14", the department shall charge a reasonable fee, determined from time to time by the department, for providing copies of public records and for use of the department's copy equipment, payable at the time copies are furnished. This charge is the amount necessary to reimburse the department for its actual costs incident to such copying and shall not exceed 20 cents per copy. For copies from microfilm, the charge shall not exceed 40 cents per copy. Copies of maps, photos, reports, computer printouts, tapes of hearings, and other nonstandard items shall be furnished at the regular price established by the department. When other special copy work for non-standard items is requested, the fee charged will reflect the total cost, including the time of department personnel.

AMENDATORY SECTION (Amending Order DE 77-35, filed 1/17/78)

WAC 173-03-100 PROTECTION OF PUBLIC RECORDS. In order to adequately protect the public records of the department, the following guidelines shall be adhered to by any person inspecting such public records:

- (1) No public records shall be removed from the department's premises.
- (2) Inspection of any public record shall be conducted in the presence of a designated department employee.
- (3) No public records may be marked or defaced in any manner during inspection.
- (4) Public records(;) which are maintained in a file or jacket, or in chronological order, may not be dismantled except for purposes of copying and then only by the public records officer or designee.
- (5) Access to file cabinets, shelves, vaults, ~~(and)~~ or other storage areas is restricted to department personnel, unless other arrangements are made with the public records officer or designee.

WSR 90-16-085
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3045—Filed August 1, 1990, 8:14 a.m.]

Date of Adoption: August 1, 1990.

Purpose: To implement HB 2602 passed by 1990 state legislature, which amended RCW 74.04.005. It expands the GA-S program to extend benefits for an additional six weeks following the birth of the child. We are filing this on an emergency adoption basis in order to implement the changes in a timely manner for the benefit of the clients affected.

Citation of Existing Rules Affected by this Order: Amending WAC 388-33-135 and 388-37-030.

Statutory Authority for Adoption: Chapter 285, Laws of 1990.

Pursuant to notice filed as WSR 90-13-114 on June 21, 1990.

Changes Other than Editing from Proposed to Adopted Version: Add the two words "or FIP" to WAC 388-37-030 (3)(c). Adds references to the FIP program as well as AFDC.

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

August 1, 1990
 Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2613, filed 3/23/88)

WAC 388-33-135 EFFECTIVE DATE OF CHANGE IN ELIGIBILITY. (1) A change in circumstances is any change affecting eligibility ~~((and/or))~~ or continued payment of the grant previously authorized.

(2) When a change in income including the receipt of a lump-sum payment causes ineligibility for more than one month, the recipient ~~((is))~~ shall be ineligible effective the first day of the month of receipt. All assistance ~~((received))~~ the recipient receives shall be an overpayment and subject to recovery ~~((as in))~~ under chapter 388-44 WAC.

(3) If the change causes ineligibility for one month only, refer to WAC 388-33-355.

(4) Except as provided in subsection (5) of this section, when a change of circumstances other than increased income renders the assistance unit or any member of the assistance unit ineligible, the effective date of the recipient's ineligibility ((is)) shall be the first day of the month following the month in which the change occurred. For ineligibility of ((strikers)) striking workers, see WAC 388-24-042.

(5) Effective June 7, 1990, when a recipient of AFDC or general assistance based on pregnancy gives birth to her child and relinquishes that child for adoption, the effective date of the recipient's ineligibility shall be six weeks following the date of birth of the child as described under WAC 388-37-030(3).

AMENDATORY SECTION (Amending Order 2525, filed 8/21/87)

WAC 388-37-030 CONTINUING GENERAL ASSISTANCE—ELIGIBLE PERSONS. When other eligibility ~~((has been))~~ is established, the department shall grant continuing general assistance ((shall be granted)) to the following:

(1) Incapacitated persons. As used in this section, an incapacitated person ~~((means))~~ shall mean a person physically, emotionally, or mentally unable to work as a result of a condition expected to continue for ~~((at least))~~ sixty days or more from date of application, except as provided ~~((in))~~ under WAC 388-37-038 (1) and (2). ~~((Persons))~~ A person incapacitated by alcoholism or drug addiction ~~((are))~~ is not included in this definition, but an alcoholic or drug addict ~~((who is))~~ incapacitated due to other mental or physical conditions may be eligible for general assistance. Incapacity refers to ~~((the individual))~~ a person's capacity to earn income by employment. ~~((It))~~ A person's incapacity does not refer to the availability or lack of job opportunities.

(a) Eligible ~~((individuals))~~ persons are:

(i) An incapacitated single person ~~((age))~~ eighteen years of age or older(;-);

(ii) A married couple if both persons are incapacitated(;-); or

(iii) The incapacitated spouse in the case of a married couple when only one person is employable. The income and resources of the employable spouse shall be considered as described ~~((in))~~ under WAC 388-28-500 ~~((t2))~~ (1)(a) and (b).

(b) An incapacitated (~~(individual must)~~) person shall accept and follow through on required available medical treatment, which (~~(can)~~) is reasonably (~~(be)~~) expected to render (~~(him or her)~~) the person able to work, unless there is good cause for failure to do so.

The department shall make the "good cause" determination based on the criteria (~~(m)~~) under WAC 388-37-037 (~~((+))~~) (5).

(c) An incapacitated (~~(individual)~~) person may also receive medical services provided under the state-financed medical care services program as defined (~~(m)~~) under WAC 388-86-120.

(2) Pregnant women who are:

(a) (~~(Meet all)~~) Income and resource (~~(eligibility criteria)~~) eligible for the (~~(federal)~~) aid to families with dependent children program; and

(b) (~~(Are)~~) In their first or second trimester of pregnancy (~~(and categorically eligible for a federal aid medical assistance program)~~); or

(c) (~~(Are)~~) Members of a two-parent household(~~(s)~~) during a time when the aid to dependent children-employable (AFDC-E) program is in effect, but do not meet categorical eligibility for AFDC-E. These women may receive a continuing general assistance grant (~~(and medical assistance under the state-financed medical care services program)~~) for the duration of their pregnancy.

(3) Effective June 7, 1990, women:

(a) Relinquishing a child for adoption; and

(b) Receiving general assistance under WAC 388-37-030(2); or

(c) Losing AFDC or FIP eligibility because an eligible child does not reside in the household; and

(d) Whose assistance granted under subsection (3) of this section is limited to six weeks beginning with the date of birth of the child.

WSR 90-16-086
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 3047—Filed August 1, 1990, 8:15 a.m.]

Date of Adoption: August 1, 1990.

Purpose: WAC 275-110-090 states that the department will . . . "include in its biennial appropriation request proposed rates based on studies of local government cost to be conducted biennially." This WAC revision will satisfy that requirement. SSB 6407, section 220, paragraph (4) provides additional funds for a rate increase.

Citation of Existing Rules Affected by this Order: Amending chapter 275-110 WAC, Impact account—Criminal justice cost reimbursement.

Statutory Authority for Adoption: RCW 74.72.040 [72.72.040].

Pursuant to notice filed as WSR 90-13-113 on June 21, 1990.

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

August 1, 1990

Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2651, filed 7/8/88)

WAC 275-110-050 MAXIMUM ALLOWABLE REIMBURSEMENT FOR LAW ENFORCEMENT COSTS. The department shall limit reimbursement to the specific political subdivisions listed in WAC 275-110-040. The maximum reimbursement rates shall be (~~(seventeen)~~) twenty dollars and (~~(seventeen)~~) sixty-six cents per hour for the period (~~(July 1, 1988)~~) August 1, 1990, through (~~(June 30, 1989)~~) June 30, 1992. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100.

AMENDATORY SECTION (Amending Order 2651, filed 7/8/88)

WAC 275-110-060 MAXIMUM ALLOWABLE REIMBURSEMENT FOR PROSECUTORIAL COSTS. The department shall reimburse, at the rate set forth in WAC 275-110-050, for pretrial investigations of crimes committed inside or outside institutions, impacting the political subdivision courts as set forth in WAC 275-110-040. If, after investigation, criminal charges are filed, the department may reimburse fully documented prosecutorial and defense attorney fees. Reimbursement shall not exceed the following rates for each attorney, said reimbursement to include costs for paralegals: (~~(Forty-two)~~) Forty-nine dollars and (~~(forty-nine)~~) forty-one cents per hour for the period (~~(July 1, 1988)~~) August 1, 1990, through (~~(June 30, 1989)~~) June 30, 1992. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100.

AMENDATORY SECTION (Amending Order 2651, filed 7/8/88)

WAC 275-110-070 MAXIMUM ALLOWABLE REIMBURSEMENT FOR JUDICIAL COSTS. (1) The department shall limit judicial costs strictly to cases involving inmates of institutions listed in WAC 275-110-040 and to political subdivisions listed in WAC 275-110-040 except that witness (other than expert) and jury fees are further limited as provided in subsection (3) of this section. Reimbursement shall be limited to judges, court reporters, transcript typing, and witness and jury fees.

(2) The department shall reimburse judges hearing cases including services provided by court clerks and bailiffs at (~~(forty-two)~~) forty-six dollars and (~~(fifty-nine)~~) five cents per hour for the period (~~(July 1, 1988)~~) August 1, 1990, through (~~(June 30, 1989)~~) June 30, 1992. Reimburse court reporters at the rate of (~~(seventeen)~~) twenty dollars and (~~(seventy-five)~~) seventy-one cents per hour for the period (~~(July 1, 1988)~~) August 1,

1990, through (~~June 30, 1989~~) June 30, 1992. Reimburse required typing of transcripts at (~~three~~) four dollars and (~~fifty-five~~) thirteen cents per page for the period (~~July 1, 1988~~) August 1, 1990, through (~~June 30, 1989~~) June 30, 1992. If required, reimburse expert witnesses at (~~fifty-nine~~) sixty-nine dollars and (~~seventy~~) thirty-four cents per hour for the period (~~July 1, 1988~~) August 1, 1990, through (~~June 30, 1989~~) June 30, 1992.

(3) Reimbursement for witness fees (other than expert) and jury fees shall be at the rate established by the local governmental legislative authority but not in excess of (~~twenty-six~~) thirty-one dollars and (~~eighty-three~~) thirteen cents per day. The department shall limit reimbursement of costs of witness (other than expert) and jury fees to those criminal cases involving offenders residing in a state adult or juvenile correctional institution.

(4) These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100.

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 2651, filed 7/8/88)

WAC 275-110-080 MAXIMUM ALLOWABLE REIMBURSEMENT FOR JAIL FACILITIES. The department shall limit jail facility cost reimbursement strictly to incremental costs as defined in WAC 275-110-020 and to political subdivisions listed in WAC 275-110-040. Requests for reimbursement shall be fully documented and shall include the inmate's name and all appropriate admission and release dates. Limit reimbursement to (~~five~~) thirty dollars (~~and two cents~~) per inmate day for the period (~~July 1, 1988~~) August 1, 1990, through (~~June 30, 1989~~) June 30, 1992. The department shall not reimburse for costs incurred for holding persons regarding parole revocations or for holding persons involved in civil litigation. The department shall reimburse costs of providing security when inmates require hospitalization at the rate of (~~eleven~~) twelve dollars and (~~seventy-three~~) twenty-three cents per hour for the period (~~July 1, 1988~~) August 1, 1990, through (~~June 30, 1989~~) June 30, 1992. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100.

WSR 90-16-087

PROPOSED RULES

INSURANCE COMMISSIONER

[Filed August 1, 1990, 8:54 a.m.]

Original Notice.

Title of Rule: Washington basic coverage policy (small group) insurance regulation, chapter 284-49 WAC.

Purpose: The purpose of this rule is to assure the orderly development, filing, review, and approval of policies and rates for small business group health care policies as authorized by chapter 187, Laws of 1990; to provide necessary definitions for the several key terms used but not defined in that statute; to establish the needed standards for the reasonableness of rates in relation to benefits for such policies; to provide for the methodology of rating such policies; to specify the experience records required to be kept for such policies; and to set out the information which must be maintained and reported by the carriers to permit the insurance commissioner to satisfy the legislative mandate for a report on such coverage.

Other Identifying Information: Insurance Commissioner Matter No. R 90-10.

Statutory Authority for Adoption: RCW 48.02.060 (3)(a), chapter 187, Laws of 1990, 48.18.110(2), 48.44.020 (2)(d), 48.44.050, 48.46.060 (3)(d) and 48.46.200.

Statute Being Implemented: Chapter 187, Laws of 1990, SB 6834.

Summary: The proposal provides guidelines for the development and administration for basic coverage policies to be issued to employer groups of fewer than 25 employees. Those policies are permitted to omit mandated coverages and offerings otherwise required to be included in policies issued in this state. This proposal also provides for the regulatory oversight of those policies, and for the reporting of information legislatively required to be assembled by the office of the insurance commissioner.

Reasons Supporting Proposal: Chapter 187, Laws of 1990, requires the adoption of rules, for several reasons. First, the law does not define several key terms used in it. Second, the law does not exempt small group contracts from other relevant provisions of Title 48 RCW, some of which provisions require a rule to be properly applied to such contracts. Third, the law provides for a "prior approval" system for all contract and rate filings made pursuant to it; that is, such filings must be affirmatively approved by the insurance commissioner before they can be used. In order to review such filings on a consistent and legally defensible basis, a rule is needed to define the key terms and establish standards in relation to other sections of Title 48 RCW which still apply to such contracts. The commissioner determined that it is extremely important to promulgate rules which will allow basic coverage policies to be offered. First, there is the legislative finding in section 2 of the measure. Second, there is the extraordinary nature of the law itself, which indicates that the legislature believed the need for the law was critical. Third, there are the comments received from individual members of the legislature, the industry, and the public, to the effect that the price of health care coverage for small employer groups is causing a serious problem.

Name of Agency Personnel Responsible for Drafting: James T. Odiorne, Insurance Building, Olympia, Washington, (206) 586-5590; **Implementation and Enforcement:** David H. Rodgers, Insurance Building, Olympia, Washington, (206) 753-7302.

Name of Proponent: Dick Marquardt, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule is designed for the efficient administration and regulation of policies issued to employer-groups of fewer than 25 employees, under the authority of chapter 187, Laws of 1990. This rule addresses the following points: Scope of rules; limitation of replacement of existing policies with basic coverage policies; definitions used in the regulation and in basic coverage policies; specifies forms requiring prior approval by the commissioner; establishes the contents required for form and rate filings; establishes minimum policy requirements; defines minimum coverage to be offered in basic coverage policies; establishes minimum loss ratios for basic coverage policies; identifies minimum requirements for rate filings; requires the maintenance of certain loss records; identifies data to be collected and manner of reporting that data in order for commissioner to meet legislative reporting mandates; and provides for separability of various sections in the case of invalidity of any section. It is anticipated that these rules will allow carriers to design and market a product which will be more affordable. It is hoped that the more affordable policy will result in more residents being covered to some extent by a health care policy, which will, in turn, result in better health care for those residents and less dependence on public resources for the provision of health care services. It is anticipated, but there is no data available to substantiate the assumption, that basic coverage policies will be welcomed and purchased by employers with fewer than 25 employees in order to provide some level of health care benefits to their employees. That coverage could increase the overhead costs of the employer, but it is impossible to assess that impact because of lack of data and the number of variables potentially involved, including: Percentage of premium paid by employer, policy variants affecting premium, and number of dependents insured.

Proposal Changes the Following Existing Rules: The proposal adopts without change chapter 284-49 WAC, adopted on an emergency basis June 5, 1990.

Small Business Economic Impact Statement: It is anticipated that these rules will allow carriers to design and market a product which will be more affordable. It is hoped that the more affordable policy will result in more residents being covered to some extent by a health care policy, which will, in turn, result in better health care for those residents and less dependence on public resources for the provision of health care services. It is anticipated, but there is no data available to substantiate the assumption, that basic coverage policies will be welcomed and purchased by employers with fewer than 25 employees in order to provide some level of health care benefits to their employees. That coverage could increase the overhead costs of the employer, but it is impossible to assess that impact because of lack of data and the number of variables potentially involved, including: Percentage of premium paid by employee, policy variants affecting premium, and number of dependents insured.

There is no requirement that any carrier engage in the sale of basic coverage policies to residents of this state; and, therefore, no requirement that these products be developed for sale in Washington. The commissioner recognizes that there will be start-up costs required of all carriers who choose to develop basic coverage policies. This, however, is more the result of market forces than a result of state regulation of basic coverage policies. Development of new products, marketing materials and commission and salary arrangements will be required by the market of any carrier engaged in insurance. The proposed rules may place a proportionately higher burden on small carriers than on large ones. Because the start-up costs for compliance will be similar in carriers whether they have fewer or more than fifty employees, the cost per employee will be higher in the small business. With respect to per one hundred dollars of sales, the number of the carrier's employees has little significance. Insurance agents will be required to do very little to comply with these proposed rules, but will be affected by these rules and their implementation by the carriers. Many agents operate on an individual basis; some as part of a large agency. It is not feasible to determine the impact on them on the basis of their mode of operation or the size of the firm to which they may belong.

Hearing Location: Office of Insurance Commissioner, Insurance Building, Olympia, Washington, on September 4, 1990, at 10:00 a.m.

Submit Written Comments to: Insurance Commissioner, Insurance Building, AQ-21, Olympia, Washington 98504-0321, by September 4, 1990.

Date of Intended Adoption: September 4, 1990.

July 31, 1990

Dick Marquardt
Insurance Commissioner
David H. Rodgers
Chief Deputy
Insurance Commissioner

Chapter 284-49 WAC
WASHINGTON BASIC COVERAGE POLICY (SMALL
GROUP)
INSURANCE REGULATION

NEW SECTION

WAC 284-49-010 SCOPE. The regulations contained in this chapter shall apply to all policies or contracts issued to groups of fewer than twenty-five employees by disability insurers, health care service contractors and health maintenance organizations, pursuant to the authority of chapter 187, Laws of 1990, and such policies or contracts shall be referred to as "basic coverage policies." All other policies or contracts issued by disability insurers, health care service contractors, and health maintenance organizations shall conform to all other provisions of the Insurance Code and regulations issued thereunder applying to the type of policy or contract being issued.

NEW SECTION

WAC 284-49-020 SUPPLANTING OR SUPERSEDING OF EXISTING POLICIES. Carriers shall not issue a basic coverage policy under the authority of chapter 187, Laws of 1990, to replace group coverage subject to mandated benefits existing on June 7, 1990, until the next anniversary date of the issuance of the group coverage agreement, unless such coverage is terminated for reasons unrelated to availability of a basic coverage policy regulated by this chapter. If two or more plans are offered by the group at June 7, 1990, the renewal or

anniversary date for the group policy covering the largest number of employees in the group, shall determine the next anniversary date of the group coverage agreement.

NEW SECTION

WAC 284-49-050 DEFINITIONS. Unless otherwise specifically excepted, the definitions contained in this regulation shall apply throughout this chapter and to all policies within the scope of this chapter.

(1) "Carrier" is a disability insurer, health care service contractor or health maintenance organization authorized to do business in this state which has chosen to issue coverages within the scope of chapter 187, Laws of 1990, and this chapter.

(2) "Policy," "contract," and "agreement" shall be interchangeable and shall be the contractual document between a carrier and a group which creates a liability of the carrier for the provision of or indemnity for health care services within the scope of this chapter.

(3) "Group" shall mean a group composed of eligible employees of a single employer, and their dependents. Such employees shall be not more numerous than twenty-four in number. Employees shall include all persons scheduled to work for an employer twenty or more hours per week and for at least thirteen weeks per year. For the purposes of determining an employer's eligibility for a basic coverage policy under the authority of chapter 187, Laws of 1990, and this chapter, employees may not be segregated by division, job responsibilities, employment status, employment location, or any other rationale. For purposes of this chapter, group size will be determined at the time of application for a basic coverage policy, and on each anniversary of the date of issue of the basic coverage policy. Carriers shall confirm the size of groups by certification of the employer, which certification shall be maintained in the carrier's files.

(4) "Basic coverage" as authorized by chapter 187, Laws of 1990, and this chapter, means basic services rendered by health professionals licensed pursuant to chapters 18.57 and 18.71 RCW, together with hospital expenses.

(5) "Subscriber" shall mean an enrolled eligible employee with coverage under a basic coverage policy.

(6) "Eligible dependent" shall mean an enrolled dependent of a subscriber entitled to coverage under a basic coverage policy or certificate.

NEW SECTION

WAC 284-49-100 FORMS—PRIOR APPROVAL. No contract, endorsement, amendment, rider, certificate or other form used in connection with policies within the scope of this chapter shall be issued, delivered or used, by any carrier, unless it has been filed with the commissioner by the carrier and approved by the commissioner prior to any use of such forms in this state.

NEW SECTION

WAC 284-49-115 GENERAL CONTENTS OF FORM AND RATE FILINGS. Each form filing submitted to the commissioner for approval shall contain a transmittal page as prescribed by the commissioner and the following materials arranged in this order:

- (1) The printed form or forms, completed in John Doe fashion;
- (2) Rates, manuals of classification, manuals of rules and premiums, and modifications thereof;
- (3) Actuarial memorandum, which contains, at a minimum, the information set forth in WAC 284-49-510; and
- (4) Any additional required enclosure.

NEW SECTION

WAC 284-49-300 MINIMUM POLICY REQUIREMENTS. Except as specifically exempted or modified by chapter 187, Laws of 1990, or this chapter, basic coverage policies shall comply in all respects with chapters 48.21, 48.44 and 48.46 RCW, other applicable provisions of the Insurance Code, and all applicable regulations issued thereunder.

NEW SECTION

WAC 284-49-330 MINIMUM COVERAGE. Every basic coverage policy issued pursuant to chapter 187, Laws of 1990, and this chapter will, as a minimum, provide at least "basic coverage." Every

such policy may provide additional benefits, at the discretion of the carrier, but associated forms are subject to approval prior to use in accordance with WAC 284-49-100.

NEW SECTION

WAC 284-49-500 STANDARDS FOR LOSS RATIOS. (1) Basic coverage policies issued by authority of chapter 187, Laws of 1990, shall return a cumulative loss ratio of at least seventy percent. Such loss ratio shall be on the basis of incurred claims and earned premiums for all calculating or rating periods such that the cumulative loss ratio from inception equals or exceeds the seventy percent minimum loss ratio. Where coverage is provided on a direct service rather than indemnity basis, such loss ratio shall be on the basis of incurred health care expenses and earned premiums for such period. For purposes of achieving and maintaining the minimum cumulative loss ratio, the experience of all basic coverage policies of a carrier shall be combined.

(2) All claim experience for basic coverage policies shall be pooled for the purposes of establishing premiums and rates; i.e., the claim experience of a given individual group shall not be a factor in determining its rates.

NEW SECTION

WAC 284-49-510 FILING REQUIREMENTS. All basic coverage policy forms, riders, and rates filed for initial use on or after June 7, 1990, and any future rate adjustment thereto, shall demonstrate compliance with the loss ratio requirements of WAC 284-49-500. All filings of forms shall be accompanied by the proposed schedule of rates and an actuarial memorandum completed and signed by a qualified actuary as defined in WAC 284-05-060.

NEW SECTION

WAC 284-49-520 EXPERIENCE RECORDS. Carriers shall maintain records of earned premiums and incurred claims, for each basic coverage policy, rider, endorsement and similar forms.

NEW SECTION

WAC 284-49-900 COLLECTION OF DATA AND REPORTING. (1) Each carrier of basic coverage policies shall collect and maintain the following data, by county, in relation to the basic coverage policies it issues. Such data will be kept for each basic coverage policy and every variant of such policy.

- (a) Number of groups purchasing policy (include as a separate policy each and every variant of the basic coverage policy).
- (b) For each employer purchasing a basic coverage policy, the number of employees electing not to be covered under the group policy.
- (c) Number of employees covered under each basic coverage policy.
- (d) Number of dependents covered under each basic coverage policy.
- (e) Initial premium for the basic coverage policy.
- (f) Each requested premium increase or decrease by date of request, amount of increase or decrease, and date of the commissioner's approval.
- (g) For each variant of the basic coverage policy, a description of the endorsements or variations from the basic coverage policy.
- (h) Number of groups, employees, and employee dependents covered under a basic coverage policy who previously had no insurance coverage.
- (i) Number of groups, employees, and employee dependents covered under a basic coverage policy who previously had insurance coverage.
- (j) Total premium charged and collected on basic coverage policies, by month.
- (k) Total claims reported and paid, by month.

(2) Each carrier shall on or before the first day of February and August of each year, beginning on February 1, 1991, report to the commissioner, in summary form, the information collected pursuant to subsection (1) of this section for the six month period immediately preceding the reporting date. Reports filed in February of each year shall cover the preceding July through December. Reports filed in August of each year shall cover the preceding January through June. Each carrier shall maintain the detail used to support such summary reports until the completion of the next financial and market conduct examination of the carrier by the commissioner's staff.

NEW SECTION

WAC 284-49-999 SEPARABILITY. If any provision of this regulation or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

WSR 90-16-088
PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE

[Filed August 1, 1990, 9:42 a.m.]

Subject of Possible Rule Making: WAC 458-20-106 Casual or isolated sales—Business reorganizations.

Persons may comment on this subject in writing or by attending the public meeting. Written comments should be addressed to: Les Jaster, Rules Coordinator, Department of Revenue, Interpretation and Appeals, Olympia, Washington 98504, Mailstop AX-02. Public meeting scheduled at: Department of Revenue, 2nd Floor Conference Room, 400 Mercer, Seattle, WA, September 13, 1990, at 2:00 p.m. (written comments will be accepted to this date).

Other Information or Comments by Agency at this Time, if any: WAC 458-20-106 (Rule 106) will be revised to clarify sales or use tax liability on sales of capital assets to affiliated entities and provide examples of casual sales.

August 1, 1990
 Les Jaster
 Rules Coordinator

WSR 90-16-089
PROPOSED RULES
DEPARTMENT OF ECOLOGY

[Order 90-39—Filed August 1, 1990, 10:16 a.m.]

Original Notice.

Title of Rule: Chapter 173-319 WAC, Comprehensive waste reduction/recycling grants program.

Purpose: To provide grants to local governments for waste reduction and recycling projects.

Statutory Authority for Adoption: RCW 70.95.100 and 70.95.810.

Statute Being Implemented: RCW 70.95.100 and 70.95.810.

Summary: This rule sets the basic requirements for a program of grants to local governments for waste reduction and recycling projects, specifically compost study projects and public information and education projects.

Reasons Supporting Proposal: These grants, which are the result of the 1989 amendments to chapter 70.95 RCW (the Sprenkle Bill) support Washington's efforts to reduce and recycle solid waste.

Name of Agency Personnel Responsible for Drafting: Kaia Petersen and Peter Haskin, Lacey, Washington, 438-7251 and 459-6292; Implementation and Enforcement: Dan Swenson, Lacey, Washington, 438-7474.

Name of Proponent: [Department of Ecology], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule sets eligibility criteria, local match requirements, and basic project requirements for a program of grants to local governments for waste reduction and recycling projects. Compost study projects should result in new information for local governments about market development, product quality testing, and collection and processing of source separated organic solid waste, other than sewage sludge. Public information and education grants will support the costs of duplicating and distributing materials that educate and encourage the public to reduce waste, perform source separation, and recycle. These grant programs are designed to reduce the amount of solid waste created in Washington, and to increase the amount diverted from final disposal.

Proposal does not change existing rules.

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

Determination of No Significant Impact: The purpose of chapter 173-319 WAC is to allow the Department of Ecology to distribute grants to local governments for studies related to composting, and for waste reduction and recycling public information and education materials. Areas for compost study projects include market development and strategies for marketing compost, compost quality testing, and collection and processing methods. Public information and education grants will be limited to duplication and distribution of state-developed or existing locally-developed materials. Grants will be distributed to local jurisdictions. Compost study grants will have at least a 20 percent local match. Public information and education grants will have at least a 25 percent local match. 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 proposed rule has been reviewed. This rule will provide funding for local government programs. The rule encourages cooperation with existing businesses. Compost study projects and public information and education projects will be limited in scope. Funding is also limited. It is unlikely that any compost study or public information and education project will have a negative impact on any business. Ecology hopes that the compost marketing and product quality projects will provide information valuable to businesses interested in composting. The overall impact of the rule is either positive or negligible. No small business economic impact statement is required.

Hearing Location: Krueger Building Conference Room, 4502 Woodview Place S.E., Lacey, WA, on September 5, 1990, at 7:00 p.m.

Submit Written Comments to: Mariann Cook Andrews, Waste Management Grants, Department of Ecology, Mailstop PV-11, Olympia, Washington, 98504-8711, by September 14, 1990.

Date of Intended Adoption: November 6, 1990.

August 1, 1990

Fred Olson

Deputy Director

Chapter 173-319 WAC
COMPREHENSIVE WASTE REDUCTION/RECYCLING
GRANTS PROGRAM

NEW SECTION

WAC 173-319-010 PURPOSE AND AUTHORITY. The purpose of this chapter is to set forth eligibility criteria and requirements for a financial assistance program that provides grants to local governments for: (1) Food and yard waste compost studies as authorized by RCW 70.95.810, and (2) waste reduction and recycling public information and education as authorized by RCW 70.95.100.

NEW SECTION

WAC 173-319-020 RELATION TO OTHER LEGISLATION AND ADMINISTRATIVE RULES. (1) Nothing in this chapter shall influence, affect, or modify department programs, regulations, or enforcement of applicable laws relating to hazardous and solid waste management and disposal.

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

(3) The obligation of the department to make grant payments is contingent upon the availability of funds through allotment or appropriation, and such other conditions not reasonably foreseeable by the department rendering performance impossible. When the grant crosses over bienniums, the obligation of the department is contingent upon the allotment of funds during the next biennium.

(4) The organization receiving a grant shall comply fully with all applicable federal, state, and local laws, orders, regulations, and permits.

NEW SECTION

WAC 173-319-030 DEFINITIONS. For the purpose of this chapter, the following words and phrases shall have the meanings described herein.

"Composting" means controlled aerobic degradation of organic solid waste, other than sewage sludge, for primary uses other than energy recovery. The presence of anaerobic zones within the composting material will not cause the process to be classified as other than composting. Natural decay of organic solid waste under uncontrolled conditions is not composting.

"Department" means the department of ecology.

"Food waste" means residual food from residences, institutions, or commercial facilities, or unusable portions of fruit or vegetable material resulting from food production.

"Land clearing debris" means grass clippings, leaves, weeds, prunings, stumps, or any combination thereof, resulting from land clearing operations.

"Local government" means a city, town, or county.

"Market assessment" means an examination and evaluation of conditions affecting the ability to market a product or service.

"Marketing" means the commercial functions involved in transferring goods from producer to consumer.

"Mixed waste paper" means low-grade, potentially compostable paper, including, but not limited to, noncorrugated paperboard, paperback books, telephone books, paper towels, and paper food containers.

"Quality assurance project plan" means a document of detailed and specific procedures that explains how data of known and acceptable quality are produced for a specific project.

"Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.

"Source separated organic solid waste" means yard waste, food waste, land clearing debris, and mixed waste paper. Wood waste and animal manure may be used as supplements in the composting process.

"Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

"Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

"Yard waste" means grass clippings, leaves, weeds, and prunings six inches or less in diameter.

NEW SECTION

WAC 173-303-040 GENERAL. (1) No costs incurred prior to the effective date of a grant agreement are eligible for reimbursement unless specific provision is made in the grant agreement for such work.

(2) The department shall develop guidelines to assist in interpreting the provisions of this chapter.

NEW SECTION

WAC 173-319-050 COMPOST STUDY GRANTS. (1) Eligibility and grantee match requirements.

(a) The grantee must be a local government.

(b) The grantee match requirements:

(i) Compost study market development grants. The department will provide up to eighty percent of the total eligible project costs for compost study market development projects.

(ii) Compost study product quality testing grants. The department will provide up to eighty percent of the total eligible project costs for compost study product quality testing projects.

(iii) Compost study testing and marketing grants. The department will provide up to eighty percent of the total eligible project costs for compost study testing and marketing projects.

(iv) Compost study collection, processing, and testing grants.

(A) The department will provide up to seventy-five percent of the total eligible project costs for compost study collection, processing, and testing projects where food waste is composted.

(B) The department will provide up to sixty percent of the total eligible project costs for compost study collection, processing, and testing projects where yard waste is composted.

(2) General requirements. As used in this section:

(a) Projects should result in new information for local governments about market development, product quality testing, and collection and processing of source separated organic solid waste.

(b) Local governments should have the ability to perform or sponsor these projects.

(c) Information collected by these projects should be transferable and useful to other local governments.

(d) Projects must involve source separated organic solid waste.

(e) Projects must result in a final written report.

(f) All compost facilities that produce compost products under this grant program shall comply with the requirements of chapter 173-304 WAC, Minimum functional standards for solid waste handling.

(3) Compost study market development grants.

(a) Eligible projects are those that obtain information about how to enhance current markets and uses and develop new markets and uses for compost products from source separated organic solid waste. These projects include, but are not limited to, projects that demonstrate proven uses of compost products, develop and demonstrate new uses for compost products, or develop and implement marketing strategies for compost products.

(b) Eligible costs include, but are not limited to, salaries and benefits, demonstrations, advertisements, mailings, brochures, contractor services, and project management.

(c) Requirements for market development projects are:

(i) A local market assessment must be conducted prior to or during the project.

(ii) Information about compost product quality must be obtained prior to or during the project. This information about compost product quality includes, but is not limited to, results of chemical tests, biological tests, physical tests, and field tests.

(d) Priority for allocation of grants. Grants will be awarded, within the limits of available funds, to the highest ranking application(s) that meet provisions for completeness and technical adequacy. Compost study market development grant applications will be ranked according to how well each application meets the following criteria:

(i) Priority will be given to projects that involve yard waste.

(ii) How soon the compost product will be available for marketing and use.

(iii) Extent to which the project will increase awareness of potential consumers about the uses of compost products, especially potential consumers of large quantities of compost products. Potential consumers of large quantities of compost include, but are not limited to, landscapers, local governments, the general public, horticulturists, and agricultural interests.

(iv) Extent to which the project will increase overall public awareness about the use of compost products.

(v) Extent to which new markets and uses for compost products will be created or investigated.

(4) Compost study product quality testing grants.

(a) Eligible projects are those that obtain technical information about product quality and test appropriate applications for compost products of source separated organic solid waste.

(b) Eligible costs include, but are not limited to, salaries and benefits, contractor services, laboratory and field testing, and project management.

(c) Requirements for product quality testing projects are:

(i) Each project must describe the collection and processing methods used to produce the compost products tested.

(ii) Each project shall test some aspect(s) of the recommended standards classification scheme for compost products, which is being developed by the compost subcommittee of the Washington committee for recycling markets.

(iii) A quality assurance project plan must be submitted as part of each project.

(iv) Each project must sample and test compost products using sampling and testing methods approved by the department.

(v) Each project must conduct laboratory and field tests of compost products. Data from previous laboratory tests may be substituted if the testing methods used are approved by the department.

(vi) Each project must develop a market and use plan describing planned distribution of compost products tested.

(d) Priority for allocation of grants. Grants will be awarded, within the limits of available funds, to the highest ranking application(s) that meet provisions for completeness and technical adequacy. Product quality testing grant applications will be ranked according to how well each application meets the following criteria:

(i) Priority will be given to projects that involve yard waste.

(ii) How soon the compost product will be available for testing.

(iii) How many aspects of the recommended standards classification scheme will be tested.

(iv) Preference will be given to projects that test compost products from locations across Washington state with various climates, collection methods, or waste streams.

(5) Compost study testing and marketing grants. A local government may submit an application that includes both a compost study market development project and a compost study product quality testing project. The eligible projects, eligible costs, requirements, and evaluation criteria for compost study testing and marketing grants will be the same as those for compost study market development grants and compost study product quality testing grants.

(6) Compost study collection, processing, and testing grants.

(a) Eligible projects are those that result in new information by addressing unanswered questions about collection and processing for local governments, and by testing aspects of the recommended classification standards scheme for compost products being developed by the compost subcommittee of the Washington committee for recycling markets. Unanswered questions about collection and processing include, but are not limited to:

(i) How can food waste from residential and commercial sources be collected and processed?

(ii) How can mixed waste paper be composted?

(iii) What are the environmental impacts of a compost facility?

(iv) Are decentralized composting facilities for yard waste efficient and economically feasible?

(v) What are appropriate low-technology, low-impact collection and processing methods?

(vi) What are appropriate methods for collection of yard waste in areas with low population density?

(b) Eligible project costs include, but are not limited to, salaries and benefits, contractor services, collection equipment, facility plans and specifications, facility construction, limited operating costs, laboratory and field testing, and project management.

(c) Requirements for collection, processing, and testing projects are as follows:

(i) Each application must address the economic viability of the project.

(ii) Each project must develop a market and use plan describing the planned distribution of the compost product produced.

(iii) Each project must address the environmental impacts of collection and processing, including, but not limited to, odor, leachate, and surface water runoff.

(iv) Each project must test some aspect(s) of the recommended standards classification scheme for compost products being developed by the compost subcommittee of the Washington committee for recycling markets.

(v) Each project must conduct laboratory and field tests of compost products.

(vi) A quality assurance project plan must be submitted as part of each project.

(vii) Each project must sample and test compost products using sampling and testing methods approved by the department.

(d) Priority for allocation of grants. Grants will be awarded, within the limits of available funds, to the highest ranking application(s) that meet provisions for completeness and technical adequacy. Collection, processing, and testing grant applications will be ranked according to how well each application meets the following criteria:

(i) The department's intent is to fund at least one collection, processing, and testing project where food waste is composted.

(ii) Extent to which the project will result in new information by addressing unanswered questions about collection and processing for local governments, and by testing aspects of the recommended classification standards scheme for compost products being developed by the compost subcommittee of the Washington committee for recycling markets.

(iii) Transferability of collection and processing methods used and product quality information obtained in the project to other local governments.

(iv) Extent to which the waste stream will be reduced.

(v) Completeness of the analysis of the proposed economic viability of the project.

(vi) Economic viability of the proposed project.

NEW SECTION

WAC 173-319-060 WASTE REDUCTION AND RECYCLING PUBLIC INFORMATION AND EDUCATION GRANTS.

(1) Grantee eligibility and match requirements.

(a) The grantee must be a local government.

(b) The grantee match requirements are:

(i) Coordinated state and local public information and education program grants. The department will provide up to seventy-five percent of the total eligible project costs for coordinated state and local public information and education grants.

(ii) Local public information and education program grants. The department will provide up to fifty percent of the total eligible project costs for local public information and education program grants.

(2) General.

(a) The department will only provide funds for the duplication and distribution of public information and educational materials that educate and encourage the public to reduce waste, perform source separation, and recycle.

(b) The department shall consider the following factors in calculating grant allocations and maximum grant amounts for grantees:

(i) The amount of funds available.

(ii) The needs of local governments to carry out public information and education programs.

(iii) The media service area of the grantee.

(iv) The population and/or geographical size of the grantee.

(c) The department will award grants on a first-come, first-served basis.

(d) The department shall give priority funding consideration to grantees that:

(i) Use department-developed materials that are a part of a coordinated statewide campaign on waste reduction and recycling; and

(ii) Have a comprehensive waste reduction and recycling information and education program incorporated in a department-approved local comprehensive solid waste management plan.

(3) Coordinated state and local public information and education program grants.

(a) Eligible projects are those that are part of a coordinated state and local government program developed by the department to educate and inform the public about waste reduction, source separation, and recycling.

(b) Eligible project costs include the duplication, distribution, or use of department-developed materials, including but not limited to:

(i) Video programs;

(ii) Public service announcements;

(iii) Business cards;

(iv) Billboards;

- (v) Clip art;
 - (vi) Point-of-purchase displays;
 - (vii) "How to" brochures;
 - (viii) Posters;
 - (ix) Newspaper display advertisements; and
 - (x) Portable displays.
- (4) Local public information and education program grants.
- (a) Eligible projects are those that implement a waste reduction, source separation, and recycling information and education program.
- (b) Eligible project costs include the duplication, distribution, or use of existing materials or programs, including but not limited to:
- (i) Video programs;
 - (ii) Public service announcements;
 - (iii) Business cards;
 - (iv) Billboards;
 - (v) Clip art;
 - (vi) Point-of-purchase displays;
 - (vii) "How to" brochures;
 - (viii) Posters;
 - (ix) Newspaper display advertisements; and
 - (x) Portable displays.

WSR 90-16-090
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Order 22—Filed August 1, 1990, 10:48 a.m.]

Date of Adoption: August 1, 1990.

Purpose: To clarify selection process for teacher assistance program.

Citation of Existing Rules Affected by this Order: Amending WAC 392-196-085.

Statutory Authority for Adoption: RCW 28A.405.450.

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: Clerical error resulted in filing of incorrect rule section. Amendment needed to clarify and implement selection process needed to carry out legislative intent of teacher assistance program.

Effective Date of Rule: Immediately.

August 1, 1990
 Judith A. Billings
 Superintendent of
 Public Instruction

AMENDATORY SECTION [(Amending Order 16, filed 7/3/90)]

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 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. Specific numbers of nominations will be allocated to each ESD based upon the percentage of public school students in each ESD. If all ESD nominations are not allocated by the Friday after Labor Day, remaining applications will be accepted on the basis of the date received.

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

WSR 90-16-091
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Order 23—Filed August 1, 1990, 10:49 a.m.]

Date of Adoption: August 1, 1990.

Purpose: To omit differentiation of state residential schools as per federal request.

Citation of Existing Rules Affected by this Order: Amending WAC 392-171-456.

Statutory Authority for Adoption: RCW 28A.155.090.

Other Authority: RCW 28A.300.070.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Rule change needed to continue uninterrupted flow of federal special education money to school districts.

Effective Date of Rule: Immediately.

August 1, 1990
 Judith A. Billings
 Superintendent of
 Public Instruction

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

WAC 392-171-456 MEETINGS. (1) A meeting shall be held within thirty calendar days after the date upon which a student's assessment is completed for the purpose of developing the student's individualized education program. The school district shall initiate and conduct the meeting and shall include the following participants:

(a) A representative of the school district other than the student's teacher who is qualified to provide or supervise the provision of special education and related services;

(b) The student's regular classroom teacher or special education teacher or therapist: **PROVIDED**, That either the representative of the school district or the teacher or therapist is qualified in the area of the student's suspected disability;

(c) One or both of the parents (in the case of a non-adult student), subject to subsections (2) through (5) of this section;

(d) The student if he or she is an adult student (and in the case of nonadult students, the student, if appropriate);

(e) A member of the student's assessment team; and

(f) Other individuals at the discretion of the district or the parent or the adult student.

(2) Each school district shall take steps to assure (in the case of nonadult students) that one or both parents of the handicapped student are present at each meeting or are afforded the opportunity to participate, including:

(a) Notifying the parent(s) of the meeting early enough to assure his or her participation; and

(b) Scheduling the meeting at a mutually agreed upon place and time.

(3) The notice to the parent(s) shall include the purpose, time, location of the meeting and who will be in attendance.

(4) If a parent cannot attend, the district shall use other methods to assure participation, including individual or conference telephone calls.

(5) A meeting may be conducted (in the case of a nonadult student) without a parent in attendance if the school district is unable to convince the parents they should attend. In such a case the school district shall make a record of its attempts to arrange a mutually agreed upon time and place. The record shall contain such information as:

(a) Detailed records of telephone calls made or attempted and the results of those calls;

(b) Copies of correspondence sent to the parents and any responses received; and

(c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(6) The school district shall take whatever action is necessary to assure that the parent (or adult student) understands the proceedings at a meeting, including arranging for an interpreter for parents (or adult students) who are deaf or whose native language is other than English.

(7) The district shall document the parent(s)' and other IEP participants' presence at the IEP meeting.

(8) Meetings consistent with this section shall be conducted by the school district at least once a year for the purpose of reviewing and revising as necessary each student's individualized education program. Meetings may be held more frequently.

~~((9) In the case of students admitted to state residential schools, an assessment and individualized education program must be completed as provided in this chapter within fifty school days of enrollment.))~~

Title of Rule: WAC 392-173-025 Special education programs—DSHS students.

Purpose: To comply with federal requirements requiring the applicability of the WAC sections contained in the rule to all eligible students.

Statutory Authority for Adoption: RCW 72.05.104 [72.05.140] and 28A.300.070.

Statute Being Implemented: RCW 72.05.104 [72.05.140] and 28A.300.070.

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: John Pearson, Superintendent of Public Instruction, Old Capitol Building, (206) 586-6394; and Enforcement: Bridget Cullerton, Superintendent of Public Instruction, Old Capitol Building, (206) 586-6394.

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 September 7, 1990, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, Superintendent of Public Instruction, Legal Services, Olympia, Washington 98504, by September 4, 1990.

Date of Intended Adoption: September 12, 1990.

August 1, 1990
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 84-46, filed 10/2/84)

WAC 392-173-025 ASSESSMENT, INDIVIDUAL EDUCATION PLAN, LEAST RESTRICTIVE ENVIRONMENT, PLACEMENT OPTIONS, ANNUAL REVIEW OF PLACEMENT, AND NOTICE. The following provisions from chapter 392-171 WAC shall be applicable to students in such schools: WAC 392-171-346, 392-171-351, 392-171-366, 392-171-371, 392-171-456, 392-171-461, 392-171-471, 392-171-481, 392-171-511, 392-171-516, 392-171-521, and 392-171-526(~~(-PROVIDED, That in the case of students admitted to the state schools for the deaf and the blind and early childhood developmental centers, an assessment and an individual education plan shall be completed within fifty days of enrollment))~~).

WSR 90-16-092
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed August 1, 1990, 10:52 a.m.]

Original Notice.

WSR 90-16-093
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD
[Filed August 1, 1990, 1:24 p.m.]

Original Notice.

Title of Rule: State of Washington rural physician, pharmacist, and midwife scholarship program.

Purpose: Adoption of rules to establish the rural physician, pharmacist, and midwife scholarship program.

Statutory Authority for Adoption: Chapter 271, Laws of 1990.

Statute Being Implemented: Chapter 271, Laws of 1990.

Summary: A program to encourage primary care physicians, pharmacists, and midwives to serve in rural shortage areas of the state by providing financial support to attend school in the form of a conditional scholarship.

Reasons Supporting Proposal: Implementation of the rural physician, pharmacist, and midwife scholarship program.

Name of Agency Personnel Responsible for Drafting and Implementation: Kathy McVay and Marilyn Sjolund, 917 Lakeridge Way, Olympia, 753-3570; and **Enforcement:** Shirley Ort and Ann Daley, 917 Lakeridge Way, Olympia, 753-3570.

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 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, Washington 98504, on September 11, 1990, at 1:30.

Submit Written Comments to: Ann Daley, Executive Director, 917 Lakeridge Way, GV-11, Higher Education Coordinating Board, Olympia, Washington 98504, by September 11, 1990.

Date of Intended Adoption: September 19, 1990.

August 1, 1990

Ann Daley

Executive Director

STATE OF WASHINGTON
RURAL PHYSICIAN, PHARMACIST, AND MIDWIFE
SCHOLARSHIP PROGRAM
Chapter 271, Laws of 1990

RULES AND REGULATIONS
WAC 250-75

WAC 250-75-010	Purpose
WAC 250-75-020	Authority to Administer
WAC 250-75-030	Definitions
WAC 250-75-040	Eligibility to Participate
WAC 250-75-050	Selection Criteria
WAC 250-75-060	Award Amount
WAC 250-75-070	Repayment Provisions
WAC 250-75-080	Appeals

NEW SECTION

WAC 250-75-010 PURPOSE. The purpose of the scholarship program is to encourage primary care physicians, pharmacists, and midwives (as defined in chapters 18.50 RCW, 18.57 RCW, 18.64 RCW, 18.71 RCW, and 18.88 RCW,) to serve in rural shortage areas of the state by providing financial support to attend school in the form of a conditional scholarship. Participants shall receive payment from the program for professional training leading to licensure as a physician, osteopathic physician and surgeon, pharmacist, midwife or certified nurse-midwife. The conditional scholarship means a loan that is

forgiven in whole or in part if the scholarship recipient serves in a rural physician shortage area, a pharmacist shortage area, or a midwife shortage area in Washington state.

NEW SECTION

WAC 250-75-020 AUTHORITY TO ADMINISTER. The higher education coordinating board is charged with the administration of the rural physician, pharmacist, and midwife scholarship program. These regulations are being adopted pursuant to the authority of section 5 through 13, chapter 271, laws of 1990, first ex. sess. When a responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his/her designee.

NEW SECTION

WAC 250-75-030 DEFINITIONS. Unless the content clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Board" means the higher education coordinating board.
- (2) "Department" means the department of health.
- (3) "Eligible student" means a student who has been accepted into a program leading to eligibility for licensure under chapter 18.50 RCW, 18.57 RCW, 18.64 RCW, 18.71 RCW or 18.88 RCW.
- (4) "Prospective medical student" means an individual identified by a sponsoring community who is seeking admission to a school of medicine or osteopathic school of medicine.
- (5) "Medical school" means a medical school or school of osteopathic medicine and surgery accredited by an accrediting association recognized as such in rule by the department.
- (6) "Pharmacy school" means a pharmacy school accredited by an accrediting association recognized as such in rule by the department.
- (7) "Midwife training program" means a training program approved by the department that leads to licensure as a midwife or certification as a nurse-midwife in the state of Washington.
- (8) "Primary care physician" means an individual whose training prepares them for practice in the following areas: family practice, general practice, general internal medicine, ob-gyn, and general pediatrics.
- (9) "Rural physicians shortage area" means rural geographic areas where primary care physicians are in short supply as a result of geographic maldistribution and where their limited numbers jeopardize patient care and pose a threat to public health and safety.
- (10) "Pharmacist shortage area" means a rural area where pharmacists are in short supply and where their limited numbers jeopardize the public health and safety.
- (11) "Midwife shortage area" means a geographic area of the state of Washington where (a) maternity services are in short supply, and (b) midwifery services could help alleviate the shortage.
- (12) "Nonshortage rural area" means a nonurban area of the state of Washington that has not been designated a rural physician shortage area.
- (13) "Rural areas" means a rural area in the state of Washington as identified by the department.
- (14) "Eligible expenses" means legitimate expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board.
- (15) "Program" means the rural physician, pharmacist, and midwife scholarship program.
- (16) "Scholarship" means a loan that is forgiven in whole or in part if the recipient renders: (a) physician services as a primary care physician in a rural area of the state; (b) pharmacy services as a pharmacist in a pharmacist shortage area; or (c) midwifery services as a licensed midwife or certified nurse-midwife in a midwife shortage area;
- (17) "Sponsoring community" means a rural hospital or hospitals as authorized in chapter 70.41 RCW, a rural health care facility or facilities as authorized in chapter 70.175 RCW, or a city or county government or governments.
- (18) "Participant" means an eligible student who has received a scholarship under this chapter.
- (19) "Forgiven" or "to forgive" means to render physician services in a rural area, pharmacy services in a pharmacist shortage area, or midwifery services in a midwife shortage area in the state of Washington in lieu of monetary repayment.
- (20) "Satisfied" means paid-in-full.

NEW SECTION

WAC 250-75-040 ELIGIBILITY TO PARTICIPATE. To be eligible to apply, an individual must:

(1) Be accepted into or currently enrolled in an accredited program leading to eligibility for licensure in Washington state as a physician, osteopathic physician and surgeon, pharmacist, midwife or certified nurse-midwife;

(2) Submit an application on a form provided by the higher education coordinating board for participation in the rural physician, pharmacist, and midwife scholarship program;

(3) Agree to serve for not less than five years as a primary care physician in a rural shortage area of the state, as a pharmacist in a pharmacist shortage area, or provide midwifery services as a licensed midwife or certified nurse-midwife in a midwife shortage area in the state;

(4) Agree not to discriminate against any person on the basis of his/her ability to pay for services or because payment for the health services provided to the individual will be made under part A or B of Title XVIII of the federal Social Security Act or under a state plan for medical assistance approved under Title XIX of such act;

(5) Agree to accept an assignment under the terms specified in Title XVIII of the federal Social Security Act, section 18.42(b)(3)(B)(ii);

(6) Agree to enter into an agreement with the state medicaid agency to provide services to individuals entitled to medical assistance under the plan; and

(7) Agree to repay to the program an amount equal to twice the total amount paid by the program on their behalf in addition to the unsatisfied portion of principal and interest as set by state law, if the five year service obligation is not met.

NEW SECTION

WAC 250-75-050 SELECTION CRITERIA. Applicants will be selected for participation in the rural physician, pharmacist, and midwife scholarship program based upon the following criteria:

(1) Applicant Training. The individual's training must be in a program leading to licensure in Washington state as a physician, osteopathic physician and surgeon, pharmacist, midwife or certified nurse-midwife;

(2) Applicant Qualifications. The board may consider the individual's academic standing, prior experience in a medically underserved or rural shortage area, academic/humanitarian achievements, recommendations, and other criteria related to competence or conduct.

(3) Applicant Relationship with Rural Area. (a) Physicians. For prospective physicians, recipients must declare an interest in serving in rural areas of the state of Washington. Preference for scholarships shall be given to students who reside in rural areas of the state prior to admission to the medical training program. Higher preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a primary care physician in a rural area; (b) Pharmacists. For prospective pharmacists, recipients must declare an interest in serving in pharmacist shortage areas of the state of Washington; and (c) Midwives. For prospective midwives, recipients must declare an interest in serving in midwife shortage areas of the state of Washington.

NEW SECTION

WAC 250-75-060 AWARD AMOUNT. The amount of the scholarship awarded a participant shall not exceed \$15,000 per academic year for physicians and \$4,000 per academic year for pharmacists and midwives. The higher education coordinating board may establish awards of less than the maximum amount based upon reasonable levels of expenditures for each of the health professions covered by the program, depending upon the availability of funding. In no case shall the award amount exceed the actual cost of attendance for the particular program. Scholarship awards are intended to meet the eligible expenses of participants. Participants are eligible to receive scholarships for a maximum of five years for physicians and three years for pharmacists and midwives while continually enrolled in an approved medical school, pharmacy school, or midwifery training program.

As part of the award procedure, each participant must sign an agreement with the board which serves as the legal document verifying the participant's understanding of the obligation to serve for five years in a shortage area or repay to the program an amount equal to twice the total amount paid on their behalf in addition to the unsatisfied

portion of principal and interest as set by state law. Should the recipient choose not to serve in a shortage area, he/she is obligated to repay to the program an amount equal to three times the principal, plus the interest as set by state law.

NEW SECTION

WAC 250-75-070 REPAYMENT PROVISIONS. Participants shall receive payment from the program for professional training leading to licensure as a physician, osteopathic physician and surgeon, pharmacist, midwife or certified nurse-midwife.

(1) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant serves in a rural physician shortage area, pharmacist shortage area, or midwife shortage area until the entire repayment obligation is satisfied or the participant ceases to so serve.

(2) Participants in the program incur an obligation to repay the scholarship, with interest set by state law, unless they serve for five years in rural physician shortage area, pharmacist shortage areas, or midwife shortage areas in the state of Washington.

(3) Except for circumstances beyond their control, participants who serve less than five years shall be obliged to repay to the program an amount equal to twice the total amount paid by the program on their behalf in addition to the unsatisfied portion of the principal and interest as set by state law.

(4) The terms of the repayment, including deferral of the interest, shall be consistent with the terms of the federal guaranteed loan program.

(5) The period of repayment shall be three years, with payments commencing nine months from the date the participant completes or discontinues the course of study or required residency, or fails to fulfill the five year service obligation.

(6) Upon request of the participant, the higher education coordinating board may waive, in full or in part, the obligation for service or its rights to recover financial damages whenever the board determines that failure to do so was due to circumstances beyond the participant's control. Conditions considered as a waiver from default provisions may include: participant becomes physically impaired to the degree that he/she can no longer function in his/her assigned duties, participant becomes mentally impaired to the degree that he/she can no longer function in his/her assigned duties, or death.

NEW SECTION

WAC 250-75-080 APPEALS. Participants who have been accepted in the rural physician, pharmacist, and midwife scholarship program may request in writing a review of any adverse decision affecting them by requesting such review within 20 days of adverse decision, addressed to the executive director of the higher education coordinating board. The review shall be handled by brief adjudication hearing procedures as outlined in the Administrative Act chapter 34.05 RCW.

WSR 90-16-094**PROPOSED RULES****LOTTERY COMMISSION**

[Filed August 1, 1990, 2:03 p.m.]

Original Notice.

Title of Rule: WAC 315-11-571 Criteria for Instant Game No. 57; 315-11-580 Definitions; 315-11-581 Criteria; 315-11-582 Ticket validation requirements for Instant Game No. 58; 315-32-060 Drawings; 315-34-010 Definitions for Lotto; 315-34-020 Price of Lotto ticket; 315-34-030 Play for Lotto; 315-34-040 Prizes for Lotto; 315-34-050 Ticket purchases; and 315-34-060 Drawings.

Purpose: To establish the game play rules and criteria for determining winners of Instant Game No. 58 and for 6 of 49 Lotto; to amend WAC 315-32-060 to establish

an ending date for 6 of 44 Lotto; and to amend the grand prize drawing rules for Instant Game No. 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 Instant Game No. 58 and for 6 of 49 Lotto; to establish an ending date for 6 of 44 Lotto; and to provide for 50 semi-finalist winners in the grand prize drawing for Instant Game No. 57.

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 315-11-571, this rule is amended to provide that there will be 50 semi-finalist winners in Instant Game No. 57; WAC 315-11-580, 315-11-581 and 315-11-582, 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; WAC 315-34-010, 315-34-020, 315-34-030, 315-34-040, 315-34-050 and 315-34-060, these rules are adopted to establish the 6 of 49 Lotto game. Terms are defined, game play is explained, formula for the determination of prize amounts is presented, and time for ticket purchases and drawings are provided; and WAC 315-32-060, this rule is amended to establish an ending date for 6 of 44 Lotto.

Proposal Changes the Following Existing Rules: The proposal amends WAC 315-32-060 to establish an ending date for 6 of 44 Lotto; and amends WAC 315-11-571 to provide for 50 semi-finalist winners in the grand prize drawing for Instant Game No. 57.

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, East 10517-19 Sprague Avenue, Spokane, WA 99206, on September 7, 1990, at 10:00 a.m.

Submit Written Comments to: Judith Giniger, Lottery, P.O. Box 9770, Olympia, WA 98504, by September 6, 1990.

Date of Intended Adoption: September 7, 1990.

July 27, 1990

Evelyn Y. Sun
Director

AMENDATORY SECTION (Amending WSR 90-15-014, filed 7/10/90)

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 drawing((s)), 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 [ill.] play symbol.

(iii) Write or print legibly the entrant's name(;) and address(; ~~and telephone number on each and every ticket~~) 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))~~ fifty grand prize entries that will be retained and will be eligible for the grand prize drawing. Each of the entries selected at the preliminary drawing will be awarded a \$1,000 prize. Entries received by the lottery at lottery headquarters by 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 315-11-580 DEFINITIONS FOR INSTANT GAME NUMBER 58 ("PHOTO FINISH"). (1) Play symbols: The following are the "play symbols": "1"; "2"; "3"; "5"; "6"; "7"; "9"; "10"; "11." One of these symbols appears under each of the four rub-off spots in the "Your Horse No." column and under each of the four rub-off spots in the "Winning Horse No." column in the play field on the front of the ticket.

(2) Play Symbol Captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out in full or in abbreviated form of the play symbol. One and only one caption appears under each play symbol. The three-digit ticket number for that ticket shall follow each play symbol caption. For Instant Game Number 58, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
1	ONE
2	TWO
3	THR
5	FIV
6	SIX
7	SVN
9	NIN
10	TEN
11	ELV

(3) Prize symbols: The following are the "prize symbols": "\$1.00"; "\$2.00"; "\$4.00"; "\$8.00"; "\$12.00"; "\$50.00"; "\$5,000.00." One of these prize symbols appears for each race (row) in the prize column on the front of the ticket.

(4) Prize Symbol Captions: The small printed characters appearing below each prize symbol which verify and correspond with that prize symbol. The caption is a spelling out, in full or abbreviated form, of the prize symbol. Only one caption appears under each prize symbol. For Instant Game Number 58, the prize symbol captions which correspond with and verify the prize symbols are:

PRIZE SYMBOL	CAPTION
\$1.00	ONE
\$2.00	TWO
\$4.00	FOUR
\$8.00	EGT
\$12.00	TLV
\$50.00	FTFY
\$5,000	FVTH

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

(6) Pack-ticket number: The eleven-digit number of the form 05800001-000 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 58 constitute the "pack number" which starts at 05800001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(7) 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 58, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of eight locations among the play symbols and prize symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$1.00
TWO	\$2.00 (\$1 and \$1) (\$2)
FOR	\$4.00 (\$1 and \$1 and \$1 and \$1) (\$2 and \$2)
EGT	\$8.00 (\$4 and \$2 and \$2)
TLV	\$12.00 (\$8 and \$2 and \$1 and \$1)
TTF	\$24.00 (\$12 and \$8 and \$2 and \$2)

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

NEW SECTION

WAC 315-11-581 CRITERIA FOR INSTANT GAME NUMBER 58. (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: The bearer of a ticket having a play symbol in the "Your Horse No." column that is exactly the same as in the "Winning Horse No." column in the same race (row) shall win the prize shown in the prize column for that race (row). The bearer of a ticket having winning play symbols in more than one race (row) shall win the total amount of the prizes in each winning race (row). Play symbols in different races (rows) may not be combined to win a prize.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or payable 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 58 set forth in WAC 315-11-582, 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 58; and/or

(b) Vary the number of tickets sold in Instant Game Number 58 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

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 315-11-582 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 58. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 58 all of the following validation requirements apply.

(a) Exactly one play symbol must appear under each of the four rub-off spots in the "Your Horse No." column and under each of the four rub-off spots in the "Winning Horse No." column on the front of the ticket.

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

(c) Exactly one prize symbol for each of the four races (rows) must appear under the rub-off material covering the prize column on the front of the ticket.

(d) Each of the four prize symbols must have a caption below and each must agree with its caption.

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

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(f) Each of the play symbols and its caption, prize symbol and its caption, the validation number, pack-ticket number, and the retailer verification code must be printed in black ink.

(g) Each of the play symbols must be exactly one of those described in WAC 315-11-580(1); each of the play symbol captions must be exactly one of those described in WAC 315-11-580(2); each of the prize symbols must be exactly one of those described in WAC 315-11-580(3); and each of the prize symbol captions must be exactly one of those described in WAC 315-11-580(4).

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

AMENDATORY SECTION (Amending WSR 87-22-032 (Order 105), filed 10/29/87)

WAC 315-32-060 DRAWINGS. (1) The Lotto drawing shall be held each week on Wednesday and Saturday evenings, except that the director may change the drawing schedule if Wednesday or Saturday is a holiday.

(2) The drawing will be conducted by lottery officials.

(3) Each drawing shall determine, at random, six winning numbers with the aid of mechanical drawing equipment which shall be tested before and after that drawing. Any drawn numbers are not declared winning numbers until the drawing is certified by the lottery. The winning numbers shall be used in determining all Lotto winners for that drawing. If a drawing is not certified, another drawing will be conducted to determine actual winners.

(4) The drawing shall not be invalidated based on the liability of the lottery.

(5) The final drawing under this section shall take place on October 20, 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.

**CHAPTER 315-34 WAC
LOTTO 6 OF 49 RULES**

WAC 315-34-010	DEFINITIONS FOR LOTTO
WAC 315-34-020	PRICE OF LOTTO TICKET
WAC 315-34-030	PLAY FOR LOTTO
WAC 315-34-040	PRIZES FOR LOTTO
WAC 315-34-050	TICKET PURCHASES
WAC 315-34-060	DRAWINGS

NEW SECTION

WAC 315-34-010 DEFINITIONS FOR LOTTO. (1) Number: Any play integer from 1 through 49 inclusive.

(2) Game grids: A field of the 49 numbers found on the play slip.

(3) Play slip: A mark-sense game card used by players of Lotto to select plays. There shall be ten game grids on each play slip identified as A, B, C, D, E, F, G, H, I, and J.

NEW SECTION

WAC 315-34-020 PRICE OF LOTTO TICKET. The price of each Lotto ticket shall be \$1.00 and shall contain two plays. A player may use a play slip to purchase up to five tickets as follows:

- 1 ticket: \$1 - game grids A and B.
- 2 tickets: \$2 - game grids A, B, C, and D.
- 3 tickets: \$3 - game grids A, B, C, D, E, and F.
- 4 tickets: \$4 - game grids A, B, C, D, E, F, G, and H.
- 5 tickets: \$5 - game grids A, B, C, D, E, F, G, H, I, and J.

NEW SECTION

WAC 315-34-030 PLAY FOR LOTTO. (1) Type of play: A Lotto player must select six numbers in each play. A winning play is achieved only when 3, 4, 5, or 6 of the numbers selected by the player match, in any order, the six winning numbers drawn by the lottery.

(2) Method of play: The player will use play slips to make number selections. The on-line terminal will read the play slip and issue ticket(s) with corresponding plays. If a play slip is not available, the on-line retailer may enter the selected numbers via the keyboard. A player may choose to have the number selections made by a random number generator operated by the computer, commonly referred to as "quick play".

NEW SECTION

WAC 315-34-040 PRIZES FOR LOTTO. (1) The prize amounts to be paid to each Lotto player who selects a winning combination of numbers in the first, second, third and fourth prize categories vary due to parimutuel calculation of prizes. The prize amounts are based on the total amount in the prize pool for that Lotto drawing distributed over the number of winning tickets in each category.

WINNING COMBINATIONS	PRIZE CATEGORIES	ODDS OF WINNING (ONE PLAY)
All six winning numbers in one play	First Prize (Jackpot)	1:13,983,816
Any five but not six winning numbers in one play	Second Prize	1:54,201
Any four but not five or six winning numbers in one play	Third Prize	1:1,033
Any three but not four, five or six winning numbers in one play	Fourth Prize	1:57

(2) Prize allocation. The prize allocation consists of forty-five percent of Lotto revenue. The prize allocation will be divided between the prize pool and the prize reserve as follows: prize pool—forty-three percent of Lotto revenue; prize reserve—two percent of Lotto revenue.

(3) Prize amounts.

(a) First prize (jackpot). Fifty-eight percent of the prize pool is to be divided equally among all players who selected all six winning numbers in one play (in any sequence). The director may increase the cash value of the jackpot by an amount not to exceed the amount in the prize reserve.

(b) Second prize. Six percent of the prize pool is to be divided equally among all players who selected five of the six winning numbers in one play (in any sequence).

(c) Third prize. Twelve percent of the prize pool is to be divided equally among all players who selected four of the six winning numbers in one play (in any sequence).

(d) Fourth prize. Twenty-four percent of the prize pool is to be divided equally among all players who selected three of the six winning numbers in one play (in any sequence).

(e) Prize reserve. The prize reserve will be held for payment of prizes at the discretion of the director.

(f) All prizes will be rounded to the nearest dollar. The remainder or shortages, if any, from the rounding process shall be placed in or taken from the prize reserve.

(g) The holder of a winning ticket may win only one prize per play in connection with the winning numbers drawn and shall be entitled only to the highest prize category won by those numbers.

(h) The holder of two or more jackpot winning tickets with a cumulative total cash value of \$250,000 or more may elect to receive a single prize based on the total cash value with prize payments in accordance with subsection (5)(a) or (b) of this section.

(i) In the event any player who has selected three, four, five, or six of the six winning numbers does not claim the prize won within one hundred eighty days after the drawing in which the prize was won, that player's prize shall be retained in the state lottery account for further use as prizes, pursuant to RCW 67.70.190.

(4) Roll-over feature.

(a) If no player selects all six winning numbers for any given drawing, the jackpot accumulated for that drawing will be added to the

jackpot accumulation for the next drawing. This process is repeated until the jackpot is won.

(b) If no player selects five of the six winning numbers for any given drawing, the second prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(c) If no player selects four of the six winning numbers for any given drawing, the third prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(d) If no player selects three of the six winning numbers for any given drawing, the fourth prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(5) Prize payments will be made in accordance with WAC 315-30-030(6).

(a) Each prize that has a cash value of \$500,000 or more shall be paid in twenty annual payments.

(b) Each prize that has a cash value of more than \$250,000 but less than \$500,000 shall, at the discretion of the director, be paid either in ten annual payments or twenty annual payments.

(c) Each prize that has a cash value of \$250,000 or less shall be paid in a single payment.

(d) For prizes paid over a period of years, the lottery will make the first annual payment. The remaining payments will be paid in the form designated by the director.

NEW SECTION

WAC 315-34-050 TICKET PURCHASES. (1) Lotto tickets may be purchased or redeemed during no less than seventeen (17) hours each day in accordance with a schedule to be determined by the director, provided that on-line retailers shall sell and redeem tickets only during their normal business hours.

(2) Lotto tickets may be purchased only from a lottery retailer authorized by the director to sell on-line tickets.

(3) Lotto tickets shall on the front of the ticket contain the player's selection of numbers, amount, game grids played, drawing date and validation and reference numbers. The back of the ticket shall contain overall odds of winning, player instructions, player information and signature area, and the ticket serial number.

NEW SECTION

WAC 315-34-060 DRAWINGS. (1) The Lotto drawing shall be held each week on Wednesday and Saturday evenings beginning October 24, 1990, except that the director may change the drawing schedule if Wednesday or Saturday is a holiday.

(2) The drawing will be conducted by lottery officials.

(3) Each drawing shall determine, at random, six winning numbers with the aid of mechanical drawing equipment which shall be tested before and after that drawing. Any drawn numbers are not declared winning numbers until the drawing is certified by the lottery. The winning numbers shall be used in determining all Lotto winners for that drawing. If a drawing is not certified, another drawing will be conducted to determine actual winners.

(4) The drawing shall not be invalidated based on the liability of the lottery.

Summary: Establishes procedures for implementation and enforcement of RCW 70.95.610 through 70.95.660, which is designed to accomplish the recycling of used vehicle batteries through a system of exchanging batteries at the point of sale.

Reasons Supporting Proposal: Required by RCW 70.95.670.

Name of Agency Personnel Responsible for Drafting: Steve Barrett, Department of Ecology, Mailstop PV-11, 459-6286; Implementation: Jay Shepard; and Enforcement: Bill Alkire.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes procedures for implementation and enforcement of RCW 70.95.610 through 70.95.660, which is designed to accomplish the recycling of used vehicle batteries through a system of exchanging batteries at the point of sale. The rule establishes an optional exemption to the retail core charge and establishes our authorization procedures for used battery collectors.

Proposal does not change existing rules.

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

Economic Analysis Compliance Document: The battery recycling rule is being promulgated pursuant to RCW 70.95.610 through 70.95.670. This rule requires that vehicle batteries be disposed of by delivering them to an authorized sales establishment and bars their disposal at solid waste sites. Battery retailers must display a sign provided by the Department of Ecology and must levy a core charge of five dollars if the used battery core is not returned for recycling. Battery wholesalers must accept used batteries from a retailer. Battery collectors must apply for authorization. The application is approximately three pages long. The first filing charge for the application is estimated to be from \$17 to \$27. Renewal fees should be between \$5 and \$15 annually. The law itself imposes a \$1,000 fine for illegal disposal of batteries or for failure to display a sign.

Regulatory Fairness Act: The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an impact on more than twenty percent of all industry or ten percent of the businesses in any one industry be reviewed and altered to minimize their impact on small business. This rule will have a negligible impact on all companies which own vehicles and do not turn in their used batteries when new batteries are purchased. These companies will have to pay the five dollar unredeemed core charge for their batteries. It will also have a negligible impact on over ten percent of the companies in the following SIC code industries: 334 Secondary nonferrous metals; 352 Farm and garden machinery; 353 Construction and related machinery; 371 Motor vehicles and equipment; 372 Aircraft and parts; 373 Ship and boat building and repair; 375 Motorcycles, bicycles and repair; 379 Miscellaneous transportation equipment; 495 Sanitary services; 501 Motor vehicle and automotive equipment; 557 Motorcycle dealers; 559 Automotive dealers; and 753 Automotive repair shops. Retailers keep

WSR 90-16-095

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 90-36—Filed August 1, 1990, 2:15 p.m.]

Original Notice.

Title of Rule: Chapter 173-331 WAC, Vehicle battery recycling rule.

Purpose: To fulfill the requirements of RCW 70.95.670.

Statutory Authority for Adoption: RCW 70.95.670.

Statute Being Implemented: RCW 70.95.610 through 70.95.660.

the unredeemed core charges. Five to fifty percent of current sales involve unredeemed core charges. Half of the retail stores were handling used batteries prior to the passage of the law. For those not handling the used batteries the cost of setting up a battery storage area will range from \$200 to \$400. Their costs will be offset by revenue from core charges within the first year. The costs imposed on wholesalers are mitigated by the requirement that this rule be suspended when the price of lead falls. The reporting requirements in the rule are currently being carried out under the Waste Not Washington Law, RCW 70.95.280. Data is collected annually by the Department of Ecology. Impacts will be proportional to the number of batteries carried by the reporting entity. All wholesalers contacted are currently accepting trade-ins. Most provide a cash incentive for the trade-in. Because of the above mitigation the only potential cost likely to have an impact is the fine of \$1,000 per infraction required in the law. Compliance is expected to be excellent for this rule, given the strong participation of industry in the passage of the legislation and the promulgation of this rule. For these reasons the impact on each entity is expected to be negligible for all sizes of companies. This rule change does not fit the criteria under the Regulatory Fairness Act, RCW 19.85-.030. No small business economic impact statement is required for this amendment.

State Economic Policy Act: The State Economic Policy Act, RCW 43.21H.020, requires that economic values be given adequate consideration in the rule-making process. In addition to the impacts described above individuals and local governments that own vehicles and do not turn in used batteries upon replacement will have to pay a five dollar core charge.

Hearing Location: September 12, 1990, 7:00 p.m., Sea-Tac Meeting Room, Small Auditorium, Sea-Tac Airport; and on September 13, 1990, 7:00 p.m., Spokane Public Schools Administration Building, North 200 Bernard, Spokane, WA.

Submit Written Comments to: Steve Barrett, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711, by September 21, 1990.

Date of Intended Adoption: November 20, 1990.

August 1, 1990

Fred Olson
Deputy Director

Chapter 173-331 WAC
VEHICLE BATTERY RECYCLING

NEW SECTION

WAC 173-331-010 **AUTHORITY AND PURPOSE.** The department of ecology has been authorized under RCW 70.95.670 to implement and enforce a vehicle battery recycling program. The purpose of this chapter is to establish procedures for implementation and enforcement of RCW 70.95.610 through 70.95.660, which is designed to accomplish the recycling of used vehicle batteries through a system of exchanging batteries at the point of sale.

NEW SECTION

WAC 173-331-100 **DEFINITIONS.** The following words, terms, and phrases shall, for the purposes of this chapter, have the meanings given below:

(1) The terms wholesale and retail shall have the same meanings provided in Title 82 RCW, Excise taxes. Specific to this chapter, wholesale refers to the sale of vehicle batteries to retail establishments, and retail refers to sale of replacement vehicle batteries that require payment of the retail sales tax.

(2) Core charge means an added charge applied during a retail sale to be refunded to the purchaser when a used battery of equivalent size is offered in exchange.

(3) Department means the department of ecology.

(4) Disposal means to deposit, dump, abandon, or spill any vehicle battery into or on any land, water, solid waste landfill, or solid waste incinerator.

(5) Equivalent size means weighing seventy-five to one hundred twenty-five percent of the vehicle battery purchased.

(6) New vehicle battery means any vehicle battery intended for use as an electrical energy storage device.

(7) Original battery installation means any new vehicle or device that requires a vehicle battery to be connected or installed before use is possible.

(8) Replacement vehicle battery means any vehicle battery sold at retail without (a) sale of an original battery installation, or (b) verifiable proof that the buyer needs the battery for an original battery installation.

(9) Secondary lead smelter means any facility licensed by a state or federal government to reclaim lead from vehicle batteries.

(10) Used vehicle battery means any vehicle battery intended for reclamation, separate from a vehicle or other installation.

(11) Vehicle battery means any battery used or capable of use, without modification, in any vehicle, truck, mobile home, recreational vehicle, boat, airplane, utility vehicle or portable machinery, having a core of elemental lead, with the capability to produce six or more volts.

NEW SECTION

WAC 173-331-200 **POSTING OF RETAIL NOTICES.** (1) This section refers to the notices required by RCW 70.95.630(2).

(2) All required notices must be posted in the main vehicle battery display area or other area clearly visible to battery purchasers. Notices must be posted no lower than four feet and no higher than seven feet, level to the floor. Notices must be maintained free of any viewing obstructions.

Note: Notices are available by calling 1-800-RECYCLE.

NEW SECTION

WAC 173-331-210 **OPTIONAL EXEMPTION TO THE CORE CHARGE.** A retailer may not apply a core charge to a battery sale when the buyer submits verifiable proof that the battery is needed for an original battery installation. Verifiable proof shall consist of a voucher issued by the seller of the vehicle or device containing the following:

- (1) Title, address, and phone of the retail establishment;
- (2) Brief description of the vehicle or device sold with indication that a battery(s) was not included;
- (3) Date of issuance;
- (4) Name of the purchaser; and
- (5) Signature of the sales agent.

Vouchers shall be valid for ninety days following the date of issuance and must be surrendered to the retailer during the battery sale.

NEW SECTION

WAC 173-331-220 **CONDITION OF USED BATTERIES.** (1) A purchaser must provide a used battery in a fully-capped, unbroken condition to qualify for waiver of the core charge. A retailer may refuse to accept a broken or uncapped battery, or may condition acceptance upon provision of a leak proof, acid resistant container, such as a plastic pail, holding the broken or uncapped battery.

(2) The department shall provide on its 1-800-RECYCLE Hotline a list of recycling outlets available for broken and uncapped batteries.

NEW SECTION

WAC 173-331-300 **CONDITIONS FOR SUSPENDING THE ACCEPTANCE REQUIREMENTS.** (1) This section refers to the suspension order required by RCW 70.95.650(3).

(2) The department shall determine the market price paid for used lead batteries by contacting agents of the secondary smelters historically used to process used vehicle batteries originating in Washington. The department shall determine transportation costs by contacting at least three trucking firms and at least three shipping firms for estimated unit costs to transport batteries to each secondary smelter. If the lowest estimated transportation costs are higher than market price paid for all of the secondary smelters, the department will order a suspension.

(3) The department will notify retailers of any suspension by sending notice to trade organization representatives and other businesses on our vehicle battery program mailing list. (To get on the vehicle battery mailing list call (206) 438-7541.)

NEW SECTION

WAC 173-331-400 AUTHORIZATION OF USED BATTERY COLLECTORS. (1) This section refers to RCW 70.95.610(1).

(2) Beginning March 1, 1991, any person who collects used vehicle batteries beyond and nonincidental to accepting exchanges during sale of new batteries, excepting any local government with an approved local hazardous waste plan pursuant to RCW 70.105.220, must apply annually to the department of ecology for authorization.

(3) Application fees shall not be more than twenty-seven dollars for the initial application and not more than fifteen dollars for each renewal.

(4) Application forms for a used vehicle battery collector authorization will be available at unified business identifier service locations located throughout the state.

Note: Assistance finding the nearest unified business identifier service is available by calling 1-800-562-8203.

(5) Ecology review of application for authorization as a used vehicle battery collector:

(a) Any application for authorization or reauthorization as a used vehicle battery collector is subject to review and final approval or disapproval by the department of ecology.

(b) The applicant will be notified if the department has evidence that the applicant has failed to comply with environmental regulations affecting the handling, storage, transport, reclamation, or disposal of vehicle batteries. Such failure is sufficient reason for the department to disapprove or rescind authorization as a vehicle battery collector.

(c) Such notification shall be in writing and shall include a statement of the basis for the department's belief that failure to comply has occurred and indication of the department's intentions regarding authorization.

(d) The applicant may submit to the department comments on the department's intended action and basis for that action. Any comments shall be submitted in writing to the department within fifteen days from date of receipt of the department's notice letter unless the department provides an extension.

(e) After reviewing any comments, the department shall issue a letter notifying the applicant of its decision whether to authorize the applicant as a vehicle batter collector. Such decision may be appealed to the department by written application for review within fifteen days of receipt by the applicant of the department's decision. The department shall issue a notice of its decision on the application for review within fifteen days of the receipt of such application. This notice shall be the department's final decision.

(f) Pursuant to RCW 43.21B.110 (1)(c), the department's final decision is appealable to the pollution control hearings board.

NEW SECTION

WAC 173-331-410 REPORTING REQUIREMENTS. (1) Consistent with RCW 70.95.280, persons who collect used vehicle batteries and recondition them, reclaim them, or transport them to secondary smelters shall report annually to the department quantities of batteries collected and where they are delivered.

Note: Reporting instructions and forms are available by calling 1-800-RECYCLE.

(2) Requests for confidentiality will be honored if the reporting business shows that publication of the information may affect adversely its competitive position and if the department determines that confidentiality is not detrimental to public interest.

NEW SECTION

WAC 173-331-500 HANDLING OF USED VEHICLE BATTERIES. Nothing in this chapter shall exempt wholesalers, retailers, or used battery collectors from the sections pertaining to lead-acid battery handling in the state's dangerous waste regulations, chapter 173-303 WAC, including WAC 173-303-050 (Department of ecology cleanup authority), WAC 173-303-145 (Spills and discharges into the environment), and WAC 173-303-960 (Special powers and authorities of the department). All shall use prudent procedures of handling and storing used vehicle batteries.

NEW SECTION

WAC 173-331-600 SEVERABILITY. If any provision of this chapter or its application to any person is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

Note: Copies of RCW 70.95.280 and 70.95.610 through 70.95.670, WAC 173-303-050, 173-303-145 and 173-303-960, and additional copies of this chapter, chapter 173-331 WAC, are available from the Department of Ecology, Office of Waste Reduction, Recycling, and Litter Control, Mailstop PV-11, Olympia, WA 98504-8711, (206) 438-7541, 1-800-RECYCLE, 1-800-732-9253.

WSR 90-16-096

PROPOSED RULES

DEPARTMENT OF HEALTH (Occupational Therapy Practice Board)

[Filed August 1, 1990, 2:30 p.m.]

Original Notice.

Title of Rule: Occupational therapy licensure requirements.

Purpose: To update licensure requirements.

Statutory Authority for Adoption: RCW 18.59.130.

Statute Being Implemented: Chapter 18.59 RCW.

Summary: Creates continuing competency requirements; amends AIDS education and training requirements; amends code of ethics and standards of professional conduct; and amends inactive licensure status.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carol Neva, 1300 Quince Street, Olympia, 753-3132.

Name of Proponent: Washington State Occupational Therapy Practice Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Creates continued competency requirements; amends AIDS educational requirements; amends code of ethics and standards of professional conduct; and amends inactive licensure status for the purposes of updating licensure requirements.

Proposal Changes the Following Existing Rules: Removes a three hour didactic requirement for AIDS education; further clarifies ethics and standards of professional conduct; and amends inactive licensure status to provide consistency with continued competency requirements.

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

Hearing Location: Department of Licensing, 464 12th Avenue, Seattle, WA, 464-7904, on September 4, 1990, at 9:30 a.m.

Submit Written Comments to: Department of Health,
Physical Therapy, 1300 Quince Street, Olympia, WA
98504, by September 1, 1990.

Date of Intended Adoption: September 4, 1990.

July 18, 1990
Carol Neva
Program Manager

NEW SECTION

WAC 308-171-041 CONTINUED COMPETENCY. Beginning January 1, 1993, evidence of continued competency completed after January 1, 1991, for the practice of occupational therapy shall include a minimum of thirty contact hours of continuing education per license renewal period. The thirty contact hours may be obtained through two or more of the following: Inservices, coursework, conferences, workshops, peer reviewed self study, presentations, or peer reviewed publications which have specified goals and objectives relating to the practice of occupational therapy as defined in RCW 18.59.020 and WAC 308-171-001.

AMENDATORY SECTION (Amending Order PM 620, filed 10/8/86)

WAC 308-171-045 INACTIVE STATUS. An occupational therapist or occupational therapy assistant, in good standing, may place his or her license on inactive status by giving written notice to the ~~((director))~~ secretary, and may within ~~((four))~~ two years thereafter resume active practice upon payment of a late renewal ~~((penalty))~~ fee and by completion of the continued competency requirements as specified in WAC 308-171-041. A license may be reinstated after a period of inactive status of ~~((more than))~~ up to four years, with proof of completion of continued competency within two years prior to reactivation and payment of a late renewal fee. A license may be reinstated after a period of inactive status of more than four years under such circumstances as the ~~((director))~~ secretary determines with the advice of the board. ~~((An inactive status may be maintained at no fee.))~~ A person whose license is on inactive status shall not practice as an occupational therapist or occupational therapy assistant until his or her license is activated.

AMENDATORY SECTION (Amending Order PM 610, filed 8/19/86)

WAC 308-171-301 CODE OF ETHICS AND STANDARDS OF PROFESSIONAL CONDUCT. (1) It is the professional responsibility of occupational therapists and occupational therapy assistants to provide services for clients without regard to race, creed, national origin, gender, handicap or religious affiliation.

(2) Treatment objectives and the therapeutic process must be formulated to ensure professional accountability.

(3) Services shall be goal-directed in accordance with the overall educational, habilitation or rehabilitation plan and shall include a system to ensure professional accountability.

(4) Occupational therapists and occupational therapy assistants shall recommend termination of services when established goals have been met or when further services would not produce improved client performance.

(5) Occupational therapists and occupational therapy assistants shall accurately represent their competence, education, training and experience.

(6) Occupational therapists and occupational therapy assistants shall only provide services and use techniques for which they are qualified by education, training, and experience.

(7) Occupational therapists and occupational therapy assistants shall accurately record information and report information as required by facility standards and state and federal laws.

~~((7))~~ (8) All data recorded in permanent files or records shall be supported by the occupational therapist or the occupational therapy assistant's observations or by objective measures of data collection.

~~((8))~~ (9) Client's records shall only be divulged as authorized by law or with the client's consent for release of information.

~~((9))~~ (10) Occupational therapists and occupational therapy assistants shall not delegate to other personnel those client-related services where the clinical skills and expertise of an occupational therapist or occupational therapy assistant are required.

~~((10))~~ (11) If, after evaluating the client, the case is a medical case, the occupational therapist shall refer the case to a physician for appropriate medical direction if such direction is lacking.

(a) Appropriate medical direction shall be sought on at least an annual basis.

(b) A case is not a medical case if the following is present:

(i) There is an absence of pathology; or

(ii) If a pathology exists, the pathology has stabilized; and

(iii) The occupational therapist is only treating the client's functional deficits.

AMENDATORY SECTION (Amending Order PM 805, filed 12/20/88)

WAC 308-171-320 AIDS EDUCATION AND TRAINING. (1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

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

(3) Acceptable education and training. The department of licensing will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of six clock hours ~~((of which three hours must be didactic instruction))~~ 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.

(4) Implementation. Effective February 1, 1989, the requirement for licensing application, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (3) of this section.

(5) Documentation. The licensee shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before the renewal date or December 31, 1989, whichever date is earlier;

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

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

WSR 90-16-097

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed August 1, 1990, 2:32 p.m.]

Original Notice.

Title of Rule: New sections WAC 308-158-010 Intention; 308-158-020 Terms used in WAC 308-158-010 through 308-158-040; 308-158-030 Approval of substance abuse monitoring programs; and 308-158-040 Participation in approved substance abuse monitoring program.

Purpose: To add new sections, all which pertain to substance abuse monitoring programs for veterinarians.

Statutory Authority for Adoption: RCW 18.130.175.

Statute Being Implemented: RCW 18.92.047.

Summary: These rules set forth the requirements for substance abuse monitoring programs.

Reasons Supporting Proposal: To implement a voluntary substance abuse monitoring program for licensees.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Maria C. Gardipee, 1300 Quince Street, Olympia, WA 98504, (206) 753-3729.

Name of Proponent: Veterinary Board of Governors, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules establish requirements for substance abuse monitoring programs in which licensees can voluntarily participate. License holders voluntarily participating in the approved programs without being referred by the disciplining authority shall not be subject to disciplinary action under RCW 18.130.160 for their substance abuse, and shall not have their participation made known to the disciplining authority, if they meet the requirements of this section and the program in which they are participating.

Proposal does not change existing rules.

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

Hearing Location: West Coast Sea-Tac Hotel, 18220 Pacific Highway South, Seattle, WA 98188, on September 12, 1990, at 3:00 p.m.

Submit Written Comments to: Maria C. Gardipee, P.O. Box 1099, Olympia, WA 98507-1099, by September 3, 1990.

Date of Intended Adoption: September 12, 1990.

July 19, 1990
Maria C. Gardipee
Program Manager

Chapter 308-158 WAC
SUBSTANCE ABUSE MONITORING PROGRAMS FOR VETERINARIANS

NEW SECTION

WAC 308-158-010 INTENT. It is the intent of the legislature that the veterinary board of governors seek ways to identify and support the rehabilitation of veterinarians where practice or competency may be impaired due to the abuse of drugs or alcohol. The legislature intends that these veterinarians be treated so that they can return to or continue to practice veterinary medicine in a way which safeguards the public. The legislature specifically intends that the veterinary board of governors establish an alternate program to the traditional administrative proceedings against such veterinarians.

In lieu of disciplinary action under RCW 18.130.160 and if the veterinary board of governors determines that the unprofessional conduct may be the result of substance abuse, the veterinary board of governors may refer the license holder to a voluntary substance abuse monitoring program approved by the veterinary board of governors.

NEW SECTION

WAC 308-158-020 DEFINITIONS. As used in this chapter:

(1) "Approved substance abuse monitoring program" or "approved monitoring program" is a program, complying with applicable state law and approved by the board, which oversees a veterinarians compliance with a contractually prescribed substance abuse recovery program. Substance abuse monitoring programs may provide evaluation and/or treatment to participating veterinarians.

(2) "Contract" is a comprehensive, structured agreement between the recovering veterinarian and the approved monitoring program wherein the veterinarian consents to comply with the monitoring program and the required components for the veterinarian's recovery activity.

(3) "Approved treatment facility" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to RCW 18.130.175.

(4) "Substance abuse" means the impairment, as determined by the board, of a veterinarian's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

(5) "Aftercare" is that period of time after intensive treatment that provides the veterinarian or the veterinarian's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups, and ongoing continued support of treatment and/or monitoring program staff.

(6) "Veterinarian support group" is a group of veterinarians and/or other health professionals meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced facilitator in which participants may safely discuss drug diversion, licensure issues, return to work, and other professional issues related to recovery.

(7) "Twelve-steps groups" are groups such as Alcoholics Anonymous, Narcotics Anonymous, and related organizations based on a philosophy of anonymity, peer group association, and self-help.

(8) "Random drug screens" are the observed collection of specified bodily fluids together with laboratory tests to detect the presence of drugs of abuse in bodily fluids. Collection must occur at irregular intervals not known in advance by the person to be tested.

(9) "Veterinarian" means an impaired practitioner.

NEW SECTION

WAC 308-158-030 APPROVAL OF SUBSTANCE ABUSE MONITORING PROGRAMS. The board will approve the monitoring program(s) which will participate in the recovery of veterinarians. The board will enter into a contract with the approved substance abuse monitoring program(s) on an annual basis.

(1) An approved monitoring program may provide referrals for evaluations and/or treatment to the participating veterinarians.

(2) An approved monitoring program staff must have the qualifications and knowledge of both substance abuse as defined in this chapter and the practice of veterinary medicine to be able to evaluate:

- (a) Drug screening laboratories;
- (b) Laboratory results;
- (c) Providers of substance abuse treatment, both individual and facilities;
- (d) Veterinarians' support groups;
- (e) The veterinarians' work environment; and
- (f) The ability of the veterinarian to practice with reasonable skill and safety.

(3) An approved monitoring program will enter into a contract with the veterinarian and the board to oversee the veterinarian's compliance with the requirements of the program.

(4) An approved monitoring program staff should evaluate and recommend to the board, on an individual basis, whether a veterinarian will be prohibited from engaging in the practice of veterinary medicine for a period of time and restrictions, if any, on the veterinarian's access to controlled substances in the work place.

(5) An approved monitoring program shall maintain records on participants.

(6) An approved monitoring program will be responsible for providing feedback to the veterinarian as to whether treatment progress is acceptable.

(7) An approved monitoring program shall report to the board any veterinarian who fails to comply with the requirements of the monitoring program.

(8) An approved monitoring program shall provide the board with a statistical report on the program, including progress of participants, at least annually, or more frequently as requested by the board. Progress reports shall not include names or any identifying information regarding voluntary participants.

(9) The board shall approve and provide the monitoring program guidelines on treatment, monitoring, and/or limitations on the practice of veterinary medicine for those participating in the program.

(10) An approved monitoring program shall provide for the board a complete financial breakdown of cost for each individual veterinary participant by usage at an interval determined by the board in the annual contract.

(11) An approved monitoring program shall provide for the board a complete annual audited financial statement.

NEW SECTION

WAC 308-158-040 PARTICIPATION IN APPROVED SUBSTANCE ABUSE MONITORING PROGRAM. (1) In lieu of disciplinary action, the veterinarian may accept board referral into an approved substance abuse monitoring program.

(a) The veterinarian shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professionals with expertise in chemical dependency.

(b) The veterinarian shall enter into a contract with the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to the following:

(i) The veterinarian will agree to remain free of all mind-altering substances, including alcohol, except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(ii) The veterinarian will submit to random drug screening as specified by the approved monitoring program.

(iii) The veterinarian shall sign a waiver allowing the approved monitoring program to release information to the board if the veterinarian does not comply with the requirements of this contract.

(iv) The veterinarian will undergo approved substance abuse treatment in an approved treatment facility.

(v) The veterinarian must complete the prescribed aftercare program of the approved treatment facility, which may include individual and/or group psychotherapy.

(vi) The veterinarian must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(vii) The veterinarian will attend veterinarians' support groups and/or twelve-step group meetings as specified by the contract.

(viii) The veterinarian will comply with specified practice conditions and restrictions as defined by the contract.

(ix) Except for (b)(i) through (iii) of this subsection, an approved monitoring program may make an exception to the foregoing requirements on individual contracts.

(c) The veterinarian is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, random drug screens, and therapeutic group sessions.

(d) The veterinarian may be subject to disciplinary action under RCW 18.130.160 and 18.130.180 if the veterinarian does not consent to be referred to the approved monitoring program, does not comply with specified practice restrictions, or does not successfully complete the program.

(2) A veterinarian who is not being investigated or monitored by the board for substance abuse and who is not currently the subject of current disciplinary action, may voluntarily participate in the approved substance abuse monitoring program without being referred by the board. Such voluntary participants shall not be subject to disciplinary action under RCW 18.130.160 and 18.130.180 for their substance abuse, and shall not have their participation made known to the board if they meet the requirements of the approved monitoring program:

(a) The veterinarian shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency.

(b) The veterinarian shall enter into a contract with the approved substance abuse monitoring program to comply with the requirements of the program which may include, but not be limited to the following:

(i) The veterinarian will undergo approved substance abuse treatment in an approved treatment facility.

(ii) The veterinarian will agree to remain free of all mind-altering substances, including alcohol, except for medications prescribed by an authorized prescriber as defined in RCW 69.41.030 and 69.50.101.

(iii) The veterinarian must complete the prescribed aftercare program of the approved treatment facility, which may include individual and/or group psychotherapy.

(iv) The veterinarian must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(v) The veterinarian will submit to random observed drug screening as specified by the approved monitoring program.

(vi) The veterinarian will attend veterinarians' support groups and/or twelve-step group meetings as specified by the contract.

(vii) The veterinarian will comply with practice conditions and restrictions as defined by the contract.

(viii) The veterinarian shall sign a waiver allowing the approved monitoring program to release information to the board if the veterinarian does not comply with the requirements of this contract.

(c) The veterinarian is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, random drug screens, and therapeutic group sessions.

(3) Treatment and pretreatment records shall be confidential as provided by law.

WSR 90-16-098

PROPOSED RULES

BOARD OF HEALTH

[Filed August 1, 1990, 2:35 p.m.]

Original Notice.

Title of Rule: Control of communicable (contagious) diseases, new sections WAC 248-101-011 Purpose, 248-101-021 Definitions and 248-101-221 Control of communicable (contagious) diseases; and repealing WAC 248-101-010, 248-101-020 and 248-101-220.

Purpose: To repeal old WAC's and add new sections related to the control of infectious diseases.

Statutory Authority for Adoption: RCW 43.20.050.

Summary: The authority of the local health officer to control the spread of communicable diseases in schools is expanded to include day care centers. This change will more clearly define how and when the local health officer may take action during the occurrence or potential occurrence of a communicable disease and who may be affected by such action.

Reasons Supporting Proposal: The school immunization law and appropriate rules apply to both schools and day care centers. The local health officer must have the authority to control the spread of communicable diseases when they occur in a school or day care center.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barbara J. Baker, Office Chief, Airdustrial Building 14, LP-19, (206) 753-3495.

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: 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 judge has invalidated the regulations on that basis. The purpose of this change is to cite the appropriate statutory authority and to further clarify the authority of the local health officer to stop or prevent the spread of communicable diseases when they occur or have the potential to occur in schools and day care center settings. The effect of this change provides conformity of the intent of the school and day care center immunization law and rules and the control of communicable diseases.

Proposal Changes the Following Existing Rules: This change will now include day care centers as a setting the local health officer will have official authority to take action upon the occurrence or potential occurrence of communicable diseases.

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

Hearing Location: Skagit Valley Convention Center, Mt. Vernon, Washington, on September 12, 1990, at 9:30 a.m.

Submit Written Comments to: Office of Immunization and TB Services, LP-19, Olympia, Washington 98504, by September 11, 1990.

Date of Intended Adoption: September 12, 1990.

July 30, 1990

Sylvia Beck

Executive Director

NEW SECTION

WAC 248-101-011 PURPOSE. The following regulations are adopted by the Board of Health for the purpose of governing the presence on or about any school or day care center premises of susceptible persons who have, or who have been exposed to, a communicable disease. These regulations are in addition to other requirements imposed by WAC 248-100.

In furtherance of the purpose and intent of the law and these regulations, it is recommended that parents of students whose medical supervision seems inadequate should be encouraged to obtain the services of a physician for the child. When the economic situation warrants, the parents should be guided to the appropriate source of community-sponsored medical care. These regulations are not intended to imply that any diagnosis or treatment will be preformed by school or day care center personnel.

NEW SECTION

WAC 248-101-021 DEFINITION. As used in this portion of these regulations, 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.
- (5) "School" means each building, facility, and location at or within which any or all portions of a preschool, kindergarten and grades one through twelve program of education and related activities are conducted for two or more children by or in behalf of any public school district and by or in behalf of any private school or private institution subject to approval by the state board of education.
- (6) "Day care center" means an agency which regularly provides care for a group of thirteen or more children for periods of less than twenty-four hours and is licensed pursuant to Chapter 74.15 RCW.

Communicable (contagious) diseases include, but are not limited to:

- (a) Chickenpox
- (b) Conjunctivitis
- (c) Diphtheria
- (d) Gonorrhea
- (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 248-101-221 CONTROL OF COMMUNICABLE (CONTAGIOUS) DISEASE. In the event of the occurrence or potential occurrence in a school or day care center of any communicable disease defined in WAC 248-101-021, the local health officer, upon a review of the circumstances of said occurrence or potential occurrence, and after consultation, as appropriate, with the secretary of the department of health or his/her 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. 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 day care center(s) or part(s) thereof; closure of other schools or day care centers in the local health officer's jurisdiction; cessation of selected school or day care center activities or functions; or ordering the exclusions from school(s) or day care center(s) in the local health officer's jurisdiction or from selected school or day care center activities or functions of those persons including students, staff and volunteers who are infected with or deemed to be susceptible to the disease: PROVIDED, That prior to any such action the local health officer or his/her designee shall consult with the superintendent(s) of the school district(s) or his/her/their designee or the chief administrator(s) of the day care center(s) or his/her/their 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(s) of the school district(s) or the chief administrator(s) of the day care center(s) in the form and substance of an order directing them to take action(s). Where these actions have been taken the local health officer shall set the terms and conditions permitting the reopening of school(s) or day care center(s) or the readmittance of school(s) or day care center(s) or the resumption of school or day care center activities or functions. The local health officer shall pursue, in consultation with the secretary of the department of health or his/her designee and school and/or day care center officials, the investigation of the source of disease and order those actions necessary to the ultimate control of the disease.

REPEALER

The following sections are repealed: WAC 248-101-010, WAC 248-101-020, WAC 248-101-220.

WSR 90-16-099

PERMANENT RULES

DEPARTMENT OF HEALTH (Dental Disciplinary Board)

[Order 076—Filed August 1, 1990, 2:37 p.m.]

Date of Adoption: June 8, 1990.

Purpose: These rules establish requirements for substance abuse monitoring programs in which licensees can voluntarily participate.

Statutory Authority for Adoption: RCW 18.130.175.

Other Authority: RCW 18.32.534.

Pursuant to notice filed as WSR 90-10-037 on April 26, 1990.

Changes Other than Editing from Proposed to Adopted Version: WAC 308-25-310(8), definition of random drug screens "Random drug screens" are laboratory tests to detect the presence of drugs of abuse in bodily fluids collected under observation which are performed at irregular intervals not known in advance by the person to be tested; and WAC 308-25-290, it is the intent of the legislature that the dental disciplinary board seek

ways to identify and support the rehabilitation of dentists where practice or competency may be impaired due to the abuse of drugs including alcohol.

Reasons for Changes: WAC 308-25-310(8), the bodily fluids are collected under observation instead of the laboratory tests being observed: More accurate; and WAC 308-25-290, "or" changed to "including" to reflect the fact that the board considers alcohol a drug.

Effective Date of Rule: Thirty days after filing.

June 8, 1990

Ann-Marie Monson
Chair

NEW SECTION

WAC 308-25-290 INTENT. It is the intent of the legislature that the dental disciplinary board seek ways to identify and support the rehabilitation of dentists where practice or competency may be impaired due to the abuse of drugs including alcohol. The legislature intends that these dentists be treated so that they can return to or continue to practice dentistry in a way which safeguards the public. The legislature specifically intends that the dental disciplinary board establish an alternate program to the traditional administrative proceedings against such dentists.

In lieu of disciplinary action under RCW 18.130.160 and if the dental disciplinary board determines that the unprofessional conduct may be the result of substance abuse, the dental disciplinary board may refer the license holder to a voluntary substance abuse monitoring program approved by the dental disciplinary board.

NEW SECTION

WAC 308-25-310 TERMS USED IN WAC 308-25-320 THROUGH 308-25-330. (1) "Approved substance abuse monitoring program" or "approved monitoring program" is a program the board has determined meets the requirements of the law and the criteria established by the board in the Washington Administrative Code which enters into a contract with dentists who have substance abuse problems regarding the required components of the dentist's recovery activity and oversees the dentist's compliance with these requirements. Substance abuse monitoring programs may provide evaluation and/or treatment to participating dentists.

(2) "Contract" is a comprehensive, structured agreement between the recovering dentist and the approved monitoring program wherein the dentist consents to comply with the monitoring program and the required components for the dentist's recovery activity.

(3) "Approved treatment facility" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to RCW 18.130.175.

(4) "Substance abuse" means the impairment, as determined by the board, of a dentist's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

(5) "Aftercare" is that period of time after intensive treatment that provides the dentist or the dentist's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups, and ongoing continued support of treatment and/or monitoring program staff.

(6) "Dentist support group" is a group of dentists and/or other health professionals meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced facilitator in which participants may safely discuss drug diversion, licensure issues, return to work, and other professional issues related to recovery.

(7) "Twelve-steps groups" are groups such as Alcoholics Anonymous, Narcotics Anonymous, and related organizations based on a philosophy of anonymity, belief in a power outside of oneself, peer group association, and self-help.

(8) "Random drug screens" are laboratory tests to detect the presence of drugs of abuse in bodily fluids collected under observation which are performed at irregular intervals not known in advance by the person to be tested.

NEW SECTION

WAC 308-25-320 APPROVAL OF SUBSTANCE ABUSE MONITORING PROGRAMS. The board will approve the monitoring program(s) which will participate in the recovery of dentists. The board will enter into a contract with the approved substance abuse monitoring program(s) on an annual basis.

(1) An approved monitoring program may provide evaluations and/or treatment to the participating dentists.

(2) An approved monitoring program staff must have the qualifications and knowledge of both substance abuse and the practice of dentistry as defined in this chapter to be able to evaluate:

- (a) Drug screening laboratories;
- (b) Laboratory results;
- (c) Providers of substance abuse treatment, both individual and facilities;
- (d) Dentists' support groups;
- (e) The dentists' work environment; and
- (f) The ability of the dentist to practice with reasonable skill and safety.

(3) An approved monitoring program will enter into a contract with the dentist and the board to oversee the dentist's compliance with the requirements of the program.

(4) An approved monitoring program staff will evaluate and recommend to the board, on an individual basis, whether a dentist will be prohibited from engaging in the practice of dentistry for a period of time and restrictions, if any, on the dentist's access to controlled substances in the work place.

(5) An approved monitoring program shall maintain records on participants.

(6) An approved monitoring program will be responsible for providing feedback to the dentist as to whether treatment progress is acceptable.

(7) An approved monitoring program shall report to the board any dentist who fails to comply with the requirements of the monitoring program.

(8) An approved monitoring program shall provide the board with a statistical report on the program, including progress of participants, at least annually, or more frequently as requested by the board.

(9) The approved monitoring program shall receive from the board guidelines on treatment, monitoring, and/or limitations on the practice of dentistry for those participating in the program.

(10) An approved monitoring program shall provide for the board a complete financial breakdown of cost for each individual dental participant by usage at an interval determined by the board in the annual contract.

(11) An approved monitoring program shall provide for the board a complete annual audited financial statement.

(12) An approved monitoring program shall enter into a written contract with the board and submit monthly billing statements supported by documentation.

NEW SECTION

WAC 308-25-330 PARTICIPATION IN APPROVED SUBSTANCE ABUSE MONITORING PROGRAM. (1) In lieu of disciplinary action, the dentist may accept board referral into an approved substance abuse monitoring program.

(a) The dentist shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professionals with expertise in chemical dependency.

(b) The dentist shall enter into a contract with the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to the following:

(i) The dentist will agree to remain free of all mind-altering substances, including alcohol, except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(ii) The dentist will submit to random drug screening as specified by the approved monitoring program.

(iii) The dentist shall sign a waiver allowing the approved monitoring program to release information to the board if the dentist does not comply with the requirements of this contract.

(iv) The dentist will undergo intensive substance abuse treatment in an approved treatment facility.

(v) The dentist must complete the prescribed aftercare program of the approved treatment facility, which may include individual and/or group psychotherapy.

(vi) The dentist must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(vii) The dentist will attend dentists' support groups and/or twelve-step group meetings as specified by the contract.

(viii) The dentist will comply with specified practice conditions and restrictions as defined by the contract.

(ix) Except for (b)(i) through (iii) of this subsection, an approved monitoring program may make an exception to the foregoing comments on individual contracts.

(c) The dentist is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, random drug screens, and therapeutic group sessions.

(d) The dentist may be subject to disciplinary action under RCW 18.130.160 and 18.130.180 if the dentist does not consent to be referred to the approved monitoring program, does not comply with specified practice restrictions, or does not successfully complete the program.

(2) A dentist who is not being investigated by the board or subject to current disciplinary action, not currently being monitored by the board for substance abuse, may voluntarily participate in the approved substance abuse monitoring program without being referred by the board. Such voluntary participants shall not be subject to disciplinary action under RCW 18.130.160 and 18.130.180 for their substance abuse, and shall not have their participation made known to the board if they meet the requirements of the approved monitoring program:

(a) The dentist shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency.

(b) The dentist shall enter into a contract with the approved substance abuse monitoring program to comply with the requirements of the program which may include, but not be limited to the following:

(i) The dentist will undergo approved substance abuse treatment in an approved treatment facility.

(ii) The dentist will agree to remain free of all mind-altering substances, including alcohol, except for medications prescribed by an authorized prescriber as defined in RCW 69.41.030 and 69.50.101.

(iii) The dentist must complete the prescribed aftercare program of the approved treatment facility, which may include individual and/or group psychotherapy.

(iv) The dentist must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(v) The dentist will submit to random observed drug screening as specified by the approved monitoring program.

(vi) The dentist will attend dentists' support groups and/or twelve-step group meetings as specified by the contract.

(vii) The dentist will comply with practice conditions and restrictions as defined by the contract.

(viii) The dentist shall sign a waiver allowing the approved monitoring program to release information to the board if the dentist does not comply with the requirements of this contract.

(c) The dentist is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, random drug screens, and therapeutic group sessions.

(3) Treatment and pretreatment records shall be confidential as provided by law.

WSR 90-16-100
PREPROPOSAL COMMENTS
BUILDING CODE COUNCIL
 [Filed August 1, 1990, 2:39 p.m.]

Subject of Possible Rule Making: 1990 Washington state energy code.

Persons may comment on this subject in writing to: Marc Sullivan, Chair, Washington State Building Code Council, Ninth and Columbia Building, GH-51, Olympia, Washington 98504-4151; or oral comments: Seattle Airport Hilton, 17620 Pacific Highway South, Sea-Tac, WA 98188, (206) 244-4800, at 9:00 a.m., on August 24, 1990.

Other Information or Comments by Agency at this Time, if any: All written and oral comments will be included as part of the council's formal public testimony on this proposed rule.

July 13, 1990
 Marc J. Sullivan
 Chair

WSR 90-16-101
PREPROPOSAL COMMENTS
BUILDING CODE COUNCIL
 [Filed August 1, 1990, 2:40 p.m.]

Subject of Possible Rule Making: 1990 Washington state ventilation and indoor air quality code.

Persons may comment on this subject in writing to: Marc Sullivan, Chair, Washington State Building Code Council, Ninth and Columbia Building, GH-51, Olympia, Washington 98504-4151; or oral comments: Seattle Airport Hilton, 17620 Pacific Highway South, Sea-Tac, WA 98188, (206) 244-4800, at 9:00 a.m., on August 24, 1990.

Other Information or Comments by Agency at this Time, if any: All written and oral comments will be included as part of the council's formal public testimony on this proposed rule.

July 13, 1990
 Marc J. Sullivan
 Chair

WSR 90-16-102
PREPROPOSAL COMMENTS
BUILDING CODE COUNCIL
 [Filed August 1, 1990, 2:41 p.m.]

Subject of Possible Rule Making: Proposed changes to state building code requirements for child day care centers and family child day care homes.

Persons may comment on this subject in writing to: Marc Sullivan, Chair, Washington State Building Code Council, Ninth and Columbia Building, GH-51, Olympia, Washington 98504-4151; or oral comments: Seattle Airport Hilton, 17620 Pacific Highway South, Sea-Tac, WA 98188, (206) 244-4800, at 9:00 a.m., on August 24, 1990.

Other Information or Comments by Agency at this Time, if any: All written and oral comments will be included as part of the council's formal public testimony on this proposed rule.

July 13, 1990
 Marc J. Sullivan
 Chair

WSR 90-16-103
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed August 1, 1990, 2:42 p.m.]

Original Notice.

Title of Rule: Manual of rules, classifications, rates and rating system for Washington workers' compensation insurance, chapter 296-17 WAC.

Purpose: Revise the experience rating plan applicable to workers' compensation insurance underwritten by the Washington state fund, Department of Labor and Industries.

Statutory Authority for Adoption: RCW 51.04.020(1).

Statute Being Implemented: RCW 51.16.035.

Summary: Agency proposes to establish one new rating plan rule, amend five rules applicable to experience rating, and repeal two existing rating plan rules.

Reasons Supporting Proposal: RCW 51.16.035 requires the department to establish a rating plan consistent with recognized principles of workers' compensation insurance. Effective July 1, 1990, private rating bureaus and insurance carriers revised their experience rating plans relative to change in ownership rules. These proposed changes will keep the Washington state fund's experience rating plan consistent with national practices.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Douglas Connell, William White and Francis Romero, 905 Plum Street S.E., Olympia, 753-1434.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Revisions to the experience rating plan are intended to provide greater ratepayer equity. By allowing the developed loss experience to follow the business, employees will experience no adverse impact when a business is sold. Experience has shown that the new owners often operate the business in a similar nature as the previous owners; therefore, no increase in losses is expected. The result of these changes will allow business to qualify for an experience factor sooner and allow these business to retain the experience factor when a change in ownership occurs. These rules are being proposed to keep Washington's experience rating plan consistent with national practices as required by RCW 51.16.035.

Proposal Changes the Following Existing Rules: WAC 296-17-850 Experience rating plan—Eligibility

and experience period, amend definition to accurately reflect the experience rating period as consistent with the experience rating plan; WAC 296-17-873 Responsibility for past experience, amend rule to clarify the treatment for past loss experience associated with a change in business ownership; WAC 296-17-87301 Definitions, amend definitions to reflect current experience rating plan; WAC 296-17-87304 Change in ownership with an accompanying change in business operations, establish new rule to define experience rating treatment for an existing business that will change ownership and change business operations; WAC 296-17-87305 Initial recalculation of experience factor, amend rule to clarify the treatment used when an entity acquires the past experience of an existing firm or portion thereof; WAC 296-17-87306 Combination of entities, amend rule to clarify the treatment for separate entities when combined for experience rating purposes; WAC 296-17-87307 Revision or withdrawal of experience modifications, repeal rule; and WAC 296-17-87308 Experience modification, repeal rule.

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

Small Business Economic Impact Statement: The effect of these rules will allow employers to qualify for an experience factor earlier and allow a continuity of overall rates for an employer when a change in ownership occurs. The current rules require an employer to have experience in at least two of the fiscal years used to calculate current rates. One change allows an experienced factor to be assigned when an employer has any experience during the rating period. The balance of the changes deal specifically with the assignment of past experience when a change in ownership occurs. There is no increase in administrative costs for employers to comply with these changes, since no new records or forms are required for compliance and all other requirements are unchanged.

Hearing Location: General Administration Building, 1st Floor Auditorium, on September 6, 1990, at 10 a.m.

Submit Written Comments to: Douglas Connell, Assistant Director, Employer Services, HC-211, 905 Plum Street S.E., Olympia, WA 98504, by September 6, 1990.

Date of Intended Adoption: October 1, 1990.

August 1, 1990

Joseph A. Dear
Director

AMENDATORY SECTION (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

WAC 296-17-850 EXPERIENCE RATING PLAN—ELIGIBILITY AND EXPERIENCE PERIOD. (1) Eligibility. Effective January 1, 1991, and thereafter each employer who has reported experience during ((more than one fiscal year of)) the "experience period" shall have his/her base rates multiplied by an "experience ((modification)) factor" calculated in accordance with the rules of this manual. The development of the "experience ((modification)) factor" as set forth in WAC 296-17-855 shall include losses and exposure reported in all risk ((classes)) classifications.

(2) Experience period. The "experience period" shall be the oldest three of the four fiscal years preceding the effective date of premium rates as set forth in WAC 296-17-895.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-873 ~~((STRUCTURE OF EMPLOYER CHANGES—EXPERIENCE RATING))~~ RESPONSIBILITY FOR PAST EXPERIENCE. ~~((WAC 296-17-873 through 296-17-87308 governs combination of entities and status changes of ownership for purposes of experience rating.))~~ WAC 296-17-87301 through 296-17-87308 shall be used to determine the assignment of past loss experience associated with a change in business ownership for experience rating purposes. It is the intent of these rules that every firm (business) shall be responsible for its past experience irrespective of ownership as long as the firm (business) continues to conduct operations which are subject to Washington Workers' Compensation Act. When a business or portion of a business is sold, the new owner or owners of such business or portion thereof shall also take over the past loss experience associated with the business unless another treatment is specified in these rules.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-87301 DEFINITIONS. The definitions in this section shall apply throughout WAC 296-17-873 through 296-17-87308.

(1) "Entity" means an individual, partnership, corporation, unincorporated association, or fiduciary operation (e.g. trust, receivership, or estate of deceased individual).

(2) ~~(("Immediate family member" as used in this rule means father, mother, husband, wife, son, daughter, stepson, stepdaughter, grandson, or granddaughter.))~~

~~((3))~~ "Majority interest" means more than fifty percent ~~((interest. If an entity other than a partnership:~~

(a) ~~Has issued voting stock, majority interest means a majority of the issued voting stock. If all stock issues do not have the same number of votes per share, majority interest means a majority of the voting rights;~~

(b) ~~Has not issued voting stock, majority interest means a majority of the members;~~

(c) ~~Has not issued voting stock and has no members, a majority interest means a majority of the board of directors or comparable governing body.~~

If an entity is a partnership, majority interest means more than one-half of the general partners' ownership in the firm (business). If the owners of the firm (business) are a partnership, majority interest means more than fifty percent of the general partners' ownership in the firm (business). Majority interest in a partnership shall be determined in proportion to the general partners' ownership of the firm (business). For example, in a three-way partnership . . . partner A owns twenty percent of the business, partner B owns twenty percent of the business, and partner C owns sixty percent of the business . . . if partner A sold his/her share of the business, a majority interest still exists as partners B and C retain a majority interest (eighty percent) in the firm (business). Limited partners shall not be considered to have an ownership interest for purpose of these rules.

~~((4))~~ (3) "Joint venture" means a combination of two or more entities, entered into for the purpose of carrying to completion a ~~((specific))~~ specified job of limited duration.

(4) "Employee leasing entity" means a firm (business) which provides workers on a long-term basis to another firm.

NEW SECTION

WAC 296-17-87304 CHANGE IN OWNERSHIP WITH AN ACCOMPANYING CHANGE IN BUSINESS ACTIVITIES. When a majority change in the ownership of a firm (business) is accompanied by a change in the business activity of the firm (business) and this change is sufficient to result in a reclassification of the basic classification assigned to the firm (business), then the past experience, prior to the change, shall be excluded from future experience ratings of the acquiring entity. If the change in business activities is not sufficient to result in a reclassification of the basic classification assigned to the firm (business), the acquiring entity shall retain the past experience attributable to the firm (business) or portion thereof which was purchased. For purposes of this rule, the term "basic classification" shall mean the classification other than standard exception classifications as defined in WAC 296-17-440 which produces the largest number of worker hours during the calendar year in which the change in business

operations is noted. The basic classification of a business shall be determined in accordance with WAC 296-17-310 (2) and (7) "Overview" and "Assignment of classifications."

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-87305 ((CHANGE IN OWNERSHIP)) INITIAL RECALCULATION OF EXPERIENCE FACTOR. ((+)) For the purpose of WAC 296-17-873 through 296-17-87308 management is considered to be vested in ownership. Except as specifically provided otherwise herein, ownership whether active or inactive, governs the administration of WAC 296-17-873 through 296-17-87308, and the words "nominal" and "material" denote respectively the effect of a particular change in ownership. If a change has occurred which the provisions of subsections (2) through (5) of this section denominate "nominal," the experience of the past shall be utilized for future modification. If, on the other hand, the change is denominated "material," the past experience shall be disregarded and the risk written at manual or otherwise applicable rates.

In application of WAC 296-17-873 through 296-17-87308, ownership changes of any entity which is neither a partnership, a joint venture, nor a corporation that has issued voting stock shall be decided in accordance with the provisions of subsections (2) through (5) of this section applicable to corporations. The provisions of sections (2) through (5) of this section shall be applied as though the entity has issued voting stock and the stock was:

- (a) Held in equal amounts by each of its members; or
- (b) If the entity does not have members, held in equal amounts by each member of the board of directors or comparable governing body.

Two or more changes during a twelve-month period shall be considered as a single change.

The department shall in each case determine from the applicable provisions of subsections (2) through (5) of this section whether a change is "nominal" or "material," and if no provision of subsections (2) through (5) of this section is expressly applicable it shall be governed by a consideration of WAC 296-17-873 through 296-17-87308 as a whole and of its several parts interpreted in the light of such relevant evidence as is offered:

(2) Individual:

(a) Death of an individual is a material change. Exception: Where a member or members of the immediate family take over the business, either as the executor, executrix, administrator, or sole owner the change is nominal.

(b) Sale of business to another is a material change. Exception: Where the sale is made to a member or members of the immediate family the change is nominal.

(c) Bankruptcy or insolvency with:

(i) Continued operation with appointment of a trustee is a nominal change;

(ii) Withdrawal of the trustee and reversion to the original owner is a nominal change;

(iii) Withdrawal of a trustee but with new owners is a material change.

(d) Formation of a living estate is a nominal change.

(e) Formation of a partnership is a material change. Exceptions:

(i) A partnership composed of only two general partners is a nominal change;

(ii) A partnership composed of members of an immediate family is a nominal change;

(iii) A limited partnership in which the individual is one of not more than two general partners is a nominal change.

(f) Formation of a corporation is a material change. Exception: If the individual or members of his immediate family own one-half or more of the issued voting stock the change is nominal.

(3) Partnership:

(a) Sale, conveyance, transfer, or assignment of partnership interest by one or more partners and the partnership not dissolved is a material change. Exceptions:

(i) If prior to the change all partners were members of an immediate family and after the change one-half or more of the general partners are members of such immediate family the change is nominal;

(ii) If one-half or more of the general partners prior to the change constitute one-half or more of the general partners after the change the change is nominal.

(b) If the partnership is dissolved the change is material. Exceptions:

(i) In a partnership wherein all partners were members of an immediate family and one or more of the members of such family constitute

one-half or more of the general partners in the new partnership, or own one-half or greater interest in the new entity or entities if they are not partnerships the change is nominal;

(ii) If one-half or more of the general partners of the dissolved partnership constitute one-half or more of the general partners in the new partnership or own a one-half or greater interest in the new entity or entities if they are not a partnership the change is nominal.

(c) Bankruptcy or insolvency:

(i) Continued operation with appointment of a trustee is a nominal change.

(ii) Withdrawal of a trustee and reversion to one-half or more of the original general partners is a nominal change.

(iii) Withdrawal of a trustee with the original general partners not constituting one-half or more of the owners is a material change.

(4) Corporations:

(a) Old corporation dissolved or nonoperative, not a merger or consolidation:

(i) Formation of a new corporation is a material change. Exceptions:

(A) If the stockholders common to both the dissolved or nonoperative corporation and the newly formed corporation own or owned one-half or more of the issued voting stock in the old corporation and own one-half or more of the issued voting stock in the newly formed corporation the change is nominal;

(B) If the nonoperative corporation owns one-half or more of the issued voting stock of the newly formed corporation the change is nominal;

(C) In a family corporation (meaning a corporation whose entire issued voting stock is held by the members of an immediate family) only those changes may be considered which involve the acquisition of ownership by a person not a member of such immediate family.

(ii) Reversion to an individual is a material change. Exceptions:

(A) If the individual owns or owned one-half or more of the issued voting stock of the dissolved or nonoperative corporation the change is nominal;

(B) If the individual was a member of an immediate family which wholly owned the corporation the change is nominal.

(iii) Reversion to a partnership is a material change. Exceptions:

(A) If the stockholders who own or owned one-half or more of the issued voting stock of the dissolved or nonoperative corporation constitute one-half or more of the general partners the change is nominal;

(B) If the corporation was wholly owned by members of an immediate family and a member or members of that immediate family constitute one-half or more of the general partners the change is nominal.

(b) Transfer of voting stock, not otherwise provided for in subsections (2) through (5) of this section:

(i) If one-half or less of issued voting stock is transferred the change is nominal.

(ii) If more than one-half of issued voting stock is transferred the change is material. Exception: If the stockholders who own or owned one-half or more of the issued voting stock prior to such sale own one-half or more of the issued voting stock after such sale the change is nominal.

(iii) In a family corporation (meaning a corporation whose entire issued voting stock is held by the members of an immediate family) only those changes shall be considered which involve the acquisition of ownership by a person not a member of such immediate family.

(c) Trustees, receiverships, and similar temporary changes of management are nominal changes.

(d) In the case of consolidations or mergers of corporations the experience of all consolidated or merged corporations shall be combined for computing the modification for the consolidated or surviving corporation.

(5) Joint ventures:

(a) Any change in the membership of the joint venture is a material change.

(b) A nominal change in the ownership of one of the joint venturers is a nominal change.

(c) A material change in the ownership of one of the joint venturers is a material change.

(d) The experience of a joint venture shall be continued for other operations which may be undertaken, as a joint venture, by the same group of joint venturers, either during the same time as the original venture or at a later date.

(e) Members of a joint venture may subcontract part or all of their operations to one or more of the joint venturers. Work thus subcontracted becomes a regular part of the subcontractor's operations and is subject to his experience modification.

~~(6) Notwithstanding any of the provisions contained in this section the past experience of any single employing entity either corporate, partnership, or otherwise shall not be utilized for future modification by more than one newly formed employing entity either corporate, partnership, or otherwise. The following guidelines will be used in cases where two previous co-owners of a firm would both otherwise be individually entitled to the past experience of the firm based on their previous fifty percent ownership:~~

~~(a) If the change in the ownership of the firm was nominal, the experience will remain with the firm and belong to the new owners. Neither previous co-owner shall be entitled to the experience, except, coincidentally, by his or her continuing ownership interest in the ongoing firm.~~

~~(b) If the change in ownership was material or the firm was discontinued, and only one of the previous co-owners has an ongoing state fund account, the experience shall be assigned to the previous co-owner with the ongoing account.~~

~~(c) If the change in ownership was material, or the business was discontinued, and both previous co-owners have ongoing state fund accounts, the experience shall not be assigned to either of the previous co-owners.~~

~~Assignment of past experience to an entity in accordance with the above priorities will be final, unless it shall be determined that there was an error or misrepresentation which caused the experience to be assigned incorrectly. The assignment of experience shall not be altered by a subsequent change in status of any of the interested parties which would have changed the priority of their claim to the experience.)) When an entity acquires the past experience of an existing firm (business) or portion thereof, the following treatment shall apply until the next date for the general calculation of all employers' experience factors. WAC 296-17-865, "Experience modification limitations" shall not apply in these situations. The purpose of this subsection is to produce the same premium level that would have been generated had no change in the ownership of a firm (business) occurred.~~

~~(1) Acquiring entity retains all rating experience associated with the firm (business), or portion thereof, being acquired. The selling entity shall revert to an experience factor of unity (1.0000) until such time as it may requalify for experience rating or unless another treatment is specified in these rules.~~

~~(2) If the acquiring entity already has an experience factor, it shall be assigned a weighted average of its existing experience factor and the acquired experience factor. Weights will be based on expected losses. In the event the acquiring entity does not have an existing experience factor, it shall be assigned an experience factor developed from the past experience of the firm (business) or portion thereof being acquired.~~

~~(3) If the past experience of the firm (business) cannot be segregated between the operations remaining with the selling entity and the operations being taken over by the acquiring entity, then the entire experience of the firm (business) shall remain with the selling entity. In the event that the past experience can be segregated, the following shall apply:~~

~~(a) Separate experience factors shall be calculated for each portion of the firm (business) being sold using the experience rating procedures in WAC 296-17-855 through 296-17-870.~~

~~(b) Both experience factors shall be increased or decreased in the same proportion, if necessary, so that their weighted average is the same as the selling entity's experience factor prior to the sale or change.~~

~~(c) The selling entity shall be assigned the experience factor for the experience it is retaining.~~

~~(d) The experience factor developed in (a) and (b) of this subsection shall be used in accordance with subsection (2) of this section.~~

AMENDATORY SECTION (Amending Order 79-18, filed 11/30/79, effective 1/1/80)

WAC 296-17-87306 COMBINATION OF ENTITIES. Separate entities shall be combined for experience rating purposes when the same person or persons and/or a single corporation owns a majority interest in each of the entities.

Note: If two or more different combinations are possible in accordance with the provisions of this section, the combination producing the greatest amount of expected losses during the experience period shall be made. The experience of any entity used in such combinations may not be otherwise used in combination with any other entity. The experience used in a rating of combination shall be subject to the provisions of WAC 296-17-87305 (((Change in ownership)) Initial recalculation of experience factor).

Exceptions:

(1) Individual trusts may not be combined for experience rating purposes with operations of the trustee nor with the operations of any other trusts. However, two or more trusts having identical trustees and also having identical beneficiaries shall be combined.

(2) Joint venture operations may not be combined with the operations of any other entity, even though the members of the joint venture are identically owned.

This ((section)) subsection applies only where the entities are or have been operating and insured concurrently in Washington. It does not apply where concurrent operations are for a short period of time, not exceeding one year, if the operation of the original entity during the period both entities were operating, was restricted to the completion of ((contracts)) projects entered into prior to the new entity commencing operations. Newly formed joint ventures shall be assigned an experience factor of unity (1.0000).

(3) Employee leasing firms (businesses) shall be required to establish a subaccount for each client for which they supply workers. This account will be a subaccount number of their client's account number. The client's account and the employee leasing firm's subaccount shall be combined to produce a single experience factor which will be shared by both the client and employee leasing firm (business).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-17-87307 REVISION OR WITHDRAWAL OF EXPERIENCE MODIFICATIONS.
WAC 296-17-87308 EXPERIENCE MODIFICATION.

WSR 90-16-104

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed August 1, 1990, 2:49 p.m.]

Original Notice.

Title of Rule: New section WAC 458-20-22802 Electronic funds transfer.

Purpose: To implement 1990 legislation requiring taxpayers with large monthly payments to pay by electronic funds transfer.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: Chapter 82.32 RCW.

Summary: This rule implements and explains the use of electronic funds transfers in paying the tax due on the combined excise tax return by certain large taxpayers.

Name of Agency Personnel Responsible for Drafting: Byron Norton, 711 Capitol Way, #205, Olympia, (206) 753-0665; Implementation: Les Jaster, 711 Capitol Way, #400, Olympia, (206) 586-7150; and Enforcement: Ed Faker, 711 Capitol Way, #400, Olympia, (206) 753-5579.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule implements the 1990 legislative enactment, chapter 69, Laws of 1990, which requires certain large taxpayers to pay the taxes reported on the combined excise tax return by electronic funds transfer.

Proposal does not change existing rules.

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

The Department of Revenue has reviewed administrative provisions contained in this rule in order to lessen the economic impact on small businesses. A small business economic impact statement is not required for the following reasons: Affects less than 20% of all businesses. Taxpayers required to pay by electronic funds transfer are less than 1% of registered taxpayers; and this rule implementing the statute changes the method of payment of taxes and will have minor or negligible impact on any business.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on September 6, 1990, at 9:30 a.m.

Submit Written Comments to: Byron Norton, Administrative Law Judge, Department of Revenue, Interpretation and Appeals, Mailstop AX-02, Olympia, Washington 98504, by September 6, 1990.

Date of Intended Adoption: September 13, 1990.

August 1, 1990

Edward L. Faker
Assistant Director

NEW SECTION

WAC 458-20-22802 ELECTRONIC FUNDS TRANSFER (1) INTRODUCTION. Chapter 69, Laws of 1990, requires certain taxpayers to pay the taxes reported on the combined excise tax return with an electronic funds transfer (EFT). This EFT requirement for taxpayers with large monthly payments begins with the monthly tax return due January 25, 1991. EFT merely changes the method of payment and no other tax return procedures or requirements are changed.

(2) DEFINITIONS. For the purposes of this section, the following terms will apply:

(a) "Electronic funds transfer" or "EFT" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account.

(b) "ACH" or "Automated Clearing House" means a central distribution and settlement system for the electronic clearing of debits and credits between financial institutions.

(c) "ACH Debit" means the electronic transfer of funds cleared through the ACH system that is generated by the taxpayer instructing the department's bank to charge the taxpayer's account and deposit the funds to the department's account.

(d) "ACH Credit" means the electronic transfer of funds cleared through the ACH system that is generated by the taxpayer instructing the taxpayer's bank to charge the taxpayer's account and deposit the funds to the department's account.

(e) "Department's bank" means the bank with which the department of revenue has a contract to assist in the receipt of taxes and includes any agents of the bank.

(f) "Collectible funds" actually means collected funds that have completed the electronic funds transfer process and are available for immediate use by the state.

(g) "ACH CCD + addenda" and "ACH CCD + record" mean the information in a required ACH format that needs to be transmitted to properly identify the payment.

(3) TAXPAYERS REQUIRED TO PAY BY EFT.

(a) For the calendar year 1991, taxpayers who have taxes due of \$1,800,000 or more are required to pay by EFT.

(b) For the calendar years after 1991, taxpayers who have annual taxes due of \$240,000 or more shall pay by EFT. However, the department may, by Washington Administrative Code (WAC) rule, establish an EFT threshold between \$240,000 and \$1,800,000.

(c) In the interest of efficient tax administration, the department will notify those taxpayers required to pay by EFT at the least three months prior to the start of their EFT payment requirement.

(d) The process of identifying taxpayers meeting the EFT threshold shall be based upon the taxes that were due in the last complete calendar year before the three month notification date. For example, taxpayers who will start paying by EFT in January, 1992 will be notified

by the department by September 30, 1991. The base year for those taxpayers will be the calendar year 1990.

(e) Upon a showing by the taxpayer to the satisfaction of the department that it will not have taxes due in the payment year of more than the threshold amount, the department shall waive the requirement to pay by EFT.

(4) TAXES COVERED. The taxes covered by the EFT payment are taxes reported on the combined excise tax return. The included taxes are those administered by the department under Chapter 82.32 RCW except city and town taxes on financial institutions (Chapter 82.14A RCW), county tax on telephone access lines (Chapter 82.14B RCW), cigarette tax (Chapter 82.24 RCW), enhanced food fish tax (Chapter 82.27 RCW), leasehold excise tax (Chapter 82.29A), and forest tax (Chapter 84.33 RCW).

(5) REFUNDS BY EFT. Overpayments of tax will be either credited to future tax liabilities or, at the taxpayer's request, will be refunded. If the taxpayer is required to pay the taxes on the combined excise tax return by EFT, the taxpayer is entitled to a refund of those taxes by EFT. However, the taxpayer may agree in writing to waive this requirement. If the taxpayer wishes to have the refund made by EFT, the taxpayer shall provide the department with the information necessary to make an appropriate EFT.

(6) EFT METHODS. EFT shall be accomplished through the use of ACH Debit or ACH Credit. In an emergency, taxpayer shall contact the department for alternative methods of payment. The appropriate person to contact in the department will be included in the notification materials sent to all EFT remitters.

(7) DUE DATE OF EFT PAYMENT.

(a) The EFT payment is due on or before the banking day following the tax return due date. An EFT is timely when the state receives collectable U.S. funds on or before the EFT payment due date. The ACH system, either ACH Debit or ACH Credit, requires that the necessary information be in the originating bank's possession on the banking day preceding the date for completion. Each bank generally has its own transaction deadlines and it is the responsibility of the taxpayer to insure timely payment.

(b) The tax return due date shall be the next business day after the original due date if the original due date falls on a Saturday, Sunday or legal holiday. Legal holidays are determined under the state of Washington law and banking holidays are those recognized by the Federal Reserve System in the state of Washington.

(i) Example. The tax return due date is December 25th, a legal and banking holiday, which, for the example, falls on a Friday. The next business day would be Monday, December 28th, and this is the new tax return due date. EFT must be completed by Tuesday, December 29th, which is the next banking day after the new due date. For an ACH Debit user, the department's bank must have the appropriate information by 3:00 PM, Pacific time, on Monday, December 28th.

(8) COORDINATING RETURN AND PAYMENT. The filed return and the payment by EFT shall be coordinated by the department. A return shall be considered timely filed only if it is received by the department on or before the due date, or with a postmark on or before the due date. In addition, the payment by EFT must have been completed by the next banking day after the due date. If both events occur, there is timely filing and payment and no penalties apply.

(9) FORM AND CONTENTS OF EFT. The form and content of EFT will be as follows:

(a) If the taxpayer wishes to use the ACH Debit system of EFT, the taxpayer will furnish the department with the information needed to complete the transaction. The department's bank will provide secrecy codes only to the taxpayer and all transactions must be initiated by the taxpayer.

(b) If the taxpayer wishes to use the ACH Credit system of the EFT, the taxpayer is responsible to see that its bank has the information necessary for timely completion. The taxpayer shall provide the information necessary for its bank to complete the ACH CCD + addenda for transmittal to the department's bank.

(10) VOLUNTARY USE OF EFT. The use of EFT by taxpayers other than those required by statute to use EFT shall be by the written permission of the department.

(11) CREDITING AND PROOF OF PAYMENT. The department will credit the taxpayer with the amount paid as of the date the payment is received by the department's bank. The proof of payment by the taxpayer shall depend on the means of transmission.

(a) An ACH Debit transaction may be proved by use of the verification number received from the department's bank that the transaction

was initiated and bank statements or other evidence from the bank that the transaction was settled.

(b) An ACH Credit transaction is initiated by the taxpayer and the taxpayer has responsibility for the transaction. The taxpayer generally will be given a verification number by the taxpayer's bank. This verification number with proof of the ACH CCD + record showing the department's bank and account number, plus proof that the transaction has been settled will constitute proof of payment.

(12) CORRECTING ERRORS. Errors in EFT process will result in either an underpayment or an overpayment of the tax. In either case, the taxpayer needs to contact the department to arrange for appropriate action. Overpayments may be used as a credit or the taxpayer may apply for a refund. The department will expedite a refund where it is caused by an error in transmission. Underpayments should be corrected by the taxpayer immediately to mitigate any penalties.

(13) PENALTIES.

(a) There are no special provisions for penalties when payment is made by EFT. The general provisions for all taxpayers apply. To avoid the imposition of penalties, it is necessary for both the filing of the tax return and the payment to be timely. Penalties may be waived only when the circumstances causing delinquency are beyond the control of the taxpayer. See: WAC 458-20-228.

(b) In an ACH Debit transaction, the department's bank is the originating bank and is responsible for the accuracy of transmission. If the taxpayer has timely initiated the ACH Debit, received a verification number, and shows adequate funds were available in the account, no penalties shall apply with respect to those funds authorized.

(c) In an ACH Credit transaction, the taxpayer's bank is the originating bank and the taxpayer is primarily responsible for its accuracy. The taxpayer must have timely initiated the transaction, provided the correct information for the ACH CCD + record, and shown that there were sufficient funds in the account, in order to prove timely compliance. If the taxpayer can make this showing then no penalties shall apply as to those funds authorized if the transaction is not completed.

WSR 90-16-105
PROPOSED RULES
PARKS AND
RECREATION COMMISSION
 [Filed August 1, 1990, 3:36 p.m.]

Original Notice.

Title of Rule: Washington state parks dress rules.

Purpose: Brings state parks into compliance with Department of Labor and Industries rules regarding dress standards for park aides.

Statutory Authority for Adoption: RCW 43.51.040.

Statute Being Implemented: RCW 43.51.040.

Summary: Specifies type of clothing appropriate for state park aides and which employees will furnish such clothing.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lynn Genasci, Assistant Director, Operations, KY-11, Olympia, 753-5761.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: In order to identify temporary parks personnel, appropriate uniforms or clothing must be furnished and worn by certain parks personnel. When these rules are adopted, state parks will be in compliance with Department of Labor and Industries rules and park employees will know the appropriate dress needed for their positions.

Proposal does not change existing rules.

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

Hearing Location: Yakima Valley Red Lion Inn, Selah Room, 1507 North 1st Street, Yakima, 98901, on September 21, 1990, at 9:00 a.m.

Submit Written Comments to: Lynn Genasci, State Parks, KY-11, 7150 Cleanwater Lane, Olympia, by September 14, 1990.

Date of Intended Adoption: September 21, 1990.

July 31, 1990

Nina Carter

Executive Assistant

NEW SECTION

WAC 352-32-011 DRESS STANDARDS. (1) In order to identify temporary field operations personnel to the public for their safety and welfare, it is necessary for selected employees to furnish and wear apparel that will comply with a generally accepted dress standard common to the outdoor recreation industry.

(2) The apparel for male and female park aides shall consist of green full length trousers of varying style, tan long or short sleeve shirt/blouse, and agency supplied logos must be applied as directed. If approved by the park manager, green walking/hiking shorts may be substituted for the full length trousers when appropriate for public contact type work.

WSR 90-16-106
PROPOSED RULES
PARKS AND
RECREATION COMMISSION
 [Filed August 1, 1990, 3:40 p.m.]

Original Notice.

Title of Rule: Central index filing system.

Purpose: Establishes a central filing system for public access to official public records at state parks.

Statutory Authority for Adoption: RCW 43.51.040.

Statute Being Implemented: RCW 43.51.040.

Summary: This rule explains what kinds of records are available to the public and where they can be found in the agency.

Reasons Supporting Proposal: Necessary to make records accessible to the public.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dennis Smith, Assistant Director, 7150 Cleanwater Lane, Olympia, 753-5766.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule implements the central records filing provisions, RCW 42.17.260, found in the new Administrative Procedure Act. It makes public access to agency records easier.

Proposal Changes the Following Existing Rules: Yes, it elaborates WAC 352-40-127 and describes how and where the public can obtain copies of agency records.

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

Hearing Location: Yakima Valley Red Lion Inn, Selah Room, 1507 North 1st Street, Yakima, WA 98901, on September 21, 1990, at 9:00 a.m.

Submit Written Comments to: Dennis Smith, State Parks, KY-11, 7150 Cleanwater Lane, Olympia, WA 98504, by September 14, 1990.

Date of Intended Adoption: September 21, 1990.

July 31, 1990

Nina Carter

Executive Assistant

NEW SECTION

WAC 352-40-125 **PURPOSE OF RECORDS INDEX.** The purpose of this section is to implement the provisions of RCW 42.17.260 which requires all state agencies to establish and implement a system of indexing records.

This chapter sets forth rules to implement the provision in RCW 42.17.260 which applies to the Washington state parks and recreation commission.

NEW SECTION

WAC 352-40-127 **DEFINITIONS IN RECORDS INDEX.** Whenever used in this chapter the following terms shall have the meanings herein defined unless the context clearly indicates otherwise.

(1) Washington Administrative Codes. Commission adopted administrative regulations are codified as the Washington Administrative Code. They apply to the general public, the commission, and its staff; they are legal basis for park staff to enforce rules and are often adopted to implement a state statute. There are normally multiple subjects covered in one regulation, addressing agency operation in detail.

(2) Commission policies. Commission policies are broad statements from the commission to the agency director and staff. These are codified in the commission's policy manual. They provide the criteria for carrying out a course of action which may or may not be directed by a statute or regulation. They are not directive on the general public. Commission policies assist commission staff as a guideline when dealing with the general public. They could eventually result in the creation of a statute or regulation which would make them enforceable upon the general public. Each policy normally addresses one subject.

(3) Administrative policies. Administrative policies are broad statements from the director to the agency staff, providing general guidance on a specific subject. They may or may not be directed by a statute, a regulation, or commission policy. They are not directive on the general public. These policies assist staff as guidance when dealing with the general public. They could eventually result in the creation of a statute or regulation which would make them enforceable on the general public. Each policy normally covers only one subject.

(4) Agency procedures. Agency procedures are originated by any agency division. They are written communications of an approved system or method to accomplish one or more purposes. They may or may not establish specific responsibilities. They are not directive upon the general public. They assist staff as a guide when dealing with the general public. They could eventually result in the creation of a statute or regulation which would make them enforceable upon the general public. Each procedure covers only one subject.

(5) Memorandums of understanding (MU). Memorandums of understanding are originated by any agency unit. They are written communications outlining a mutually agreed upon interpretation of another communication, oral or written. They may or may not establish specific responsibilities. They are directive only upon the signatories of the MU and/or upon the signatories' staff. They assist staff as a guide when dealing with the general public.

They could eventually result in the creation of a statute or regulation which would make them enforceable upon the general public; or in the creation of an administrative policy or agency procedure which would be directive upon other staff within the agency. Each MU normally covers only one subject.

(6) Operations directives. Operations directives are originated by the operations division. They are written communications outlining an interpretation of another communication, oral or written. They may or may not establish specific responsibilities. They are directive only upon the signature of the assistant director of operations. They assist staff as a guide when dealing with the general public.

They could eventually result in the creation of a statute or regulation which would make them enforceable upon the general public; or in the creation of an administrative policy or agency procedure which would be directive upon other staff within the agency. Each directive normally covers only one subject.

(7) Official public record (OPR). Official public records include those listed above and those records which:

- (a) Financially obligate the agency;
- (b) Document legal actions or transactions; and/or
- (c) Are required by statute.

These records are to be retained for at least six years.

(8) Office files and memorandums. Office files and memorandums are all other documents beyond the official public records, which do not need to be retained for six years.

(9) Central file. The central file is intended to protect, retain, and make accessible those records of organizational, historical, and statutory importance to the agency.

AMENDATORY SECTION (Amending Order 15, filed 7/25/73)

WAC 352-40-130 **SYSTEM OF INDEXING RECORDS** (~~(INDEX)~~). ~~((+)) Index. The commission has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since June 30, 1972:~~

~~(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;~~

~~(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;~~

~~(c) Administrative staff manuals and instructions to staff that affect a member of the public;~~

~~(d) Planning policies and goals, and interim and final planning decisions;~~

~~(e) Factual staff reports and studies, factual consultant's report and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and~~

~~(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.~~

~~(2) Availability. The current index promulgated by the commission shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.)~~
Agency records are indexed and retained as follows:

The index for commission policies, administrative policies, agency procedures, memorandums of understanding, and operations directives is located in the central files office. Office files and memoranda, and official public records as defined by RCW 42.17.260, are retained in the agency and their locations are identified by the existing central files index coding system.

Such records are the responsibility of the individual agency divisions to inventory, maintain, and dispose. Record descriptions, retention, and authorization disposition are listed on the records inventory schedule of each office of record and are located in the central files office.

AMENDATORY SECTION (Amending Order 15, filed 7/25/73)

WAC 352-40-140 **LOCATION OF RECORD INDEXES AND COMMUNICATIONS.** All communications with the commission including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973, and these rules, requests for copies of the commission's decisions, commission policies, administrative policies, agency procedures, memorandums of understanding, operations directives, official public records, office files and memorandums, and agency record indexes and other matters, shall be addressed as follows: Washington State Parks and Recreation Commission, c/o Public Records Officer, ((P.O. Box 1128, Olympia, Washington 98504)) 7150 Cleanwater Lane, Mailstop KY-11, Olympia, WA 98504-5711.

AMENDATORY SECTION (Amending Appendix A, filed 7/25/73)

WAC 352-40-900 **REQUEST FOR PUBLIC RECORD—FORM.**

TO: Washington State Parks and Recreation Commission
Attn: Public Records Officer
(P.O. Box 1128
Olympia, Washington 98504)
7150 Cleanwater Lane
Mailstop KY-11
Olympia, WA 98504-5711

Name of requestor:
Address or requestor: (Street) (City) (State) (Zip)
Date of request: (Month) (Day) (Year)
Time of request: (Hour) A.M. P.M.
What information is requested?
Is information indexed?
If so, how?
Are copies requested?
If so, how many?
Total pages?
Fee charged (Pages x \$.)

AGREEMENT TO PROTECT RECORDS FROM USE FOR COMMERCIAL PURPOSES

I hereby agree that the list of individuals and/or information provided to me by the shall not be used for any commercial purpose by myself or by any organizations I represent. I will protect the list of individuals and/or information from access by anyone who may use it for purposes of contacting the individuals named therein or otherwise personally affecting them in furtherance of any profit-seeking activity.

Requester

SUBSCRIBED AND SWORN TO before me this day of 19..

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

WSR 90-16-107
PROPOSED RULES
SUPERINTENDENT
OF PUBLIC INSTRUCTION

[Filed August 1, 1990, 3:44 p.m.]

Original Notice.

Title of Rule: WAC 392-171-636 Special education programs—Education for all handicapped children.

Purpose: To clarify existing rules regarding privacy rights of students as contained in FERPA as per federal request.

Statutory Authority for Adoption: RCW 28A.155.090 and 28A.155.030.

Statute Being Implemented: RCW 28A.155.090 and 28A.155.030.

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: John Pearson, Superintendent of Public Instruction, Old Capitol Building, (206) 586-6394; and Enforcement: Bridget Cullerton, Superintendent of Public Instruction, Old Capitol Building, (206) 586-6394.

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 September 7, 1990, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, Superintendent of Public Instruction, Legal Services, Olympia, Washington 98504, by September 4, 1990.

Date of Intended Adoption: September 12, 1990.

August 1, 1990

Judith A. Billings
Superintendent of
Public Instruction

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

WAC 392-171-636 SAFEGUARDS. (1) Each participating agency shall protect the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages. The same privacy provisions provided to parents are extended to students with consideration given to the type and severity of a student's disability.

(2) One official at each participating agency shall be designated as the individual responsible for assuring the confidentiality of any personally identifiable information.

(3) All persons collecting or using personally identifiable information shall receive training or instruction regarding:

(a) The policies and procedures on protection of the confidentiality of personally identifiable information set forth in the state's annual program plan; and

(b) 45 CFR 99.1 et seq. (the "Buckley Amendment" rules).

(4) Each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

WSR 90-16-108
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS

[Filed August 1, 1990, 3:55 p.m.]

Original Notice.

Title of Rule: WAC 296-116-360 Exempt vessels.

Purpose: To incorporate the 1990 legislative changes to RCW 88.16.070, as well as add the requirement of a

current radar endorsement as well as first class pilotage endorsement.

Statutory Authority for Adoption: RCW 88.16.070.

Statute Being Implemented: RCW 88.16.070.

Summary: The board proposes that those vessels exempt from the Pilotage Act under RCW 88.16.070 be skipped by captains who have current radar endorsement as well as first class pilotage endorsement.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Admiral Chet Richmond, Pier 52, Seattle, 464-7818.

Name of Proponent: Washington State Board of Pilotage Commissioners, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 88.16.070 exempts certain vessels from the Pilotage Act. The proposed rule incorporates the 1990 legislative changes to RCW 88.16.070. The proposed rule also adds the requirement that captains who pilot an exempt vessel have a current radar endorsement as well as a first class pilotage endorsement.

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, Pier 52, Colman Dock, 801 Alaskan Way, Seattle, WA 98104, on September 13, 1990, at 9:00 a.m.

Submit Written Comments to: Admiral Chet Richmond, by September 4, 1990.

Date of Intended Adoption: September 13, 1990.

August 1, 1990

Marjorie T. Smitch

Assistant Attorney General

AMENDATORY SECTION (Amending Order 88-6, Resolution No. 88-6, filed 4/13/88)

WAC 296-116-360 EXEMPT VESSELS. Under the authority of RCW 88.16.070, application may be made to the board of pilotage commissioners to seek exemption from the pilotage requirements for the operation of a limited class of small passenger vessels or yachts, which are not more than five hundred gross tons (international), do not exceed two hundred feet in length, and are operated exclusively in the waters of the Puget Sound pilotage district and lower British Columbia. The owners or operators of such vessel or vessels must:

(1) Seek exemption at least sixty days prior to planned vessel operations in the Puget Sound pilotage district.

(2) Submit the petition requesting exemption to the chairperson, Washington state board of pilotage commissioners, with details concerning description of the vessel, the contemplated use of vessel, the proposed area of operation, the name and address of the vessel's owner, and the dates of planned operations. The board shall hold a hearing at a regularly scheduled board meeting to consider such exemption request.

The board, when granting such an exemption, may establish such conditions they deem necessary so that such an exemption shall not be detrimental to the public interest in regard to safe operation preventing loss of human lives, loss of property, and protecting the marine environment of the state of Washington.

One such condition shall be that the master of the vessel, shall at all times, hold as a minimum, a United States government license as a master ocean or near coastal ((of)) steam or motor vessel of not more than sixteen hundred gross tons ((inspected vessel)) or as a master inland steam or motor vessel of not more than sixteen hundred gross tons, such license to include a current radar endorsement and a first class pilotage endorsement to read upon Washington main ship channels between Alki Point and Angeles Point and the terminal port of Seattle.

The board shall annually, or at any other time when in the public interest, review any exemptions granted to the specified class of small vessels to ensure that each exempted vessel remains in compliance with the original exemption and any conditions to the exemption. The board shall have the authority to revoke such exemption when there is not continued compliance with the requirements for exemption.

WSR 90-16-109

PREPROPOSAL COMMENTS

BOARD OF

PILOTAGE COMMISSIONERS

[Filed August 1, 1990, 3:56 p.m.]

Subject of Possible Rule Making: Rules to implement the newly enacted provisions of SHB 2494 relative to pilot qualifications and drug and personal consumption of alcohol convictions.

Persons may Comment on this Subject in the Following Ways: Written comments or oral comments, Washington State Board of Pilotage Commissioners, Pier 52, Colman Dock, 801 Alaskan Way, Seattle, WA 98104. Written comments will be accepted at any time. Oral comments may be made at regular scheduled board meetings.

August 1, 1990

Marjorie T. Smitch

Assistant Attorney General

WSR 90-16-110

PROPOSED RULES

DEPARTMENT OF WILDLIFE

[Filed August 1, 1990, 4:37 p.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-61812 1990-92 Washington game fish seasons and catch limits—Grande Ronde River.

Purpose: To restrict possession of steelhead on the Grande Ronde River to those with missing adipose fins.

Statutory Authority for Adoption: RCW 77.12.040 and 77.04.055.

Statute Being Implemented: RCW 77.12.040 and 77.04.055.

Summary: Restricts possession of steelhead to those with missing adipose fins on the Grande Ronde River from the County Road Bridge upstream to Oregon state line and all tributaries during the periods September 15, 1990 - April 15, 1991, and September 1, 1991 - April 15, 1992.

Reasons Supporting Proposal: The state of Oregon, Department of Fish and Wildlife, requested this change to protect right ventral-clipped steelhead destined for broodstock development. Indications are that this run is severely depressed and needs protection.

Name of Agency Personnel Responsible for Drafting and Implementation: Patricia Doyle, AD, Fisheries Management Division, Olympia, (206) 753-5713; and Enforcement: Dan Wyckoff, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The current wild steelhead release regulation in effect for Washington on this portion of the Grande Ronde River, September 1 - April 15, allows for possession of steelhead with missing adipose or ventral fins. This change will allow for possession of steelhead with missing adipose fins only. Steelhead with ventral clips cannot be possessed, to ensure protection of Oregon Department of Fish and Wildlife's hatchery broodstock. This rule will need to be made effective no later than September 15, 1990, to ensure protection of a severely depressed steelhead broodstock being developed by the Oregon Department of Fish and Wildlife.

Proposal does not change existing rules.

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

Hearing Location: Washington Department of Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, on September 9, 1990, at 9:00 a.m.

Submit Written Comments to: Lee S. Smith, 600 Capitol Way North, Olympia, WA 98501-1091, by August 31, 1990.

Date of Intended Adoption: September 9, 1990.

August 1, 1990

Lee S. Smith

Administrative Regulations Officer

NEW SECTION

WAC 232-28-61812 1990-92 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS - GRANDE RONDE RIVER. Notwithstanding the provisions of WAC 232-28-618, the following regulations apply to the game fish season and catch limits for Grande Ronde River.

GRANDE RONDE RIVER, from mouth to County Road Bridge about 2-1/2 miles upstream: Year around season. TROUT - catch limit - 2, min. lgth. 12", max. lgth. 20". Retaining steelhead over 20" in length is prohibited. Selective Fishery Regulations Sep. 1 - May 31, (see Washington Department of Wildlife 1990-91 Game Fish Regulations, Pamphlet Edition, page 5).

From County Road Bridge upstream to Oregon State line and all tributaries: June 1 - Apr. 15 season. NOTE: Cottonwood Creek is closed to the taking of steelhead over 20". TROUT - catch limit - 2, min. lgth. 12"; Selective Fishery Regulations June 1 - Aug. 31, see page 5. Only steelhead with missing adipose fins may be possessed Sep. 15, 1990 - Apr. 15, 1991 and Sep. 1, 1991 - Apr. 15, 1992. There must be a healed scar in the location of the missing fin.

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- REP = Repeal of existing section
- REAFF = Order assuming and reaffirming rules
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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16-158-050	NEW	90-12-097	16-230-835	AMD	90-14-034	16-316-290	AMD-P	90-03-090
16-158-060	NEW-P	90-08-090	16-230-839	NEW-P	90-04-109	16-316-290	AMD-W	90-06-105
16-158-060	NEW	90-12-097	16-230-839	NEW-W	90-11-025	16-316-370	AMD-P	90-09-064
16-158-070	NEW-P	90-08-090	16-230-840	REP-P	90-04-109	16-316-370	AMD	90-12-098
16-158-070	NEW	90-12-097	16-230-840	REP-W	90-11-025	16-316-474	AMD-P	90-09-064
16-158-080	NEW-P	90-08-090	16-230-845	AMD-P	90-04-109	16-316-474	AMD	90-12-098
16-158-080	NEW	90-12-097	16-230-845	AMD-E	90-09-011	16-316-525	AMD-P	90-09-064
16-158-090	NEW-P	90-08-090	16-230-845	AMD-W	90-11-025	16-316-525	AMD	90-12-098
16-158-090	NEW	90-12-097	16-230-845	AMD-P	90-11-125	16-316-620	AMD-P	90-09-064
16-158-100	NEW-P	90-08-090	16-230-845	AMD	90-14-034	16-316-620	AMD	90-12-098
16-158-100	NEW	90-12-097	16-230-850	REP-P	90-04-109	16-316-622	AMD-P	90-09-064
16-158-110	NEW-P	90-08-090	16-230-850	AMD-E	90-09-011	16-316-622	AMD	90-12-098
16-158-110	NEW	90-12-097	16-230-850	REP-W	90-11-025	16-316-715	AMD-P	90-09-064
16-158-120	NEW-P	90-08-090	16-230-850	AMD-P	90-11-125	16-316-715	AMD	90-12-098
16-158-120	NEW	90-12-097	16-230-850	AMD	90-14-034	16-316-724	AMD-P	90-09-064
16-158-130	NEW-P	90-08-090	16-230-855	AMD-P	90-04-109	16-316-724	AMD	90-12-098
16-158-130	NEW	90-12-097	16-230-855	AMD-E	90-09-011	16-316-800	AMD-P	90-09-064
16-158-140	NEW-P	90-08-090	16-230-855	AMD-W	90-11-025	16-316-800	AMD	90-12-098
16-158-140	NEW	90-12-097	16-230-855	AMD-P	90-11-125	16-316-815	AMD-P	90-09-064
16-228-164	AMD-E	90-08-017	16-230-855	AMD	90-14-034	16-316-815	AMD	90-12-098
16-228-164	RESCIND	90-13-019	16-230-859	NEW-P	90-04-109	16-316-820	AMD-P	90-09-064

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148-171-010	NEW	90-16-016	148-280-010	NEW-P	90-10-116	162-08-106	AMD-W	90-15-024
148-171-015	NEW-P	90-10-114	148-280-010	NEW	90-16-018	173-03-010	AMD-E	90-14-041
148-171-015	NEW	90-16-016	148-280-011	NEW-P	90-10-116	173-03-010	AMD-P	90-16-084
148-171-100	NEW-P	90-10-114	148-280-011	NEW	90-16-018	173-03-020	AMD-E	90-14-041
148-171-100	NEW	90-16-016	148-280-015	NEW-P	90-10-116	173-03-020	AMD-P	90-16-084
148-171-110	NEW-P	90-10-114	148-280-015	NEW	90-16-018	173-03-030	AMD-E	90-14-041
148-171-110	NEW	90-16-016	148-280-020	NEW-P	90-10-116	173-03-030	AMD-P	90-16-084
148-171-120	NEW-P	90-10-114	148-280-020	NEW	90-16-018	173-03-050	AMD-E	90-14-041
148-171-120	NEW	90-16-016	148-280-025	NEW-P	90-10-116	173-03-050	AMD-P	90-16-084
148-171-130	NEW-P	90-10-114	148-280-025	NEW	90-16-018	173-03-060	AMD-E	90-14-041
148-171-130	NEW	90-16-016	148-280-030	NEW-P	90-10-116	173-03-060	AMD-P	90-16-084
148-171-140	NEW-P	90-10-114	148-280-030	NEW	90-16-018	173-03-070	AMD-E	90-14-041
148-171-140	NEW	90-16-016	148-280-040	NEW-P	90-10-116	173-03-070	AMD-P	90-16-084
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148-171-150	NEW	90-16-016	148-280-050	NEW-P	90-10-116	173-03-100	AMD-P	90-16-084
148-171-200	NEW-P	90-10-114	148-280-050	NEW	90-16-018	173-06-030	RE-AD	90-07-014
148-171-200	NEW	90-16-016	148-280-055	NEW-P	90-10-116	173-16-064	NEW-P	90-16-040
148-171-210	NEW-P	90-10-114	148-280-055	NEW	90-16-018	173-18-090	AMD-C	90-02-107
148-171-210	NEW	90-16-016	148-280-060	NEW-P	90-10-116	173-18-090	AMD	90-06-068
148-171-220	NEW-P	90-10-114	148-280-060	NEW	90-16-018	173-18-090	AMD-E	90-06-069
148-171-220	NEW	90-16-016	148-280-070	NEW-P	90-10-116	173-18-200	AMD-C	90-02-107
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148-171-230	NEW	90-16-016	148-325-010	NEW-P	90-10-117	173-18-200	AMD-E	90-06-069
148-171-240	NEW-P	90-10-114	148-325-010	NEW	90-16-020	173-19-1104	AMD	90-02-105
148-171-240	NEW	90-16-016	154-04-035	REP-P	90-02-086	173-19-120	AMD-P	90-13-091
148-171-400	NEW-P	90-10-114	154-04-035	REP	90-05-078	173-19-220	AMD-P	90-03-112
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148-171-410	NEW-P	90-10-114	154-04-041	NEW	90-05-078	173-19-220	AMD-C	90-08-122
148-171-410	NEW	90-16-016	154-04-110	REP-P	90-02-086	173-19-220	AMD	90-11-072
148-171-420	NEW-P	90-10-114	154-04-110	REP	90-05-078	173-19-220	AMD	90-13-079
148-171-420	NEW	90-16-016	154-08-050	AMD-P	90-02-086	173-19-240	RE-AD	90-07-027
148-171-430	NEW-P	90-10-114	154-08-050	AMD	90-05-078	173-19-2401	RE-AD	90-07-027
148-171-430	NEW	90-16-016	154-12-010	AMD-P	90-02-086	173-19-2505	AMD	90-06-067
148-171-500	NEW-P	90-10-114	154-12-010	AMD	90-05-078	173-19-2510	AMD-P	90-13-092
148-171-500	NEW	90-16-016	154-12-015	AMD-P	90-02-086	173-19-2512	AMD	90-06-106
148-171-510	NEW-P	90-10-114	154-12-015	AMD	90-05-078	173-19-2512	AMD	90-06-106
148-171-510	NEW	90-16-016	154-12-030	AMD-P	90-02-086	173-19-2517	AMD-P	90-09-097
148-171-600	NEW-P	90-10-114	154-12-030	AMD	90-05-078	173-19-2517	AMD	90-14-090
148-171-600	NEW	90-16-016	154-12-050	AMD-P	90-02-086	173-19-2519	AMD	90-02-101
148-171-610	NEW-P	90-10-114	154-12-050	AMD	90-05-078	173-19-2520	AMD-P	90-05-074
148-171-610	NEW	90-16-016	154-12-070	AMD-P	90-02-086	173-19-2521	AMD-P	90-15-059
148-171-620	NEW-P	90-10-114	154-12-070	AMD	90-05-078	173-19-280	AMD-P	90-09-096
148-171-620	NEW	90-16-016	154-12-080	AMD-P	90-02-086	173-19-280	AMD	90-14-091
148-171-630	NEW-P	90-10-114	154-12-080	AMD	90-05-078	173-19-3514	AMD-P	90-03-110
148-171-630	NEW	90-16-016	154-12-085	AMD-P	90-02-086	173-19-3514	AMD-C	90-08-122
148-171-640	NEW-P	90-10-114	154-12-085	AMD	90-05-078	173-19-3514	AMD	90-11-072
148-171-640	NEW	90-16-016	154-12-086	AMD-P	90-02-086	173-19-360	AMD-P	90-03-111
148-171-650	NEW-P	90-10-114	154-12-086	AMD	90-05-078	173-19-360	AMD-C	90-06-024
148-171-650	NEW	90-16-016	154-12-087	AMD-P	90-02-086	173-19-360	RE-AD	90-07-026
148-276-010	NEW-P	90-10-115	154-12-087	AMD	90-05-078	173-19-360	AMD-C	90-08-122
148-276-010	NEW	90-16-017	154-12-090	AMD-P	90-02-086	173-19-360	AMD	90-11-072
148-276-020	NEW-P	90-10-115	154-12-090	AMD	90-05-078	173-19-360	AMD	90-13-089
148-276-020	NEW	90-16-017	154-12-107	REP-P	90-02-086	173-19-3601	AMD-P	90-05-075
148-276-030	NEW-P	90-10-115	154-12-107	REP	90-05-078	173-19-3601	AMD-C	90-08-122
148-276-030	NEW	90-16-017	154-12-110	AMD-P	90-02-086	173-19-3601	AMD	90-11-072
148-276-040	NEW-P	90-10-115	154-12-110	AMD	90-05-078	173-19-390	RE-AD	90-07-025
148-276-040	NEW	90-16-017	154-24-010	AMD-P	90-02-086	173-19-3910	RE-AD	90-07-028
148-276-050	NEW-P	90-10-115	154-24-010	AMD	90-05-078	173-19-3910	AMD-P	90-15-058
148-276-050	NEW	90-16-017	154-32-010	AMD-P	90-02-086	173-19-420	AMD-C	90-05-077
148-276-060	NEW-P	90-10-115	154-32-010	AMD	90-05-078	173-19-420	AMD-C	90-08-122
148-276-060	NEW	90-16-017	154-32-020	AMD-P	90-02-086	173-19-420	AMD	90-11-072
148-276-070	NEW-P	90-10-115	154-32-020	AMD	90-05-078	173-19-4201	AMD-P	90-05-076
148-276-070	NEW	90-16-017	154-40	AMD-P	90-02-086	173-19-4201	AMD-C	90-08-122
148-276-080	NEW-P	90-10-115	154-40	AMD	90-05-078	173-19-4201	AMD	90-11-072
148-276-080	NEW	90-16-017	154-40-010	AMD-P	90-02-086	173-19-4202	AMD-P	90-05-076
148-276-090	NEW-P	90-10-115	154-40-010	AMD	90-05-078	173-19-4202	AMD-C	90-08-122
148-276-090	NEW	90-16-017	154-44-010	AMD-P	90-02-086	173-19-4202	AMD	90-11-072
148-276-100	NEW-P	90-10-115	154-64-050	AMD	90-05-078	173-19-4203	AMD-P	90-05-076
148-276-100	NEW	90-16-017	154-64-050	AMD-P	90-02-086	173-19-4203	AMD-C	90-08-122
148-276-110	NEW	90-16-017	162-08-091	AMD	90-05-078	173-19-4203	AMD	90-11-072
148-276-120	NEW-P	90-10-115	162-08-091	REP-P	90-13-086	173-19-4204	AMD-P	90-05-076
148-276-120	NEW	90-16-017	162-08-091	REP-W	90-15-024	173-19-4204	AMD-C	90-08-122
148-276-130	NEW-P	90-10-115	162-08-098	AMD-P	90-13-086	173-19-4205	AMD	90-11-072
148-276-130	NEW	90-16-017	162-08-098	AMD-W	90-15-024	173-19-4205	AMD-P	90-05-076
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173-19-4206	AMD-C	90-08-122	173-166-010	AMD-P	90-02-096	173-303-806	AMD-P	90-10-085
173-19-4206	AMD	90-11-072	173-166-010	AMD-W	90-15-052	173-305-010	AMD-E	90-15-025
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173-19-4507	AMD	90-07-063	173-166-020	AMD-W	90-15-052	173-305-020	AMD-E	90-15-025
173-32-010	AMD-P	90-11-122	173-166-030	AMD-P	90-02-096	173-305-030	AMD-E	90-15-025
173-32-020	AMD-P	90-11-122	173-166-030	AMD-W	90-15-052	173-305-040	AMD-E	90-15-025
173-32-030	AMD-P	90-11-122	173-166-040	AMD-P	90-02-096	173-305-050	AMD-E	90-15-025
173-32-040	AMD-P	90-11-122	173-166-040	AMD-W	90-15-052	173-305-060	AMD-E	90-15-025
173-50-010	RE-AD	90-07-017	173-166-050	AMD-P	90-02-096	173-305-070	AMD-E	90-15-025
173-50-020	RE-AD	90-07-017	173-166-050	AMD-W	90-15-052	173-305-080	AMD-E	90-15-025
173-50-030	RE-AD	90-07-017	173-166-060	AMD-P	90-02-096	173-305-090	AMD-E	90-15-025
173-50-040	RE-AD	90-07-017	173-166-060	AMD-W	90-15-052	173-306-010	NEW-P	90-02-088
173-50-040	AMD-P	90-12-086	173-166-070	AMD-P	90-02-096	173-306-010	NEW	90-10-047
173-50-050	RE-AD	90-07-017	173-166-070	AMD-W	90-15-052	173-306-050	NEW-P	90-02-088
173-50-050	AMD-P	90-12-086	173-166-080	NEW-P	90-02-096	173-306-050	NEW	90-10-047
173-50-060	RE-AD	90-07-017	173-166-080	NEW-W	90-15-052	173-306-100	NEW-P	90-02-088
173-50-060	AMD-P	90-12-086	173-166-090	NEW-P	90-02-096	173-306-100	NEW	90-10-047
173-50-070	RE-AD	90-07-017	173-166-090	NEW-W	90-15-052	173-306-150	NEW-P	90-02-088
173-50-070	AMD-P	90-12-086	173-166-100	NEW-P	90-02-096	173-306-150	NEW	90-10-047
173-50-080	RE-AD	90-07-017	173-166-100	NEW-W	90-15-052	173-306-200	NEW-P	90-02-088
173-50-080	AMD-P	90-12-086	173-166-110	NEW-P	90-02-096	173-306-200	NEW	90-10-047
173-50-090	RE-AD	90-07-017	173-166-110	NEW-W	90-15-052	173-306-300	NEW-P	90-02-088
173-50-090	AMD-P	90-12-086	173-166-120	NEW-P	90-02-096	173-306-300	NEW	90-10-047
173-50-100	RE-AD	90-07-017	173-166-120	NEW-W	90-15-052	173-306-310	NEW-P	90-02-088
173-50-100	AMD-P	90-12-086	173-166-130	NEW-P	90-02-096	173-306-310	NEW	90-10-047
173-50-110	RE-AD	90-07-017	173-166-130	NEW-W	90-15-052	173-306-320	NEW-P	90-02-088
173-50-110	AMD-P	90-12-086	173-170-010	NEW-P	90-13-104	173-306-320	NEW	90-10-047
173-50-120	RE-AD	90-07-017	173-170-020	NEW-P	90-13-104	173-306-330	NEW-P	90-02-088
173-50-120	AMD-P	90-12-086	173-170-030	NEW-P	90-13-104	173-306-330	NEW	90-10-047
173-50-130	RE-AD	90-07-017	173-170-040	NEW-P	90-13-104	173-306-340	NEW-P	90-02-088
173-50-130	AMD-P	90-12-086	173-170-050	NEW-P	90-13-104	173-306-340	NEW	90-10-047
173-50-140	RE-AD	90-07-017	173-170-060	NEW-P	90-13-104	173-306-345	NEW-P	90-02-088
173-50-140	AMD-P	90-12-086	173-170-070	NEW-P	90-13-104	173-306-345	NEW	90-10-047
173-50-150	RE-AD	90-07-017	173-170-080	NEW-P	90-13-104	173-306-350	NEW-P	90-02-088
173-50-150	AMD-P	90-12-086	173-170-090	NEW-P	90-13-104	173-306-350	NEW	90-10-047
173-50-160	RE-AD	90-07-017	173-170-100	NEW-P	90-13-104	173-306-400	NEW-P	90-02-088
173-50-170	RE-AD	90-07-017	173-170-110	NEW-P	90-13-104	173-306-400	NEW	90-10-047
173-50-180	RE-AD	90-07-017	173-170-120	NEW-P	90-13-104	173-306-405	NEW-P	90-02-088
173-50-190	RE-AD	90-07-017	173-200-010	NEW-P	90-11-074	173-306-405	NEW	90-10-047
173-50-190	AMD-P	90-12-086	173-200-020	NEW-P	90-11-074	173-306-410	NEW-P	90-02-088
173-50-200	RE-AD	90-07-017	173-200-030	NEW-P	90-11-074	173-306-410	NEW	90-10-047
173-50-200	AMD-P	90-12-086	173-200-040	NEW-P	90-11-074	173-306-440	NEW-P	90-02-088
173-50-210	RE-AD	90-07-017	173-200-050	NEW-P	90-11-074	173-306-440	NEW	90-10-047
173-50-210	AMD-P	90-12-086	173-200-060	NEW-P	90-11-074	173-306-450	NEW-P	90-02-088
173-50-220	NEW	90-12-086	173-200-070	NEW-P	90-11-074	173-306-450	NEW	90-10-047
173-142-010	REP-P	90-11-059	173-200-080	NEW-P	90-11-074	173-306-470	NEW-P	90-02-088
173-142-020	REP-P	90-11-059	173-200-090	NEW-P	90-11-074	173-306-470	NEW	90-10-047
173-142-030	REP-P	90-11-059	173-200-100	NEW-P	90-11-074	173-306-480	NEW-P	90-02-088
173-142-040	REP-P	90-11-059	173-216-125	NEW-P	90-12-086	173-306-480	NEW	90-10-047
173-142-050	REP-P	90-11-059	173-220-210	AMD-P	90-12-086	173-306-490	NEW-P	90-02-088
173-142-070	REP-P	90-11-059	173-221A-010	NEW-P	90-06-071	173-306-490	NEW	90-10-047
173-142-080	REP-P	90-11-059	173-221A-010	NEW	90-14-078	173-306-495	NEW-P	90-02-088
173-142-090	REP-P	90-11-059	173-221A-020	NEW-P	90-06-071	173-306-495	NEW	90-10-047
173-142-100	REP-P	90-11-059	173-221A-020	NEW	90-14-078	173-306-500	NEW-P	90-02-088
173-142-110	REP-P	90-11-059	173-221A-030	NEW-P	90-06-071	173-306-500	NEW	90-10-047
173-158	AMD-P	90-11-059	173-221A-030	NEW	90-14-078	173-306-900	NEW-P	90-02-088
173-158-010	AMD-P	90-11-059	173-221A-100	NEW-P	90-06-071	173-306-900	NEW	90-10-047
173-158-020	AMD-P	90-11-059	173-221A-100	NEW	90-14-078	173-306-9901	NEW-P	90-02-088
173-158-030	RE-AD	90-06-059	173-221A-150	NEW-P	90-06-071	173-306-9901	NEW	90-10-047
173-158-030	AMD-P	90-11-059	173-221A-150	NEW	90-14-078	173-309-010	AMD-P	90-11-122
173-158-040	AMD-P	90-11-059	173-224-015	RE-AD	90-07-015	173-309-020	AMD-P	90-11-122
173-158-045	NEW-P	90-11-059	173-224-020	RE-AD	90-07-015	173-309-030	AMD-P	90-11-122
173-158-060	RE-AD	90-06-059	173-224-030	RE-AD	90-07-015	173-309-040	AMD-P	90-11-122
173-158-060	REP-P	90-11-059	173-224-040	RE-AD	90-07-015	173-309-050	AMD-P	90-11-122
173-158-064	NEW-P	90-11-059	173-224-050	RE-AD	90-07-015	173-309-060	AMD-P	90-11-122
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173-158-084	NEW-P	90-11-059	173-224-070	RE-AD	90-07-015	173-309-080	AMD-P	90-11-122
173-158-086	NEW-P	90-11-059	173-224-080	RE-AD	90-07-015	173-309-090	AMD-P	90-11-122
173-158-100	REP-P	90-11-059	173-224-090	RE-AD	90-07-015	173-311-010	NEW-P	90-12-094
173-158-110	REP-P	90-11-059	173-224-100	RE-AD	90-07-015	173-311-020	NEW-P	90-12-094
173-158-120	AMD-P	90-11-059	173-224-110	RE-AD	90-07-015	173-311-030	NEW-P	90-12-094
173-160-215	RE-AD	90-07-016	173-224-120	RE-AD	90-07-015	173-311-040	NEW-P	90-12-094
173-166	AMD-P	90-02-096	173-303	PREP	90-06-002	173-311-050	NEW-P	90-12-094
173-166	AMD-C	90-05-048	173-303-281	AMD-P	90-10-085	173-312-010	AMD-P	90-11-122
173-166	AMD-C	90-06-010	173-303-282	NEW-P	90-10-085	173-312-020	AMD-P	90-11-122

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
173-312-030	AMD-P 90-11-122	173-340-050	REP-P 90-02-098	173-340-530	NEW 90-08-086
173-312-040	AMD-P 90-11-122	173-340-050	REP 90-08-086	173-340-540	NEW-W 90-02-097
173-312-050	AMD-P 90-11-122	173-340-100	NEW-W 90-02-097	173-340-540	NEW-P 90-02-098
173-315-010	AMD 90-10-058	173-340-100	NEW-P 90-02-098	173-340-540	NEW 90-08-086
173-315-040	AMD 90-10-058	173-340-100	NEW 90-08-086	173-340-550	NEW-W 90-02-097
173-315-050	AMD 90-10-058	173-340-110	NEW-W 90-02-097	173-340-550	NEW-P 90-02-098
173-315-060	AMD-P 90-12-094	173-340-110	NEW-P 90-02-098	173-340-550	NEW 90-08-086
173-319-010	NEW-P 90-16-089	173-340-110	NEW 90-08-086	173-340-560	NEW-W 90-02-097
173-319-020	NEW-P 90-16-089	173-340-120	NEW-W 90-02-097	173-340-560	NEW-P 90-02-098
173-319-030	NEW-P 90-16-089	173-340-120	NEW-P 90-02-098	173-340-560	NEW 90-08-086
173-319-040	NEW-P 90-16-089	173-340-120	NEW 90-08-086	173-340-600	NEW-W 90-02-097
173-319-050	NEW-P 90-16-089	173-340-120	AMD-P 90-15-066	173-340-600	NEW-P 90-02-098
173-319-060	NEW-P 90-16-089	173-340-130	NEW-W 90-02-097	173-340-600	NEW 90-08-086
173-321-040	AMD-P 90-11-123	173-340-130	NEW-P 90-02-098	173-340-610	NEW-W 90-02-097
173-321-050	AMD-P 90-11-123	173-340-130	NEW 90-08-086	173-340-610	NEW-P 90-02-098
173-322-010	NEW 90-10-057	173-340-140	NEW-W 90-02-097	173-340-610	NEW 90-08-086
173-322-020	NEW 90-10-057	173-340-140	NEW-P 90-02-098	173-340-700	NEW-W 90-02-097
173-322-030	NEW 90-10-057	173-340-140	NEW 90-08-086	173-340-700	NEW-P 90-02-098
173-322-040	NEW 90-10-057	173-340-200	NEW-W 90-02-097	173-340-700	NEW 90-08-086
173-322-050	NEW 90-10-057	173-340-200	NEW-P 90-02-098	173-340-700	AMD-P 90-15-066
173-322-060	NEW 90-10-057	173-340-200	NEW 90-08-086	173-340-705	NEW-P 90-15-066
173-322-070	NEW 90-10-057	173-340-200	AMD-P 90-15-066	173-340-710	NEW-P 90-15-066
173-322-080	NEW 90-10-057	173-340-210	NEW-W 90-02-097	173-340-720	NEW-P 90-15-066
173-322-090	NEW 90-10-057	173-340-210	NEW-P 90-02-098	173-340-730	NEW-P 90-15-066
173-322-100	NEW 90-10-057	173-340-210	NEW 90-08-086	173-340-740	NEW-P 90-15-066
173-322-110	NEW 90-10-057	173-340-210	AMD-P 90-15-066	173-340-745	NEW-P 90-15-066
173-322-120	NEW 90-10-057	173-340-300	NEW-W 90-02-097	173-340-750	AMD-P 90-15-066
173-331-010	NEW-P 90-16-095	173-340-300	NEW-P 90-02-098	173-340-760	AMD-P 90-15-066
173-331-100	NEW-P 90-16-095	173-340-300	NEW 90-08-086	173-340-800	NEW-W 90-02-097
173-331-200	NEW-P 90-16-095	173-340-300	AMD-P 90-15-066	173-340-800	NEW-P 90-02-098
173-331-210	NEW-P 90-16-095	173-340-310	NEW-W 90-02-097	173-340-800	NEW 90-08-086
173-331-220	NEW-P 90-16-095	173-340-310	NEW-P 90-02-098	173-340-810	NEW-W 90-02-097
173-331-300	NEW-P 90-16-095	173-340-310	NEW 90-08-086	173-340-810	NEW-P 90-02-098
173-331-400	NEW-P 90-16-095	173-340-320	NEW-W 90-02-097	173-340-810	NEW 90-08-086
173-331-410	NEW-P 90-16-095	173-340-320	NEW-P 90-02-098	173-340-820	NEW-W 90-02-097
173-331-500	NEW-P 90-16-095	173-340-320	NEW 90-08-086	173-340-820	NEW-P 90-02-098
173-331-600	NEW-P 90-16-095	173-340-330	NEW-W 90-02-097	173-340-820	NEW 90-08-086
173-336-010	REP-W 90-02-097	173-340-330	NEW-P 90-02-098	173-340-830	NEW-W 90-02-097
173-336-010	REP-P 90-02-098	173-340-330	NEW 90-08-086	173-340-830	NEW-P 90-02-098
173-336-010	REP 90-08-120	173-340-340	NEW-W 90-02-097	173-340-830	NEW 90-08-086
173-336-020	REP-W 90-02-097	173-340-340	NEW-P 90-02-098	173-340-830	AMD-P 90-15-066
173-336-020	REP-P 90-02-098	173-340-340	NEW 90-08-086	173-340-840	NEW-W 90-02-097
173-336-020	REP 90-08-120	173-340-350	NEW-W 90-02-097	173-340-840	NEW-P 90-02-098
173-336-030	REP-W 90-02-097	173-340-350	NEW-P 90-02-098	173-340-840	NEW 90-08-086
173-336-030	REP-P 90-02-098	173-340-350	NEW 90-08-086	173-340-850	NEW-W 90-02-097
173-336-030	REP 90-08-120	173-340-350	AMD-P 90-15-066	173-340-850	NEW-P 90-02-098
173-338-010	REP-W 90-02-097	173-340-360	NEW-W 90-02-097	173-340-850	NEW 90-08-086
173-338-010	REP-P 90-02-098	173-340-360	NEW-P 90-02-098	173-340-860	NEW-W 90-02-097
173-338-010	REP 90-08-120	173-340-360	NEW 90-08-086	173-340-860	NEW-P 90-02-098
173-338-020	REP-W 90-02-097	173-340-360	AMD-P 90-15-066	173-340-860	NEW 90-08-086
173-338-020	REP-P 90-02-098	173-340-400	NEW-W 90-02-097	173-340-870	NEW-W 90-02-097
173-338-020	REP 90-08-120	173-340-400	NEW-P 90-02-098	173-340-870	NEW-P 90-02-098
173-338-030	REP-W 90-02-097	173-340-400	NEW 90-08-086	173-340-870	NEW 90-08-086
173-338-030	REP-P 90-02-098	173-340-410	NEW-W 90-02-097	173-340-880	NEW-W 90-02-097
173-338-030	REP 90-08-120	173-340-410	NEW-P 90-02-098	173-340-880	NEW-P 90-02-098
173-338-040	REP-W 90-02-097	173-340-410	NEW 90-08-086	173-340-880	NEW 90-08-086
173-338-040	REP-P 90-02-098	173-340-420	NEW-W 90-02-097	173-340-890	NEW-W 90-02-097
173-338-040	REP 90-08-120	173-340-420	NEW-P 90-02-098	173-340-890	NEW-P 90-02-098
173-338-050	REP-W 90-02-097	173-340-420	NEW 90-08-086	173-340-890	NEW 90-08-086
173-338-050	REP-P 90-02-098	173-340-430	AMD-P 90-15-066	173-342-010	NEW 90-03-020
173-338-050	REP 90-08-120	173-340-430	NEW-W 90-02-097	173-342-020	NEW 90-03-020
173-340	AMD-W 90-02-097	173-340-430	NEW-P 90-02-098	173-342-030	NEW 90-03-020
173-340	AMD-P 90-02-098	173-340-430	NEW 90-08-086	173-342-040	NEW 90-03-020
173-340	AMD 90-08-086	173-340-430	AMD-P 90-15-066	173-342-050	NEW 90-03-020
173-340-010	REP-W 90-02-097	173-340-440	NEW-P 90-15-066	173-360-100	NEW-P 90-15-060
173-340-010	REP-P 90-02-098	173-340-450	NEW-P 90-15-066	173-360-105	NEW-P 90-15-060
173-340-010	REP 90-08-086	173-340-500	NEW-W 90-02-097	173-360-110	NEW-P 90-15-060
173-340-020	REP-W 90-02-097	173-340-500	NEW-P 90-02-098	173-360-120	NEW-P 90-15-060
173-340-020	REP-P 90-02-098	173-340-500	NEW 90-08-086	173-360-130	NEW-P 90-15-060
173-340-020	REP 90-08-086	173-340-510	NEW-W 90-02-097	173-360-140	NEW-P 90-15-060
173-340-030	REP-W 90-02-097	173-340-510	NEW-P 90-02-098	173-360-150	NEW-P 90-15-060
173-340-030	REP-P 90-02-098	173-340-510	NEW 90-08-086	173-360-160	NEW-P 90-15-060
173-340-030	REP 90-08-086	173-340-520	NEW-W 90-02-097	173-360-170	NEW-P 90-15-060
173-340-040	REP-W 90-02-097	173-340-520	NEW-P 90-02-098	173-360-180	NEW-P 90-15-060
173-340-040	REP-P 90-02-098	173-340-520	NEW 90-08-086	173-360-190	NEW-P 90-15-060
173-340-040	REP 90-08-086	173-340-530	NEW-W 90-02-097	173-360-200	NEW-P 90-15-060
173-340-050	REP-W 90-02-097	173-340-530	NEW-P 90-02-098	173-360-210	NEW-P 90-15-060

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
173-490-025	AMD-P	90-05-052	174-132	AMD	90-04-011	174-168-040	NEW-P	90-04-028
173-490-030	AMD-P	90-05-052	174-132-010	AMD	90-04-011	174-168-040	NEW-C	90-10-001
173-490-040	AMD-P	90-05-052	174-132-020	REP	90-04-011	174-168-040	NEW	90-13-028
173-490-070	REP-P	90-05-052	174-132-030	REP	90-04-011	174-168-050	NEW-P	90-04-028
173-490-071	REP-P	90-05-052	174-132-040	REP	90-04-011	174-168-050	NEW-C	90-10-001
173-490-080	AMD-P	90-05-052	174-132-050	REP	90-04-011	174-168-050	NEW	90-13-028
173-490-090	AMD-P	90-05-052	174-132-060	REP	90-04-011	174-168-060	NEW-P	90-04-028
173-490-120	REP-P	90-05-052	174-132-070	REP	90-04-011	174-168-060	NEW-C	90-10-001
173-490-130	REP-P	90-05-052	174-132-080	REP	90-04-011	174-168-060	NEW	90-13-028
173-490-135	REP-P	90-05-052	174-132-090	REP	90-04-011	174-168-070	NEW-P	90-04-028
173-490-140	REP-P	90-05-052	174-132-100	REP	90-04-011	174-168-070	NEW-C	90-10-001
173-490-150	REP-P	90-05-052	174-132-110	REP	90-04-011	174-168-070	NEW	90-13-028
173-490-200	AMD-P	90-05-052	174-132-120	REP	90-04-011	174-168-080	NEW-P	90-04-028
173-490-201	AMD-P	90-05-052	174-133-010	NEW	90-04-011	174-168-080	NEW-C	90-10-001
173-490-202	AMD-P	90-05-052	174-133-020	NEW	90-04-011	174-168-080	NEW	90-13-028
173-490-203	AMD-P	90-05-052	174-135-010	NEW	90-04-011	174-276-010	NEW	90-04-011
173-490-204	AMD-P	90-05-052	174-136-010	REP	90-04-011	174-276-020	NEW	90-04-011
173-490-205	AMD-P	90-05-052	174-136-011	REP	90-04-011	174-276-030	NEW	90-04-011
173-490-207	AMD-P	90-05-052	174-136-012	REP	90-04-011	174-276-040	NEW	90-04-011
173-490-208	AMD-P	90-05-052	174-136-013	REP	90-04-011	174-276-050	NEW	90-04-011
173-495-010	AMD-P	90-06-102	174-136-014	REP	90-04-011	174-276-060	NEW	90-04-011
173-495-020	AMD-P	90-06-102	174-136-015	REP	90-04-011	174-276-070	NEW	90-04-011
173-495-030	AMD-P	90-06-102	174-136-016	REP	90-04-011	174-276-080	NEW	90-04-011
173-495-040	AMD-P	90-06-102	174-136-017	REP	90-04-011	174-276-090	NEW	90-04-011
173-495-045	AMD-P	90-06-102	174-136-018	REP	90-04-011	174-276-100	NEW	90-04-011
173-495-050	AMD-P	90-06-102	174-136-019	REP	90-04-011	174-276-110	NEW	90-04-011
173-495-060	AMD-P	90-06-102	174-136-02001	REP	90-04-011	174-276-120	NEW	90-04-011
173-495-065	AMD-P	90-06-102	174-136-021	REP	90-04-011	174-280-010	NEW	90-04-011
173-495-070	AMD-P	90-06-102	174-136-022	REP	90-04-011	174-280-015	NEW	90-04-011
173-495-080	AMD-P	90-06-102	174-136-040	REP-W	90-11-067	174-280-020	NEW	90-04-011
173-495-100	AMD-P	90-06-102	174-136-042	REP-W	90-11-067	174-280-025	NEW	90-04-011
173-495-120	AMD-P	90-06-102	174-136-060	REP	90-04-011	174-280-030	NEW	90-04-011
173-802-050	RE-AD	90-06-014	174-136-080	REP	90-04-011	174-280-035	NEW	90-04-011
174-108	AMD	90-04-011	174-136-090	REP	90-04-011	174-280-040	NEW	90-04-011
174-108-170	REP	90-04-011	174-136-100	REP	90-04-011	174-280-045	NEW	90-04-011
174-108-180	REP	90-04-011	174-136-110	REP	90-04-011	174-400-010	NEW	90-05-031
174-108-190	REP	90-04-011	174-136-120	REP	90-04-011	180-10-003	AMD-P	90-13-083
174-108-200	REP	90-04-011	174-136-130	REP	90-04-011	180-16-002	AMD-P	90-13-083
174-108-210	REP	90-04-011	174-136-140	REP	90-04-011	180-16-006	AMD-P	90-13-083
174-108-220	REP	90-04-011	174-136-160	REP	90-04-011	180-16-164	AMD-P	90-13-083
174-108-230	REP	90-04-011	174-136-170	REP	90-04-011	180-16-180	AMD-P	90-13-083
174-108-240	REP	90-04-011	174-136-210	REP	90-04-011	180-16-223	AMD-P	90-13-083
174-108-250	REP	90-04-011	174-136-220	REP	90-04-011	180-16-240	AMD-P	90-13-083
174-108-260	REP	90-04-011	174-136-230	REP	90-04-011	180-20-100	AMD-P	90-13-083
174-108-900	REP	90-04-011	174-136-240	REP	90-04-011	180-20-105	AMD-P	90-13-083
174-108-90001	REP	90-04-011	174-136-250	REP	90-04-011	180-20-106	AMD-P	90-13-083
174-108-90002	REP	90-04-011	174-136-300	REP	90-04-011	180-20-200	AMD-P	90-13-083
174-108-910	NEW	90-04-011	174-136-310	REP	90-04-011	180-22-100	AMD-P	90-13-083
174-112-130	REP	90-04-011	174-136-320	REP	90-04-011	180-23-037	AMD-P	90-13-083
174-112-140	REP	90-04-011	174-136-330	REP	90-04-011	180-23-043	AMD-P	90-13-083
174-112-150	REP	90-04-011	174-157-600	REP	90-04-011	180-23-065	AMD-P	90-13-083
174-122-010	NEW	90-04-011	174-157-610	REP	90-04-011	180-23-077	AMD-P	90-13-083
174-122-020	NEW	90-04-011	174-157-620	REP	90-04-011	180-23-090	AMD-P	90-13-083
174-122-030	NEW	90-04-011	174-157-990	REP	90-04-011	180-23-120	AMD-P	90-13-083
174-122-040	NEW	90-04-011	174-160-010	REP	90-04-011	180-24-003	AMD-P	90-13-083
174-126-010	REP	90-04-011	174-160-020	REP	90-04-011	180-24-007	AMD-P	90-13-083
174-126-020	REP	90-04-011	174-160-030	REP	90-04-011	180-24-008	AMD-P	90-13-083
174-126-030	REP	90-04-011	174-160-040	REP	90-04-011	180-24-013	AMD-P	90-13-083
174-128-010	REP	90-04-011	174-162-010	REP	90-04-011	180-24-021	AMD-P	90-13-083
174-128-020	REP	90-04-011	174-162-015	REP	90-04-011	180-24-080	AMD-P	90-13-083
174-128-030	REP	90-04-011	174-162-020	REP	90-04-011	180-24-115	AMD-P	90-13-083
174-128-040	REP	90-04-011	174-162-025	REP	90-04-011	180-24-120	AMD-P	90-13-083
174-128-042	REP	90-04-011	174-162-030	REP	90-04-011	180-24-125	AMD-P	90-13-083
174-128-044	REP	90-04-011	174-162-035	REP	90-04-011	180-24-130	AMD-P	90-13-083
174-128-046	REP	90-04-011	174-162-040	REP	90-04-011	180-24-140	AMD-P	90-13-083
174-128-050	REP	90-04-011	174-162-045	REP	90-04-011	180-24-200	AMD-P	90-13-083
174-128-060	REP	90-04-011	174-168-010	NEW-W	90-03-037	180-24-205	AMD-P	90-13-083
174-128-062	REP	90-04-011	174-168-010	NEW-P	90-04-028	180-24-305	AMD-P	90-13-083
174-128-064	REP	90-04-011	174-168-010	NEW-C	90-10-001	180-24-312	AMD-P	90-13-083
174-128-066	REP	90-04-011	174-168-010	NEW	90-13-028	180-24-320	AMD-P	90-13-083
174-128-070	REP	90-04-011	174-168-020	NEW-W	90-03-037	180-24-330	AMD-P	90-13-083
174-128-080	REP	90-04-011	174-168-020	NEW-P	90-04-028	180-24-335	AMD-P	90-13-083
174-128-090	REP	90-04-011	174-168-020	NEW-C	90-10-001	180-24-350	AMD-P	90-13-083
174-128-990	REP	90-04-011	174-168-020	NEW	90-13-028	180-25-005	AMD-P	90-13-083
174-130-010	NEW	90-04-011	174-168-030	NEW-P	90-04-028	180-25-015	AMD-P	90-13-083
174-130-020	NEW	90-04-011	174-168-030	NEW-C	90-10-001	180-25-025	AMD	90-04-031
174-131-010	NEW	90-04-011	174-168-030	NEW	90-13-028	180-25-300	REP	90-04-032

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180-26-005	AMD-P	90-13-083	180-59-005	AMD-P	90-13-083	180-79-362	AMD-P	90-08-114
180-27-005	AMD-P	90-13-083	180-59-035	AMD-P	90-13-083	180-79-362	AMD	90-12-075
180-27-015	AMD-P	90-13-083	180-59-145	AMD-P	90-13-083	180-79-364	AMD-P	90-08-114
180-27-020	AMD-P	90-13-083	180-72-045	AMD-P	90-13-083	180-79-364	AMD	90-12-075
180-27-025	AMD-P	90-13-083	180-75-003	AMD-P	90-13-083	180-81-003	AMD-P	90-13-083
180-27-030	AMD-P	90-13-083	180-75-005	AMD	90-02-073	180-85-045	AMD-P	90-08-115
180-27-050	AMD	90-04-031	180-75-018	REP	90-02-073	180-85-045	AMD	90-12-076
180-27-058	AMD	90-04-031	180-75-019	REP	90-02-073	180-85-080	REP-P	90-08-115
180-27-115	AMD-P	90-13-083	180-75-020	REP	90-02-073	180-85-080	REP	90-12-076
180-27-405	AMD-P	90-13-083	180-75-025	REP	90-02-073	180-85-083	REP-P	90-08-115
180-27-415	AMD-P	90-13-083	180-75-026	REP	90-02-073	180-85-083	REP	90-12-076
180-27-425	NEW	90-04-031	180-75-027	REP	90-02-073	180-85-085	AMD-P	90-08-115
180-29-005	AMD-P	90-13-083	180-75-030	REP	90-02-073	180-85-085	AMD	90-12-076
180-29-080	AMD-P	90-13-083	180-75-033	REP	90-02-073	180-85-100	AMD-P	90-08-115
180-29-105	AMD-P	90-13-083	180-75-034	REP	90-02-073	180-85-100	AMD	90-12-076
180-29-110	AMD-P	90-13-083	180-75-035	REP	90-02-073	180-85-105	AMD-P	90-08-115
180-29-300	REP	90-04-032	180-75-037	REP	90-02-073	180-85-105	AMD	90-12-076
180-30-015	AMD-P	90-13-083	180-75-038	REP	90-02-073	180-85-106	NEW-P	90-08-115
180-30-105	AMD-P	90-13-083	180-75-039	REP	90-02-073	180-85-106	NEW	90-12-076
180-30-220	AMD-P	90-13-083	180-75-040	REP	90-02-073	180-85-107	NEW-P	90-08-115
180-30-450	AMD-P	90-13-083	180-75-042	REP	90-02-073	180-85-107	NEW	90-12-076
180-30-460	AMD-P	90-13-083	180-75-043	REP	90-02-073	180-85-108	NEW-P	90-08-115
180-30-495	AMD-P	90-13-083	180-75-044	REP	90-02-073	180-85-108	NEW	90-12-076
180-30-725	AMD-P	90-13-083	180-75-045	AMD	90-02-073	180-85-109	NEW-P	90-08-115
180-31-005	AMD-P	90-13-083	180-75-061	AMD-P	90-08-112	180-85-109	NEW	90-12-076
180-32-005	AMD-P	90-13-083	180-75-061	AMD	90-12-121	180-85-110	AMD-P	90-08-115
180-33-005	AMD-P	90-13-083	180-75-065	AMD-P	90-08-112	180-85-110	AMD	90-12-076
180-33-020	AMD-P	90-13-083	180-75-065	AMD-P	90-13-083	180-85-115	AMD-P	90-08-115
180-33-030	AMD-P	90-13-083	180-75-081	AMD	90-02-073	180-85-115	AMD	90-12-076
180-34-005	AMD-P	90-13-083	180-75-084	REP	90-02-073	180-85-202	REP-P	90-08-115
180-34-010	AMD-P	90-13-083	180-75-085	AMD-P	90-13-083	180-85-202	REP	90-12-076
180-36-005	AMD-P	90-13-083	180-75-086	REP	90-02-073	180-85-205	AMD-P	90-08-115
180-38-005	AMD-P	90-13-083	180-75-087	AMD-P	90-13-083	180-85-205	AMD	90-12-076
180-38-025	AMD-P	90-13-083	180-75-090	AMD-P	90-08-112	180-86-003	NEW	90-02-076
180-38-030	AMD-P	90-13-083	180-75-090	AMD	90-12-121	180-86-005	NEW	90-02-076
180-38-040	AMD-P	90-13-083	180-75-100	AMD-P	90-13-083	180-86-010	NEW	90-02-076
180-38-045	AMD-P	90-13-083	180-75-199	REP	90-02-073	180-86-012	NEW	90-02-076
180-38-050	AMD-P	90-13-083	180-78-003	AMD-P	90-13-083	180-86-015	NEW	90-02-076
180-39-005	AMD-P	90-13-083	180-78-010	AMD-P	90-13-083	180-86-020	NEW	90-02-076
180-39-020	AMD-P	90-13-083	180-78-057	AMD-P	90-08-113	180-86-030	NEW	90-02-076
180-40-200	AMD-P	90-13-083	180-78-057	AMD	90-12-073	180-86-035	NEW	90-02-076
180-40-210	AMD-P	90-13-083	180-78-130	AMD-P	90-13-083	180-86-040	NEW	90-02-076
180-40-225	AMD-P	90-13-083	180-78-191	AMD	90-02-074	180-86-050	NEW	90-02-076
180-40-235	AMD-P	90-13-082	180-78-191	AMD	90-02-104	180-86-055	NEW	90-02-076
180-40-245	AMD-P	90-13-083	180-78-192	REP	90-02-074	180-86-065	NEW	90-02-076
180-40-260	AMD-P	90-13-083	180-78-192	REP	90-02-104	180-86-070	NEW	90-02-076
180-40-275	AMD-P	90-13-083	180-78-193	REP	90-02-074	180-86-075	NEW	90-02-076
180-41-010	AMD-P	90-13-083	180-78-193	REP	90-02-104	180-86-085	NEW	90-02-076
180-43-005	AMD-P	90-13-083	180-78-194	REP	90-02-074	180-86-090	NEW	90-02-076
180-43-010	AMD-P	90-13-083	180-78-194	REP	90-02-104	180-86-095	NEW	90-02-076
180-43-015	AMD-P	90-13-083	180-78-195	REP	90-02-074	180-86-097	NEW	90-02-076
180-44-005	AMD-P	90-13-083	180-78-195	REP	90-02-104	180-86-100	NEW	90-02-076
180-46-005	AMD-P	90-13-083	180-78-197	REP	90-02-074	180-86-105	NEW	90-02-076
180-50-100	AMD-P	90-13-083	180-78-197	REP	90-02-104	180-86-110	NEW	90-02-076
180-50-105	AMD-P	90-13-083	180-78-198	REP	90-02-074	180-86-115	NEW	90-02-076
180-50-115	AMD-P	90-13-083	180-78-198	REP	90-02-104	180-86-120	NEW	90-02-076
180-50-120	AMD-P	90-13-083	180-78-199	REP	90-02-074	180-86-130	NEW	90-02-076
180-50-125	AMD-P	90-13-083	180-78-199	REP	90-02-104	180-86-135	NEW	90-02-076
180-50-130	AMD-P	90-13-083	180-78-225	AMD-P	90-13-083	180-86-140	NEW	90-02-076
180-50-135	AMD-P	90-13-083	180-79-045	AMD-P	90-08-114	180-86-145	NEW	90-02-076
180-51-005	AMD-P	90-13-083	180-79-045	AMD	90-12-075	180-86-150	NEW	90-02-076
180-51-075	AMD-P	90-13-083	180-79-049	AMD-P	90-08-114	180-86-155	NEW	90-02-076
180-51-080	AMD-P	90-13-083	180-79-049	AMD	90-12-075	180-86-160	NEW	90-02-076
180-51-085	AMD-P	90-13-083	180-79-060	AMD-P	90-08-114	180-86-165	NEW	90-02-076
180-51-100	AMD-P	90-13-083	180-79-060	AMD	90-12-075	180-86-170	NEW	90-02-076
180-51-105	AMD-P	90-13-083	180-79-065	AMD-P	90-08-114	180-86-175	NEW	90-02-076
180-51-115	AMD-P	90-13-083	180-79-065	AMD	90-12-075	180-86-180	NEW	90-02-076
180-52-015	AMD-P	90-13-083	180-79-075	AMD-P	90-08-114	180-86-185	NEW	90-02-076
180-53-005	AMD-P	90-13-083	180-79-075	AMD	90-12-075	180-86-200	NEW	90-02-076
180-55-005	AMD-P	90-13-083	180-79-080	AMD-P	90-08-114	180-87-001	NEW	90-02-075
180-55-015	AMD-P	90-13-083	180-79-080	AMD	90-12-075	180-87-003	NEW	90-02-075
180-56-205	AMD-P	90-13-083	180-79-230	AMD-E	90-08-111	180-87-005	NEW	90-02-075
180-56-260	AMD-P	90-13-083	180-79-230	AMD-P	90-08-114	180-87-010	NEW	90-02-075
180-57-005	AMD-P	90-13-083	180-79-230	AMD-E	90-09-027	180-87-015	NEW	90-02-075
180-57-100	AMD-P	90-13-083	180-79-230	AMD	90-12-075	180-87-020	NEW	90-02-075
180-58-015	AMD-P	90-13-083	180-79-245	AMD-P	90-08-114	180-87-025	NEW	90-02-075
180-58-075	AMD-P	90-13-083	180-79-245	AMD	90-12-075	180-87-030	NEW	90-02-075

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
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180-87-040	NEW	90-02-075	204-36-060	AMD-P	90-04-023	220-16-440	NEW	90-06-026
180-87-045	NEW	90-02-075	204-36-060	AMD	90-07-034	220-16-450	NEW-P	90-02-112
180-87-050	NEW	90-02-075	204-44-010	AMD	90-06-055	220-16-450	NEW	90-06-026
180-87-055	NEW	90-02-075	204-44-030	AMD	90-06-055	220-20	AMD-C	90-06-043
180-87-060	NEW	90-02-075	204-48-020	AMD-P	90-08-023	220-20-010	AMD-P	90-06-079
180-87-065	NEW	90-02-075	204-48-020	AMD-	90-11-021	220-20-017	AMD-P	90-08-008
180-87-070	NEW	90-02-075	204-68-010	REP-P	90-13-061	220-20-020	AMD-P	90-02-111
180-87-080	NEW	90-02-075	204-68-020	REP-P	90-13-061	220-20-020	AMD	90-06-045
180-87-085	NEW	90-02-075	204-68-030	REP-P	90-13-061	220-20-020	AMD-C	90-07-002
180-87-090	NEW	90-02-075	204-68-040	REP-P	90-13-061	220-20-020	AMD	90-07-003
180-87-095	NEW	90-02-075	204-68-050	REP-P	90-13-061	220-20-025	AMD-P	90-02-111
180-90-105	AMD-P	90-13-083	204-68-060	REP-P	90-13-061	220-20-025	AMD	90-06-045
180-90-125	AMD-P	90-13-083	204-68-070	REP-P	90-13-061	220-22-020	AMD	90-03-068
180-90-150	AMD-P	90-13-083	204-68-080	REP-P	90-13-061	220-22-030	AMD-P	90-09-093
180-90-160	AMD-P	90-13-083	204-68-090	REP-P	90-13-061	220-22-030	AMD	90-13-025
180-95-005	AMD-P	90-13-083	204-68-100	REP-P	90-13-061	220-24-02000L	NEW-E	90-10-033
180-95-010	AMD-P	90-13-083	204-68-110	REP-P	90-13-061	220-24-02000L	REP-E	90-11-046
180-96-005	AMD-P	90-13-083	204-68-120	REP-P	90-13-061	220-24-02000M	NEW-E	90-11-046
180-96-050	AMD-P	90-13-083	204-68-130	REP-P	90-13-061	220-24-02000M	REP-E	90-11-086
180-110-010	AMD-P	90-13-083	204-68-140	REP-P	90-13-061	220-24-02000N	NEW-E	90-11-086
180-115-005	AMD-P	90-13-083	204-74-010	NEW-P	90-13-062	220-24-02000N	REP-E	90-12-010
182-12-115	AMD-P	90-04-087	204-74-020	NEW-P	90-13-062	220-24-02000P	NEW-E	90-12-010
182-12-115	AMD	90-12-037	204-74-030	NEW-P	90-13-062	220-24-02000P	REP-E	90-12-036
192-12-050	AMD	90-08-028	204-74-040	NEW-P	90-13-062	220-24-02000Q	NEW-E	90-12-036
192-12-350	NEW	90-08-028	204-74-050	NEW-P	90-13-062	220-24-02000Q	REP-E	90-13-007
192-12-355	NEW	90-08-028	204-74-060	NEW-P	90-13-062	220-24-02000R	NEW-E	90-13-007
192-12-360	NEW	90-08-028	204-74-070	NEW-P	90-13-062	220-24-02000R	REP-E	90-13-034
192-12-365	NEW	90-08-028	204-74-080	NEW-P	90-13-062	220-24-02000S	NEW-E	90-13-034
192-16-004	NEW-E	90-09-057	204-74A-010	NEW-P	90-13-062	220-24-50000A	NEW-E	90-15-063
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192-16-305	NEW-W	90-14-094	204-74A-050	NEW-P	90-13-062	220-32-05500U	NEW-E	90-10-053
192-16-310	NEW-W	90-14-094	204-74A-060	NEW-P	90-13-062	220-32-05700E	NEW-E	90-03-006
192-16-315	NEW-W	90-14-094	204-82A-020	AMD-P	90-13-063	220-32-05900R	NEW-E	90-10-034
192-16-320	NEW-W	90-14-094	204-82A-040	AMD-P	90-13-063	220-33-01000L	REP-E	90-05-008
192-16-325	NEW-W	90-14-094	204-82A-050	AMD-P	90-13-063	220-33-01000M	NEW-E	90-05-008
192-16-330	NEW-W	90-14-094	204-82A-070	NEW-P	90-13-063	220-33-01000M	REP-E	90-05-030
192-16-335	NEW-W	90-14-094	204-88-030	AMD	90-06-056	220-33-01000N	NEW-E	90-05-030
192-16-340	NEW-W	90-14-094	204-93-010	AMD-P	90-13-063	220-33-03000B	NEW-E	90-11-071
192-16-345	NEW-W	90-14-094	204-93-020	AMD-P	90-13-063	220-36-021	AMD-P	90-09-092
192-28-115	AMD-P	90-11-119	204-93-030	AMD-P	90-13-063	220-36-02100K	NEW-E	90-14-099
192-28-122	NEW-P	90-11-121	204-93-040	AMD-P	90-13-063	220-36-023	AMD-P	90-09-092
192-28-130	AMD-P	90-11-119	204-93-050	AMD-P	90-13-063	220-36-031	AMD-P	90-09-092
192-28-145	NEW-P	90-11-121	204-93-060	AMD-P	90-13-063	220-40-021	AMD-P	90-09-092
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196-08-030	REP	90-05-071	204-93-080	AMD-P	90-13-063	220-40-026	REP-P	90-09-092
196-24-030	AMD-P	90-15-046	204-93-090	AMD-P	90-13-063	220-40-027	AMD-P	90-09-092
196-24-090	AMD	90-05-071	204-93-100	AMD-P	90-13-063	220-40-031	AMD-P	90-09-092
196-24-092	NEW	90-05-071	204-93-110	AMD-P	90-13-063	220-44-050	AMD-P	90-06-080
196-24-095	AMD-P	90-15-046	204-93-150	AMD-P	90-13-063	220-44-050	AMD	90-13-108
196-24-110	AMD-P	90-15-046	204-990	REP-P	90-08-024	220-44-05000B	REP-E	90-04-047
196-26-020	AMD	90-03-028	204-990	REP	90-11-022	220-44-05000C	NEW-E	90-04-047
196-26-020	AMD-E	90-04-010	212-17-300	AMD-P	90-04-097	220-44-05000D	REP-E	90-07-031
196-27-020	AMD	90-05-071	212-17-300	AMD	90-10-006	220-44-05000D	NEW-E	90-07-031
204-30-010	NEW-P	90-10-076	212-17-305	AMD-P	90-04-097	220-44-05000D	REP-E	90-13-109
204-30-010	NEW	90-13-060	212-17-305	AMD	90-10-006	220-44-05000E	NEW-E	90-13-109
204-30-020	NEW-P	90-10-076	212-17-310	AMD-P	90-04-097	220-44-05000E	REP-E	90-16-001
204-30-020	NEW	90-13-060	212-17-310	AMD	90-10-006	220-44-05000F	NEW-E	90-16-001
204-30-030	NEW-P	90-10-076	212-17-315	AMD-P	90-04-097	220-47-304	AMD-P	90-09-093
204-30-030	NEW	90-13-060	212-17-315	AMD	90-10-006	220-47-304	AMD	90-13-025
204-30-040	NEW-P	90-10-076	212-17-317	NEW-P	90-04-097	220-47-307	AMD-P	90-09-093
204-30-040	NEW	90-13-060	212-17-317	NEW	13-006	220-47-307	AMD	90-13-025
204-30-050	NEW-P	90-10-076	212-17-325	AMD-P	90-04-097	220-47-311	AMD-P	90-09-093
204-30-050	NEW	90-13-060	212-17-325	AMD	90-10-006	220-47-311	AMD	90-13-025
204-30-060	NEW-P	90-10-076	212-17-330	AMD-P	90-04-097	220-47-312	REP-P	90-09-093
204-30-060	NEW	90-13-060	212-17-330	AMD	90-10-006	220-47-312	REP	90-13-025
204-30-070	NEW-P	90-10-076	212-17-335	AMD-P	90-04-097	220-47-313	REP-P	90-09-093
204-30-070	NEW	90-13-060	212-17-335	AMD	90-10-006	220-47-313	REP	90-13-025
204-30-080	NEW-P	90-10-076	220-12-01000B	NEW-E	90-06-058	220-47-319	AMD-P	90-09-093
204-30-080	NEW	90-13-060	220-12-02000A	NEW-E	90-15-040	220-47-319	AMD	90-13-025
204-36-030	AMD-P	90-04-023	220-16	AMD-C	90-06-025	220-47-401	AMD-P	90-09-093
204-36-030	AMD	90-07-034	220-16-410	AMD	90-03-068	220-47-401	AMD	90-13-025
204-36-040	AMD-P	90-04-023	220-16-420	NEW	90-03-068	220-47-402	REP-P	90-09-093
204-36-040	AMD	90-07-034	220-16-430	NEW-C	90-07-002	220-47-402	REP	90-13-025
204-36-050	AMD-P	90-04-023	220-16-430	NEW	90-07-003	220-47-403	REP-P	90-09-093

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230-12-900	AMD-P	90-15-064	232-12-254	RE-AD	90-11-049
230-12-900	AMD-W	90-16-062	232-12-297	NEW-P	90-04-099
230-12-900	AMD-P	90-16-063	232-12-297	NEW	90-11-066
230-20-064	AMD-P	90-05-034	232-12-297	NEW-W	90-13-075
230-20-064	AMD	90-10-007	232-12-827	REP-P	90-12-100
230-20-325	AMD	90-05-032	232-12-831	NEW-P	90-12-100
230-20-325	AMD-W	90-10-098	232-16-710	NEW-P	90-13-098
230-20-698	NEW	90-05-033	232-16-720	NEW-P	90-13-099
230-30-050	AMD-E	90-15-043	232-28-022	NEW-P	90-04-100
230-30-050	AMD-P	90-15-064	232-28-022	NEW	90-13-049
230-30-050	AMD-W	90-16-062	232-28-215	REP-P	90-13-100
230-30-050	AMD-P	90-16-063	232-28-218	REP-P	90-04-100
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230-30-052	NEW	90-10-007	232-28-21810	REP-P	90-15-074
230-30-070	AMD	90-05-032	232-28-219	NEW-P	90-06-093
230-30-070	AMD-E	90-06-020	232-28-219	NEW	90-13-044
230-30-070	AMD-P	90-06-021	232-28-220	NEW-P	90-06-094
230-30-070	AMD	90-11-058	232-28-220	NEW	90-13-045
230-30-102	AMD-E	90-15-043	232-28-22001	NEW-P	90-15-073
230-30-102	AMD-P	90-15-064	232-28-221	NEW-P	90-06-095
230-30-102	AMD-W	90-16-062	232-28-221	NEW	90-13-046
230-30-102	AMD-P	90-16-063	232-28-222	NEW-P	90-06-096
230-30-104	AMD-E	90-15-043	232-28-222	NEW	90-13-047
230-30-104	AMD-P	90-15-064	232-28-223	NEW-P	90-06-097
230-30-104	AMD-W	90-16-062	232-28-223	NEW	90-13-048
230-30-104	AMD-P	90-16-063	232-28-224	NEW-P	90-13-100
230-40-010	AMD	90-05-032	232-28-413	REP-P	90-13-101
230-40-120	AMD	90-05-032	232-28-414	NEW-P	90-12-101
230-40-125	NEW	90-05-032	232-28-414	NEW-W	90-13-096
230-40-125	AMD-E	90-07-019	232-28-414	NEW-P	90-13-011
230-40-125	AMD-P	90-07-022	232-28-41401	NEW-E	90-16-037
230-40-125	AMD	90-11-058	232-28-511	REP-P	90-13-102
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230-50-012	AMD-P	90-03-060	232-28-61729	NEW	90-02-071
230-50-012	AMD-E	90-03-061	232-28-61730	NEW-E	90-03-072
230-50-012	AMD	90-07-018	232-28-61731	NEW-E	90-08-066
230-50-560	AMD-E	90-09-073	232-28-61802	NEW-E	90-02-067
230-50-560	AMD-P	90-10-008	232-28-61802	NEW-P	90-04-101
230-50-560	AMD	90-13-022	232-28-61802	NEW	90-08-064
230-50-580	AMD-E	90-09-073	232-28-61803	NEW-E	90-02-068
230-50-580	AMD-P	90-10-008	232-28-61803	NEW-P	90-04-102
230-50-580	AMD	90-13-022	232-28-61803	NEW	90-08-065
230-60-010	AMD	90-03-064	232-28-61804	NEW-E	90-02-069
230-60-020	REP	90-03-064	232-28-61804	NEW-P	90-04-103
230-60-025	AMD	90-03-064	232-28-61804	NEW	90-08-067
230-60-065	AMD-E	90-15-043	232-28-61805	NEW-E	90-02-066
230-60-065	AMD-P	90-15-064	232-28-61805	NEW-P	90-04-104
230-60-065	AMD-W	90-16-062	232-28-61805	NEW	90-08-063
230-60-065	AMD-P	90-16-063	232-28-61806	NEW-P	90-06-086
230-60-100	NEW	90-05-032	232-28-61806	NEW-E	90-09-052
232-12-011	AMD-P	90-04-098	232-28-61807	NEW-P	90-06-087
232-12-011	AMD	90-11-065	232-28-61807	NEW	90-10-069
232-12-011	AMD-W	90-13-074	232-28-61808	NEW-P	90-13-103
232-12-017	AMD-P	90-06-084	232-28-61809	NEW-P	90-14-106
232-12-017	AMD	90-10-067	232-28-61809	NEW-S	90-15-072
232-12-019	AMD-P	90-06-085	232-28-61810	NEW-P	90-14-107
232-12-019	AMD	90-10-068	232-28-61811	NEW-P	90-14-107
232-12-047	AMD-P	90-06-091	232-28-61812	NEW-P	90-16-110
232-12-047	AMD	90-14-108	232-28-712	REP	90-03-083
232-12-051	AMD-P	90-06-092	232-28-713	NEW	90-03-083
232-12-051	AMD	90-14-109	232-28-811	REP-P	90-04-105
232-12-054	AMD	90-03-092	232-28-811	REP	90-11-064
232-12-141	AMD-P	90-13-097	232-28-812	NEW-P	90-04-105
232-12-168	AMD-P	90-14-105	232-28-812	NEW	90-11-064
232-12-177	AMD-P	90-06-089	236-48-198	AMD-P	90-11-011
232-12-177	AMD	90-11-050	236-48-198	AMD	90-16-075
232-12-184	RE-AD-P	90-06-090	246-09-060	NEW-P	90-04-030
232-12-184	RE-AD	90-11-049	246-09-060	NEW	90-08-003
232-12-187	RE-AD-P	90-06-090	248-06-385	AMD	90-06-019
232-12-187	RE-AD	90-11-049	248-08-001	REP	90-06-018
232-12-191	AMD-P	90-06-088	248-08-010	REP	90-06-018
232-12-191	AMD	90-11-051	248-08-020	REP	90-06-018
232-12-227	AMD-P	90-12-099	248-08-030	REP	90-06-018
232-12-251	RE-AD-P	90-06-090	248-08-040	REP	90-06-018
248-08-050	REP	90-06-018	248-08-060	REP	90-06-018
248-08-070	REP	90-06-018	248-08-070	REP	90-06-018
248-08-075	REP	90-06-018	248-08-080	REP	90-06-018
248-08-080	REP	90-06-018	248-08-090	REP	90-06-018
248-08-100	REP	90-06-018	248-08-100	REP	90-06-018
248-08-110	REP	90-06-018	248-08-110	REP	90-06-018
248-08-120	REP	90-06-018	248-08-120	REP	90-06-018
248-08-130	REP	90-06-018	248-08-130	REP	90-06-018
248-08-140	REP	90-06-018	248-08-140	REP	90-06-018
248-08-150	REP	90-06-018	248-08-150	REP	90-06-018
248-08-160	REP	90-06-018	248-08-160	REP	90-06-018
248-08-170	REP	90-06-018	248-08-170	REP	90-06-018
248-08-180	REP	90-06-018	248-08-180	REP	90-06-018
248-08-190	REP	90-06-018	248-08-190	REP	90-06-018
248-08-200	REP	90-06-018	248-08-200	REP	90-06-018
248-08-210	REP	90-06-018	248-08-210	REP	90-06-018
248-08-220	REP	90-06-018	248-08-220	REP	90-06-018
248-08-230	REP	90-06-018	248-08-230	REP	90-06-018
248-08-240	REP	90-06-018	248-08-240	REP	90-06-018
248-08-250	REP	90-06-018	248-08-250	REP	90-06-018
248-08-260	REP	90-06-018	248-08-260	REP	90-06-018
248-08-270	REP	90-06-018	248-08-270	REP	90-06-018
248-08-280	REP	90-06-018	248-08-280	REP	90-06-018
248-08-290	REP	90-06-018	248-08-290	REP	90-06-018
248-08-300	REP	90-06-018	248-08-300	REP	90-06-018
248-08-310	REP	90-06-018	248-08-310	REP	90-06-018
248-08-320	REP	90-06-018	248-08-320	REP	90-06-018
248-08-330	REP	90-06-018	248-08-330	REP	90-06-018
248-08-340	REP	90-06-018	248-08-340	REP	90-06-018
248-08-350	REP	90-06-018	248-08-350	REP	90-06-018
248-08-360	REP	90-06-018	248-08-360	REP	90-06-018
248-08-370	REP	90-06-018	248-08-370	REP	90-06-018
248-08-380	REP	90-06-018	248-08-380	REP	90-06-018
248-08-390	REP	90-06-018	248-08-390	REP	90-06-018
248-08-400	REP	90-06-018	248-08-400	REP	90-06-018
248-08-410	AMD	90-06-018	248-08-410	AMD	90-06-018
248-08-413	NEW	90-06-018	248-08-413	NEW	90-06-018
248-08-420	REP	90-06-018	248-08-420	REP	90-06-018
248-08-425	NEW	90-06-018	248-08-425	NEW	90-06-018
248-08-428	NEW	90-06-018	248-08-428	NEW	90-06-018
248-08-430	REP	90-06-018	248-08-430	REP	90-06-018
248-08-431	NEW	90-06-018	248-08-431	NEW	90-06-018
248-08-434	NEW	90-06-018	248-08-434	NEW	90-06-018
248-08-437	NEW	90-06-018	248-08-437	NEW	90-06-018
248-08-440	AMD	90-06-018	248-08-440	AMD	90-06-018
248-08-446	NEW	90-06-018	248-08-446	NEW	90-06-018
248-08-449	NEW	90-06-018	248-08-449	NEW	90-06-018
248-08-450	REP	90-06-018	248-08-450	REP	90-06-018
248-08-452	NEW	90-06-018	248-08-452	NEW	90-06-018
248-08-460	REP	90-06-018	248-08-460	REP	90-06-018
248-08-461	NEW	90-06-018	248-08-461	NEW	90-06-018
248-08-464	NEW	90-06-018	248-08-464	NEW	90-06-018
248-08-470	AMD	90-06-018	248-08-470	AMD	90-06-018
248-08-480	REP	90-06-018	248-08-480	REP	90-06-018
248-08-490	REP	90-06-018	248-08-490	REP	90-06-018
248-08-500	REP	90-06-018	248-08-500	REP	90-06-018
248-08-510	REP	90-06-018	248-08-510	REP	90-06-018
248-08-515	NEW	90-06-018	248-08-515	NEW	90-06-018
248-08-520	REP	90-06-018	248-08-520	REP	90-06-018
248-08-525	NEW	90-06-018	248-08-525	NEW	90-06-018
248-08-530	REP	90-06-018	248-08-530	REP	90-06-018
248-08-535	NEW	90-06-018	248-08-535	NEW	90-06-018
248-08-540	REP	90-06-018	248-08-540	REP	90-06-018
248-08-545	NEW	90-06-018	248-08-545	NEW	90-06-018
248-08-550	REP	90-06-018	248-08-550	REP	90-06-018
248-08-560	REP	90-06-018	248-08-560	REP	90-06-018
248-08-565	NEW	90-06-018	248-08-565	NEW	90-06-018
248-08-570	REP	90-06-018	248-08-570	REP	90-06-018
248-08-575	NEW	90-06-018	248-08-575	NEW	90-06-018
248-08-580	REP	90-06-018	248-08-580	REP	90-06-018
248-08-590	REP	90-06-018	248-08-590	REP	90-06-018
248-08-700	REP	90-06-018	248-08-700	REP	90-06-018
248-08-705	REP	90-06-018	248-08-705	REP	90-06-018
248-08-710	REP	90-06-018	248-08-710	REP	90-06-018
248-08-715	REP	90-06-018	248-08-715	REP	90-06-018

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
248-08-720	REP	90-06-018	248-18-680	AMD-P	90-08-099	248-38-001	NEW-P	90-14-128
248-08-725	REP	90-06-018	248-18-680	AMD	90-12-014	248-38-010	NEW-P	90-14-128
248-08-730	REP	90-06-018	248-18-685	AMD-P	90-08-099	248-38-020	NEW-P	90-14-128
248-08-735	REP	90-06-018	248-18-685	AMD	90-12-014	248-38-030	NEW-P	90-14-128
248-08-740	REP	90-06-018	248-18-690	AMD-P	90-08-099	248-38-040	NEW-P	90-14-128
248-08-750	REP	90-06-018	248-18-690	AMD	90-12-014	248-38-050	NEW-P	90-14-128
248-08-755	REP	90-06-018	248-18-695	AMD-P	90-08-099	248-38-060	NEW-P	90-14-128
248-08-760	REP	90-06-018	248-18-695	AMD	90-12-014	248-38-070	NEW-P	90-14-128
248-08-765	REP	90-06-018	248-18-705	AMD-P	90-08-099	248-38-080	NEW-P	90-14-128
248-08-770	REP	90-06-018	248-18-705	AMD	90-12-014	248-38-090	NEW-P	90-14-128
248-08-775	REP	90-06-018	248-18-719	AMD-P	90-08-099	248-38-100	NEW-P	90-14-128
248-08-780	REP	90-06-018	248-18-719	AMD	90-12-014	248-38-110	NEW-P	90-14-128
248-08-785	REP	90-06-018	248-18-99902	AMD-P	90-08-099	248-38-120	NEW-P	90-14-128
248-08-790	REP	90-06-018	248-18-99902	AMD	90-12-014	248-55-220	AMD	90-06-019
248-08-800	REP	90-06-018	248-19-220	AMD	90-02-093	248-55-230	REP	90-06-019
248-08-805	REP	90-06-018	248-19-220	AMD-P	90-14-127	248-55-235	NEW	90-06-019
248-08-810	REP	90-06-018	248-19-231	AMD-P	90-14-126	248-55-240	AMD	90-06-019
248-08-815	REP	90-06-018	248-19-235	NEW-P	90-14-126	248-55-250	REP	90-06-019
248-08-820	REP	90-06-018	248-19-373	REP-P	90-08-105	248-55-260	REP	90-06-019
248-08-825	REP	90-06-018	248-19-373	REP	90-12-072	248-58-085	NEW	90-06-049
248-08-830	REP	90-06-018	248-19-375	REP-P	90-08-105	248-59-030	AMD	90-06-019
248-08-835	REP	90-06-018	248-19-375	REP	90-12-072	248-59-040	REP	90-06-019
248-08-840	REP	90-06-018	248-19-403	REP-P	90-08-105	248-59-050	REP	90-06-019
248-08-845	REP	90-06-018	248-19-403	REP	90-12-072	248-59-060	REP	90-06-019
248-14-001	AMD-P	90-13-031	248-19-480	AMD	90-06-019	248-59-070	REP	90-06-019
248-14-070	AMD-C	90-04-015	248-19-600	NEW-P	90-10-022	248-59-080	REP	90-06-019
248-14-070	AMD	90-04-071	248-19-600	NEW	90-13-116	248-63-025	AMD	90-06-049
248-14-080	AMD-P	90-13-031	248-19-601	NEW-P	90-12-096	248-91-060	AMD	90-06-019
248-14-240	AMD-P	90-13-031	248-19-601	NEW	90-16-058	248-97-130	AMD	90-06-049
248-14-249	NEW-P	90-13-031	248-19-700	NEW-P	90-12-096	248-97-135	NEW	90-06-049
248-15-110	AMD	90-06-019	248-19-700	NEW	90-16-058	248-98-001	AMD-P	90-02-072
248-16-031	AMD	90-06-019	248-19-701	NEW-P	90-12-096	248-98-001	AMD	90-07-010
248-17-060	AMD	90-06-019	248-19-701	NEW	90-16-058	248-98-003	NEW-P	90-02-072
248-17-213	AMD-P	90-14-042	248-19-800	NEW-P	90-08-102	248-98-003	NEW	90-07-010
248-17-213	AMD-E	90-14-044	248-19-800	NEW	90-12-071	248-98-005	NEW-P	90-02-072
248-17-230	AMD	90-06-019	248-19-805	NEW-P	90-08-102	248-98-005	NEW	90-07-010
248-18-010	AMD-P	90-08-099	248-19-805	NEW	90-12-071	248-98-010	AMD-P	90-02-072
248-18-010	AMD	90-12-014	248-19-806	NEW-P	90-08-102	248-98-010	AMD	90-07-010
248-18-015	AMD	90-06-019	248-19-806	NEW	90-12-071	248-98-015	NEW-P	90-02-072
248-18-018	AMD-P	90-08-099	248-19-810	NEW-P	90-08-105	248-98-015	NEW	90-07-010
248-18-018	AMD	90-12-014	248-19-810	NEW	90-12-072	248-98-020	AMD-P	90-02-072
248-18-020	AMD-P	90-08-099	248-19-811	NEW-P	90-08-105	248-98-020	AMD	90-07-010
248-18-020	AMD	90-12-014	248-19-811	NEW	90-12-072	248-98-025	NEW-P	90-02-072
248-18-221	AMD-P	90-08-099	248-19-820	NEW-P	90-08-105	248-98-025	NEW	90-07-010
248-18-221	AMD	90-12-014	248-19-840	NEW-P	90-08-105	248-98-030	AMD-P	90-02-072
248-18-245	AMD-P	90-08-099	248-19-840	NEW	90-12-072	248-98-030	AMD	90-07-010
248-18-245	AMD	90-12-014	248-19-860	NEW-P	90-08-105	248-98-035	NEW-P	90-02-072
248-18-510	AMD-P	90-08-099	248-19-860	NEW	90-12-072	248-98-035	NEW	90-07-010
248-18-510	AMD	90-12-014	248-19-880	NEW-P	90-08-103	248-98-040	AMD-P	90-02-072
248-18-520	AMD-P	90-08-099	248-19-880	NEW-W	90-10-083	248-98-040	AMD	90-07-010
248-18-520	AMD	90-12-014	248-19-882	NEW-P	90-08-103	248-98-045	NEW-P	90-02-072
248-18-525	AMD-P	90-08-099	248-19-882	NEW-W	90-10-083	248-98-045	NEW	90-07-010
248-18-525	AMD	90-12-014	248-19-884	NEW-P	90-08-103	248-98-050	AMD-P	90-02-072
248-18-530	AMD-P	90-08-099	248-19-884	NEW-W	90-10-083	248-98-050	AMD	90-07-010
248-18-530	AMD	90-12-014	248-19-886	NEW-P	90-08-103	248-98-060	AMD-P	90-02-072
248-18-534	AMD-P	90-08-099	248-19-886	NEW-W	90-10-083	248-98-060	AMD	90-07-010
248-18-534	AMD	90-12-014	248-21-005	AMD	90-05-038	248-98-080	AMD-P	90-02-072
248-18-555	AMD-P	90-08-099	248-22-005	AMD	90-06-019	248-98-080	AMD	90-07-010
248-18-555	AMD	90-12-014	248-23-010	AMD	90-06-019	248-98-085	NEW-P	90-02-072
248-18-560	AMD-P	90-08-099	248-25-010	AMD	90-06-019	248-98-085	NEW	90-07-010
248-18-560	AMD	90-12-014	248-26-020	AMD	90-06-019	248-98-090	AMD-P	90-02-072
248-18-565	AMD-P	90-08-099	248-27-025	AMD	90-06-019	248-98-090	AMD	90-07-010
248-18-565	AMD	90-12-014	248-27-035	AMD	90-06-019	248-98-095	NEW-P	90-02-072
248-18-568	AMD-P	90-08-099	248-27-045	AMD	90-06-019	248-98-095	NEW	90-07-010
248-18-568	AMD	90-12-014	248-27-055	AMD	90-06-019	248-98-098	NEW-P	90-02-072
248-18-640	AMD-P	90-08-099	248-29-020	AMD	90-06-019	248-98-098	NEW	90-07-010
248-18-640	AMD	90-12-014	248-31-025	AMD	90-06-019	248-98-100	AMD-P	90-02-072
248-18-645	AMD-P	90-08-099	248-31-035	AMD	90-06-019	248-98-100	AMD	90-07-010
248-18-645	AMD	90-12-014	248-31-045	AMD	90-06-019	248-98-102	NEW-P	90-02-072
248-18-650	AMD-P	90-08-099	248-31-055	AMD	90-06-019	248-98-102	NEW	90-07-010
248-18-650	AMD	90-12-014	248-33-040	AMD	90-05-038	248-98-104	NEW-P	90-02-072
248-18-660	AMD-P	90-08-099	248-33-060	REP	90-05-038	248-98-104	NEW	90-07-010
248-18-660	AMD	90-12-014	248-33-080	REP	90-05-038	248-98-110	AMD-P	90-02-072
248-18-665	AMD-P	90-08-099	248-36-025	AMD	90-06-019	248-98-110	AMD	90-07-010
248-18-665	AMD	90-12-014	248-36-035	AMD	90-06-019	248-98-120	AMD-P	90-02-072
248-18-675	AMD-P	90-08-099	248-36-045	AMD	90-06-019	248-98-120	AMD	90-07-010
248-18-675	AMD	90-12-014	248-36-055	AMD	90-06-019	248-98-130	NEW-P	90-02-072

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
248-98-130	NEW 90-07-010	250-69-060	NEW-P 90-04-068	250-73-010	NEW-P 90-12-092
248-98-135	NEW-P 90-02-072	250-69-060	NEW 90-09-003	250-73-010	NEW 90-16-029
248-98-135	NEW 90-07-010	250-69-070	NEW-P 90-04-068	250-73-015	NEW-P 90-12-092
248-98-998	NEW-P 90-02-072	250-69-070	NEW 90-09-003	250-73-015	NEW 90-16-029
248-98-998	NEW 90-07-010	250-69-080	NEW-P 90-04-068	250-73-020	NEW-P 90-12-092
248-98-999	REP-P 90-02-072	250-69-080	NEW 90-09-003	250-73-020	NEW 90-16-029
248-98-999	REP 90-07-010	250-69-090	NEW-P 90-04-068	250-73-025	NEW-P 90-12-092
248-100-016	AMD-P 90-02-095	250-69-090	NEW 90-09-003	250-73-025	NEW 90-16-029
248-100-016	AMD 90-07-033	250-69-100	NEW-P 90-04-068	250-73-030	NEW-P 90-12-092
248-100-021	AMD-P 90-06-063	250-69-100	NEW 90-09-003	250-73-030	NEW 90-16-029
248-100-021	AMD 90-10-036	250-69-110	NEW-P 90-04-068	250-73-035	NEW-P 90-12-092
248-100-086	AMD-P 90-06-063	250-69-110	NEW 90-09-003	250-73-035	NEW 90-16-029
248-100-086	AMD 90-10-036	250-70	NEW-C 90-14-029	250-73-040	NEW-P 90-12-092
248-100-217	NEW-P 90-06-063	250-70-010	NEW-P 90-11-130	250-73-040	NEW 90-16-029
248-100-217	NEW 90-10-036	250-70-010	NEW 90-16-023	250-73-045	NEW-P 90-12-092
248-101-010	REP-P 90-16-098	250-70-020	NEW-P 90-11-130	250-73-045	NEW 90-16-029
248-101-011	NEW-P 90-16-098	250-70-020	NEW 90-16-023	250-74-010	NEW-P 90-16-082
248-101-020	AMD-E 90-11-038	250-70-030	NEW-P 90-11-130	250-74-020	NEW-P 90-16-082
248-101-020	REP-P 90-16-098	250-70-030	NEW 90-16-023	250-74-030	NEW-P 90-16-082
248-101-021	NEW-P 90-16-098	250-70-040	NEW-P 90-11-130	250-74-040	NEW-P 90-16-082
248-101-220	NEW-E 90-11-038	250-70-040	NEW 90-16-023	250-74-050	NEW-P 90-16-082
248-101-220	REP-P 90-16-098	250-70-050	NEW-P 90-11-130	250-74-060	NEW-P 90-16-082
248-101-221	NEW-P 90-16-098	250-70-050	NEW 90-16-023	250-75-010	NEW-P 90-16-093
248-106-001	NEW 90-02-094	250-70-060	NEW-P 90-11-130	250-75-020	NEW-P 90-16-093
248-106-010	NEW 90-02-094	250-70-060	NEW 90-16-023	250-75-030	NEW-P 90-16-093
248-106-020	NEW 90-02-094	250-70-070	NEW-P 90-11-130	250-75-040	NEW-P 90-16-093
248-106-030	NEW-P 90-08-104	250-70-070	NEW 90-16-023	250-75-050	NEW-P 90-16-093
248-140-200	AMD 90-05-038	250-70-080	NEW-P 90-11-130	250-75-060	NEW-P 90-16-093
248-144-031	AMD 90-06-049	250-70-080	NEW 90-16-023	250-75-070	NEW-P 90-16-093
248-168-010	AMD-P 90-11-063	250-70-090	NEW-P 90-11-130	250-75-080	NEW-P 90-16-093
248-168-015	NEW-P 90-11-063	250-70-090	NEW 90-16-023	251-01-180	AMD-P 90-09-075
248-168-020	AMD-P 90-11-063	250-70-100	NEW-P 90-11-130	251-01-180	AMD 90-14-018
248-168-030	AMD-P 90-11-063	250-70-100	NEW 90-16-023	251-04-040	AMD 90-06-023
248-168-040	AMD-P 90-11-063	250-71-010	NEW-E 90-10-002	251-04-040	AMD-E 90-13-015
248-168-050	AMD-P 90-11-063	250-71-010	NEW-P 90-11-108	251-04-040	AMD-P 90-13-120
248-168-060	AMD-P 90-11-063	250-71-015	NEW-E 90-10-002	251-09-085	NEW-W 90-06-082
248-168-070	NEW-P 90-11-063	250-71-015	NEW-P 90-11-108	251-09-090	AMD-C 90-06-083
248-170-001	NEW 90-04-082	250-71-020	NEW-E 90-10-002	251-09-090	AMD 90-10-044
248-170-020	NEW 90-04-082	250-71-020	NEW-P 90-11-108	251-09-092	NEW-C 90-06-083
248-170-100	NEW 90-04-082	250-71-025	NEW-E 90-10-002	251-09-092	NEW 90-10-044
248-170-130	NEW 90-04-082	250-71-025	NEW-P 90-11-108	251-09-094	NEW-C 90-06-083
248-170-160	NEW 90-04-082	250-71-030	NEW-E 90-10-002	251-09-094	NEW 90-10-044
248-170-200	NEW 90-04-082	250-71-030	NEW-P 90-11-108	251-12-073	AMD-P 90-09-076
248-170-300	NEW 90-04-082	250-71-035	NEW-E 90-10-002	251-12-073	AMD 90-14-018
248-170-320	NEW 90-04-082	250-71-035	NEW-P 90-11-108	251-12-085	AMD-P 90-09-074
248-180-010	NEW 90-03-052	250-71-040	NEW-E 90-10-002	251-12-085	AMD 90-13-017
248-180-020	NEW 90-03-052	250-71-040	NEW-P 90-11-108	251-12-099	NEW-P 90-09-074
248-320-340	NEW 90-06-018	250-71-045	NEW-E 90-10-002	251-12-099	NEW 90-13-017
248-320-350	NEW 90-06-018	250-71-045	NEW-P 90-11-108	251-18-185	REP-E 90-13-016
248-320-360	NEW 90-06-018	250-71-050	NEW-E 90-10-002	251-18-185	REP-P 90-13-121
248-320-370	NEW 90-06-018	250-71-050	NEW-P 90-11-108	251-18-240	AMD-E 90-13-016
248-320-400	NEW 90-06-018	250-71-055	NEW-E 90-10-002	251-18-240	AMD-P 90-13-121
248-320-410	NEW 90-06-018	250-71-055	NEW-P 90-11-108	251-18-270	REP-E 90-13-016
248-320-500	NEW 90-06-018	250-71-060	NEW-E 90-10-002	251-18-270	REP-P 90-13-121
248-554-030	AMD-C 90-04-016	250-71-060	NEW-P 90-11-108	251-18-280	AMD-E 90-13-016
248-554-030	AMD 90-04-072	250-71-065	NEW-E 90-10-002	251-18-280	AMD-P 90-13-121
250-14-010	NEW-E 90-16-032	250-71-065	NEW-P 90-11-108	251-22-165	AMD-P 90-09-075
250-14-010	NEW-P 90-16-055	250-71-070	NEW-E 90-10-002	251-22-165	AMD 90-14-018
250-20-001	AMD 90-04-067	250-71-070	NEW-P 90-11-108	260-36-190	NEW-E 90-09-010
250-20-011	AMD 90-04-067	250-71-075	NEW-E 90-10-002	260-36-190	NEW-P 90-14-023
250-20-015	AMD 90-04-067	250-71-075	NEW-P 90-11-108	260-36-200	NEW-E 90-09-010
250-20-021	AMD 90-04-067	250-72-010	NEW-P 90-12-093	260-36-200	NEW-P 90-14-023
250-20-031	AMD 90-04-067	250-72-010	NEW 90-16-030	260-40-280	AMD-P 90-14-101
250-20-037	NEW 90-04-067	250-72-015	NEW-P 90-12-093	260-48-327	AMD-W 90-13-072
250-20-041	AMD 90-04-067	250-72-015	NEW 90-16-030	260-48-327	AMD-P 90-14-100
250-20-051	AMD 90-04-067	250-72-020	NEW-P 90-12-093	260-60-060	AMD-P 90-14-067
250-20-071	AMD 90-04-067	250-72-020	NEW 90-16-030	275-16-030	AMD-P 90-14-045
250-69-010	NEW-P 90-04-068	250-72-025	NEW-P 90-12-093	275-16-030	AMD-E 90-14-057
250-69-010	NEW 90-09-003	250-72-025	NEW 90-16-030	275-16-055	AMD-C 90-04-019
250-69-020	NEW-P 90-04-068	250-72-030	NEW-P 90-12-093	275-16-055	AMD 90-04-075
250-69-020	NEW 90-09-003	250-72-030	NEW 90-16-030	275-19-050	AMD-C 90-04-017
250-69-030	NEW-P 90-04-068	250-72-035	NEW-P 90-12-093	275-19-050	AMD 90-04-073
250-69-030	NEW 90-09-003	250-72-035	NEW 90-16-030	275-20-080	AMD-C 90-04-018
250-69-040	NEW-P 90-04-068	250-72-040	NEW 90-12-093	275-20-080	AMD 90-04-074
250-69-040	NEW 90-09-003	250-72-040	NEW 90-16-030	275-26-022	AMD-C 90-04-018
250-69-050	NEW-P 90-04-068	250-72-045	NEW-P 90-12-093	275-26-022	AMD 90-04-074
250-69-050	NEW 90-09-003	250-72-045	NEW 90-16-030	275-27-500	AMD-C 90-04-018

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
275-27-500	AMD	90-04-074	275-56-280	REP	90-03-113	284-24-060	AMD	90-13-041
275-36-310	AMD-C	90-04-018	275-56-285	AMD	90-03-113	284-24-100	AMD-P	90-10-056
275-36-310	AMD	90-04-074	275-56-290	AMD	90-03-113	284-24-100	AMD	90-13-041
275-38-770	AMD-E	90-11-005	275-56-295	AMD	90-03-113	284-49-010	NEW-E	90-12-095
275-38-770	AMD-P	90-11-007	275-56-300	AMD	90-03-113	284-49-010	NEW-P	90-16-087
275-38-770	AMD	90-15-017	275-56-305	AMD	90-03-113	284-49-020	NEW-E	90-12-095
275-38-860	AMD-E	90-11-005	275-56-310	REP	90-03-113	284-49-020	NEW-P	90-16-087
275-38-860	AMD-P	90-11-007	275-56-315	REP	90-03-113	284-49-050	NEW-E	90-12-095
275-38-860	AMD	90-15-017	275-56-320	REP	90-03-113	284-49-050	NEW-P	90-16-087
275-38-906	AMD-E	90-11-005	275-56-325	REP	90-03-113	284-49-100	NEW-E	90-12-095
275-38-906	AMD-P	90-11-007	275-56-330	REP	90-03-113	284-49-100	NEW-P	90-16-087
275-38-906	AMD	90-15-017	275-56-335	AMD	90-03-113	284-49-115	NEW-E	90-12-095
275-38-960	AMD-C	90-04-018	275-56-340	AMD	90-03-113	284-49-115	NEW-P	90-16-087
275-38-960	AMD	90-04-074	275-56-345	REP	90-03-113	284-49-300	NEW-E	90-12-095
275-56-005	AMD	90-03-113	275-56-350	REP	90-03-113	284-49-300	NEW-P	90-16-087
275-56-010	AMD	90-03-113	275-56-355	AMD	90-03-113	284-49-330	NEW-E	90-12-095
275-56-015	AMD	90-03-113	275-56-360	REP	90-03-113	284-49-330	NEW-P	90-16-087
275-56-016	NEW	90-03-113	275-56-365	AMD	90-03-113	284-49-500	NEW-E	90-12-095
275-56-017	NEW	90-03-113	275-56-370	REP	90-03-113	284-49-500	NEW-P	90-16-087
275-56-020	AMD	90-03-113	275-56-375	REP	90-03-113	284-49-510	NEW-E	90-12-095
275-56-025	AMD	90-03-113	275-56-380	REP	90-03-113	284-49-510	NEW-P	90-16-087
275-56-030	REP	90-03-113	275-56-385	AMD	90-03-113	284-49-520	NEW-E	90-12-095
275-56-035	AMD	90-03-113	275-56-390	REP	90-03-113	284-49-520	NEW-P	90-16-087
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275-56-042	NEW	90-03-113	275-56-400	AMD	90-03-113	284-49-900	NEW-P	90-16-087
275-56-043	NEW	90-03-113	275-56-405	REP	90-03-113	284-49-999	NEW-E	90-12-095
275-56-050	AMD	90-03-113	275-56-410	REP	90-03-113	284-49-999	NEW-P	90-16-087
275-56-055	AMD	90-03-113	275-56-415	REP	90-03-113	284-55-010	REP-P	90-04-089
275-56-060	AMD	90-03-113	275-56-420	REP	90-03-113	284-55-010	AMD-P	90-13-085
275-56-065	AMD	90-03-113	275-56-425	AMD	90-03-113	284-55-020	REP-P	90-04-089
275-56-070	AMD	90-03-113	275-56-430	REP	90-03-113	284-55-020	AMD-P	90-13-085
275-56-075	AMD	90-03-113	275-56-435	REP	90-03-113	284-55-030	REP-P	90-04-089
275-56-080	AMD	90-03-113	275-56-440	REP	90-03-113	284-55-030	AMD-P	90-13-085
275-56-085	AMD	90-03-113	275-56-445	AMD	90-03-113	284-55-035	REP-P	90-04-089
275-56-087	NEW	90-03-113	275-56-450	REP	90-03-113	284-55-040	REP-P	90-04-089
275-56-088	NEW	90-03-113	275-56-465	NEW	90-03-113	284-55-045	REP-P	90-04-089
275-56-089	NEW	90-03-113	275-56-475	NEW	90-03-113	284-55-050	REP-P	90-04-089
275-56-090	AMD	90-03-113	275-56-485	NEW	90-03-113	284-55-060	REP-P	90-04-089
275-56-095	AMD	90-03-113	275-56-495	NEW	90-03-113	284-55-065	REP-P	90-04-089
275-56-095	AMD-C	90-04-019	275-56-505	NEW	90-03-113	284-55-067	REP-P	90-04-089
275-56-095	AMD-W	90-04-069	275-56-515	NEW	90-03-113	284-55-070	REP-P	90-04-089
275-56-100	AMD	90-03-113	275-110-050	AMD-P	90-13-113	284-55-080	REP-P	90-04-089
275-56-105	AMD	90-03-113	275-110-050	AMD	90-16-086	284-55-090	REP-P	90-04-089
275-56-110	AMD	90-03-113	275-110-060	AMD-P	90-13-113	284-55-095	REP-P	90-04-089
275-56-115	AMD	90-03-113	275-110-060	AMD	90-16-086	284-55-115	REP-P	90-04-089
275-56-120	REP	90-03-113	275-110-070	AMD-P	90-13-113	284-55-120	REP-P	90-04-089
275-56-125	REP	90-03-113	275-110-070	AMD	90-16-086	284-55-125	REP-P	90-04-089
275-56-130	REP	90-03-113	275-110-080	AMD-P	90-13-113	284-55-150	REP-P	90-04-089
275-56-135	AMD	90-03-113	275-110-080	AMD	90-16-086	284-55-155	REP-P	90-04-089
275-56-140	REP	90-03-113	275-115-005	NEW-P	90-14-046	284-55-160	REP-P	90-04-089
275-56-145	REP	90-03-113	275-115-005	NEW-E	90-14-059	284-55-165	REP-P	90-04-089
275-56-150	AMD	90-03-113	275-115-010	NEW-P	90-14-046	284-55-172	REP-P	90-04-089
275-56-155	REP	90-03-113	275-115-010	NEW-E	90-14-059	284-55-172	REP-P	90-13-085
275-56-160	REP	90-03-113	275-115-020	NEW-P	90-14-046	284-55-177	REP-P	90-04-089
275-56-165	REP	90-03-113	275-115-020	NEW-E	90-14-059	284-55-177	REP-P	90-13-085
275-56-170	AMD	90-03-113	275-115-030	NEW-P	90-14-046	284-55-180	REP-P	90-04-089
275-56-175	AMD	90-03-113	275-115-030	NEW-E	90-14-059	284-55-185	REP-P	90-04-089
275-56-180	AMD	90-03-113	275-115-040	NEW-P	90-14-046	284-55-190	REP-P	90-04-089
275-56-185	AMD	90-03-113	275-115-040	NEW-E	90-14-059	284-55-205	REP-P	90-04-089
275-56-190	REP	90-03-113	275-115-050	NEW-P	90-14-046	284-55-210	REP-P	90-04-089
275-56-195	AMD	90-03-113	275-115-050	NEW-E	90-14-059	284-66-010	NEW-P	90-04-089
275-56-200	AMD	90-03-113	275-115-060	NEW-P	90-14-046	284-66-010	NEW	90-07-059
275-56-205	AMD	90-03-113	284-02-020	AMD-P	90-14-104	284-66-020	NEW-P	90-04-089
275-56-210	AMD	90-03-113	284-03-060	AMD-P	90-15-022	284-66-020	NEW	90-07-059
275-56-215	AMD	90-03-113	284-12-010	REP	90-04-060	284-66-030	NEW-P	90-04-089
275-56-220	AMD	90-03-113	284-12-030	REP	90-04-060	284-66-030	NEW	90-07-059
275-56-225	AMD	90-03-113	284-12-040	REP	90-04-060	284-66-040	NEW-P	90-04-089
275-56-230	AMD	90-03-113	284-12-040	REP	90-04-060	284-66-040	NEW	90-07-059
275-56-235	AMD	90-03-113	284-12-080	AMD	90-04-042	284-66-050	NEW-P	90-04-089
275-56-240	AMD	90-03-113	284-17-121	NEW	90-04-060	284-66-050	NEW	90-07-059
275-56-245	AMD	90-03-113	284-17-122	NEW	90-04-060	284-66-060	NEW-P	90-04-089
275-56-250	REP	90-03-113	284-17-123	NEW	90-04-060	284-66-060	NEW	90-07-059
275-56-255	REP	90-03-113	284-24-015	AMD-P	90-10-056	284-66-070	NEW-P	90-04-089
275-56-260	AMD	90-03-113	284-24-015	AMD	90-13-041	284-66-070	NEW	90-07-059
275-56-265	REP	90-03-113	284-24-055	NEW-P	90-10-056	284-66-080	NEW-P	90-04-089
275-56-270	REP	90-03-113	284-24-055	NEW	90-13-041	284-66-080	NEW	90-07-059
275-56-275	AMD	90-03-113	284-24-060	AMD-P	90-10-056	284-66-090	NEW-P	90-04-089

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284-66-100	NEW-P 90-04-089	292-12-050	NEW-P 90-03-095	296-06-170	AMD-P 90-02-089
284-66-100	NEW 90-07-059	292-12-050	NEW-E 90-08-077	296-06-170	AMD 90-07-004
284-66-110	NEW-P 90-04-089	292-12-050	NEW 90-10-059	296-06-990	REP-P 90-02-089
284-66-110	NEW 90-07-059	292-12-060	NEW-P 90-03-095	296-06-990	REP 90-07-004
284-66-120	NEW-P 90-04-089	292-12-060	NEW-E 90-08-077	296-06-99001	REP-P 90-02-089
284-66-120	NEW 90-07-059	292-12-060	NEW 90-10-059	296-06-99001	REP 90-07-004
284-66-130	NEW-P 90-04-089	292-12-070	NEW-P 90-03-095	296-14-010	AMD-P 90-13-112
284-66-130	NEW 90-07-059	292-12-070	NEW-E 90-08-077	296-14-400	AMD 90-04-007
284-66-140	NEW-P 90-04-089	292-12-070	NEW 90-10-059	296-14-400	AMD-P 90-13-112
284-66-140	NEW 90-07-059	292-12-080	NEW-P 90-03-095	296-14-410	NEW-P 90-13-112
284-66-150	NEW-P 90-04-089	292-12-080	NEW-E 90-08-077	296-14-420	NEW-P 90-13-112
284-66-150	NEW 90-07-059	292-12-080	NEW 90-10-059	296-14-970	NEW-E 90-12-105
284-66-160	NEW-P 90-04-089	292-12-090	NEW-P 90-03-095	296-14-970	NEW-P 90-12-103
284-66-160	NEW 90-07-059	292-12-090	NEW-E 90-08-077	296-15-020	AMD-P 90-09-071
284-66-170	NEW-P 90-04-089	292-12-090	NEW 90-10-059	296-15-020	AMD 90-14-036
284-66-170	NEW 90-07-059	292-12-110	NEW-P 90-03-095	296-15-070	AMD-P 90-09-072
284-66-180	NEW-P 90-04-089	292-12-110	NEW-E 90-08-077	296-15-070	AMD 90-14-009
284-66-180	NEW 90-07-059	292-12-110	NEW 90-10-059	296-17-350	AMD-P 90-08-092
284-66-190	NEW-P 90-04-089	292-12-120	NEW-P 90-03-095	296-17-350	AMD-C 90-11-099
284-66-190	NEW 90-07-059	292-12-120	NEW-E 90-08-077	296-17-350	AMD 90-13-018
284-66-200	NEW-P 90-04-089	292-12-120	NEW 90-10-059	296-17-45002	AMD-P 90-08-092
284-66-200	NEW 90-07-059	292-12-130	NEW-P 90-03-095	296-17-45002	AMD-C 90-11-099
284-66-210	NEW-P 90-04-089	292-12-130	NEW-E 90-08-077	296-17-45002	AMD 90-13-018
284-66-210	NEW 90-07-059	292-12-130	NEW 90-10-059	296-17-45003	AMD-P 90-08-092
284-66-220	NEW-P 90-04-089	292-12-140	NEW-P 90-03-095	296-17-45003	AMD-C 90-11-099
284-66-220	NEW 90-07-059	292-12-140	NEW-E 90-08-077	296-17-45003	AMD 90-13-018
284-66-230	NEW-P 90-04-089	292-12-140	NEW 90-10-059	296-17-50904	AMD-P 90-08-092
284-66-230	NEW 90-07-059	292-12-150	NEW-P 90-03-095	296-17-50904	AMD-C 90-11-099
284-66-240	NEW-P 90-04-089	292-12-150	NEW-E 90-08-077	296-17-50904	AMD 90-13-018
284-66-240	NEW 90-07-059	292-12-150	NEW 90-10-059	296-17-519	AMD-P 90-08-092
284-66-250	NEW-P 90-04-089	292-12-160	NEW-P 90-03-095	296-17-519	AMD-C 90-11-099
284-66-250	NEW 90-07-059	292-12-160	NEW-E 90-08-077	296-17-519	AMD 90-13-018
284-66-260	NEW-P 90-04-089	292-12-160	NEW 90-10-059	296-17-532	AMD-P 90-08-092
284-66-260	NEW 90-07-059	292-12-170	NEW-P 90-03-095	296-17-532	AMD-C 90-11-099
284-66-270	NEW-P 90-04-089	292-12-170	NEW-E 90-08-077	296-17-532	AMD 90-13-018
284-66-270	NEW 90-07-059	292-12-170	NEW 90-10-059	296-17-57602	AMD-P 90-08-092
284-66-300	NEW-P 90-04-089	292-12-180	NEW-P 90-03-095	296-17-57602	AMD-C 90-11-099
284-66-300	NEW 90-07-059	292-12-180	NEW-E 90-08-077	296-17-57602	AMD 90-13-018
284-66-310	NEW-P 90-04-089	292-12-180	NEW 90-10-059	296-17-590	AMD-P 90-08-092
284-66-310	NEW 90-07-059	296-04-001	AMD-P 90-06-103	296-17-590	AMD-C 90-11-099
284-66-320	NEW-P 90-04-089	296-04-001	AMD-S 90-07-084	296-17-590	AMD 90-13-018
284-66-320	NEW 90-07-059	296-04-001	AMD-C 90-16-019	296-17-592	AMD-P 90-08-092
284-66-330	NEW-P 90-04-089	296-04-040	AMD 90-10-021	296-17-592	AMD-C 90-11-099
284-66-330	NEW 90-07-059	296-04-042	NEW-P 90-06-104	296-17-592	AMD 90-13-018
284-66-340	NEW-P 90-04-089	296-04-042	NEW-S 90-07-085	296-17-592	AMD 90-08-092
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284-66-350	NEW-P 90-04-089	296-04-160	AMD-P 90-06-103	296-17-59202	NEW-C 90-11-099
284-66-350	NEW 90-07-059	296-04-160	AMD-S 90-07-084	296-17-59202	NEW 90-13-018
284-66-400	NEW-P 90-04-089	296-04-160	AMD-C 90-16-019	296-17-631	AMD-P 90-08-092
284-66-400	NEW 90-07-059	296-04-270	AMD 90-10-020	296-17-631	AMD-C 90-11-099
292-08-010	NEW-P 90-03-095	296-04-340	AMD 90-10-019	296-17-631	AMD 90-13-018
292-08-010	NEW-E 90-08-077	296-04-350	AMD 90-10-019	296-17-634	AMD-P 90-08-092
292-08-010	NEW 90-10-059	296-04-370	AMD 90-10-019	296-17-634	AMD-C 90-11-099
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292-08-030	NEW-P 90-03-095	296-06-020	AMD 90-07-004	296-17-850	AMD 90-13-018
292-08-030	NEW-E 90-08-077	296-06-030	AMD-P 90-02-089	296-17-870	AMD-P 90-16-103
292-08-030	NEW 90-10-059	296-06-030	AMD 90-07-004	296-17-870	AMD-C 90-08-092
292-08-040	NEW-P 90-03-095	296-06-040	AMD-P 90-02-089	296-17-870	AMD 90-11-099
292-08-040	NEW-E 90-08-077	296-06-040	AMD 90-07-004	296-17-870	AMD 90-13-018
292-08-040	NEW 90-10-059	296-06-080	AMD-P 90-02-089	296-17-873	AMD-P 90-16-103
292-08-050	NEW-P 90-03-095	296-06-080	AMD 90-07-004	296-17-87301	AMD-P 90-16-103
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292-12-030	NEW-E 90-08-077	296-06-130	AMD 90-07-004	296-17-885	AMD-C 90-11-099
292-12-030	NEW 90-10-059	296-06-140	AMD-P 90-02-089	296-17-885	AMD 90-13-018
292-12-040	NEW-P 90-03-095	296-06-140	AMD 90-07-004	296-17-895	AMD-P 90-08-092
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296-18A-450	AMD-P	90-09-072	296-24-87003	REP	90-09-026	296-62-07107	AMD-P	90-03-093
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296-18A-480	AMD	90-14-009	296-24-87007	REP-P	90-03-093	296-62-07354	NEW-P	90-15-065
296-18A-500	AMD-P	90-09-072	296-24-87007	REP	90-09-026	296-62-07507	AMD	90-03-029
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296-20-01002	AMD	90-14-009	296-24-87017	NEW	90-09-026	296-62-3000	AMD-P	90-15-065
296-20-01002	AMD	90-14-009	296-24-87019	NEW-P	90-03-093	296-62-3020	AMD-P	90-15-065
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296-20-02001	AMD	90-04-057	296-24-87031	NEW-P	90-03-093	296-62-3050	AMD-P	90-15-065
296-20-02010	AMD	90-04-057	296-24-87031	NEW	90-09-026	296-62-3060	AMD-P	90-15-065
296-20-022	AMD	90-04-057	296-24-87033	NEW-P	90-03-093	296-62-3070	AMD-P	90-15-065
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296-21-013	AMD-P	90-13-111	296-36-210	AMD-P	90-12-106	296-62-3190	AMD-P	90-15-065
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296-24-07501	AMD-W	90-11-041	296-46-23001	NEW-P	90-14-102	296-62-40019	NEW-P	90-12-106
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296-24-086	AMD-W	90-11-041	296-46-23040	NEW-P	90-14-102	296-62-40023	NEW-P	90-12-106
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296-24-16507	AMD	90-03-029	296-46-600	AMD-P	90-14-102	296-116-120	AMD	90-13-065
296-24-16515	AMD	90-03-029	296-46-670	NEW-P	90-14-102	296-116-130	REP-P	90-08-076
296-24-16517	AMD	90-03-029	296-46-700	NEW-P	90-14-102	296-116-130	REP	90-13-077
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296-127-430	NEW-P	90-14-001	296-306	AMD-C	90-05-002	308-31-220	NEW-P	90-06-064
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296-127-450	NEW-E	90-06-008	296-350-030	AMD-P	90-03-093	308-31-240	NEW	90-12-013
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296-127-450	NEW-E	90-14-002	296-401-175	AMD-P	90-12-104	308-31-250	NEW	90-12-013
296-127-460	NEW-E	90-06-008	308-11-030	AMD-P	90-03-107	308-31-260	NEW-P	90-06-064
296-127-460	NEW-P	90-14-001	308-11-030	AMD	90-06-052	308-31-260	NEW	90-12-013
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296-127-470	NEW-E	90-06-008	308-12-031	AMD	90-11-062	308-31-270	NEW	90-12-013
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296-131-140	NEW-C	90-12-069	308-25-047	NEW-W	90-12-002	308-39-220	NEW-P	90-06-101
296-131-140	NEW	90-14-038	308-25-065	AMD	90-04-094	308-40-107	NEW-P	90-04-085
296-155-200	AMD-W	90-11-041	308-25-290	NEW-P	90-10-037	308-40-107	NEW	90-08-011
296-155-225	AMD-P	90-03-093	308-25-290	NEW	90-16-099	308-40-115	NEW-P	90-07-067
296-155-227	NEW-P	90-03-093	308-25-310	NEW-P	90-10-037	308-40-115	NEW	90-11-083
296-155-367	AMD-P	90-12-106	308-25-310	NEW	90-16-099	308-40-125	AMD-E	90-04-083
296-155-480	AMD-P	90-03-093	308-25-320	NEW-P	90-10-037	308-40-125	AMD	90-04-094
296-155-480	AMD	90-09-026	308-25-320	NEW	90-16-099	308-40-130	REP	90-05-039
296-155-485	AMD	90-03-029	308-25-330	NEW-P	90-10-037	308-40-135	NEW	90-05-039
296-155-48531	AMD-P	90-12-106	308-25-330	NEW	90-16-099	308-40-150	NEW-P	90-07-068
296-155-48533	AMD	90-03-029	308-29-045	AMD-P	90-03-107	308-40-150	NEW-P	90-14-079
296-155-505	AMD	90-03-029	308-29-045	AMD	90-06-052	308-40-150	NEW-W	90-14-081
296-155-580	REP-P	90-12-106	308-30-030	AMD-P	90-03-107	308-40-151	NEW-P	90-07-068
296-155-675	AMD	90-03-029	308-30-040	AMD-P	90-03-107	308-40-151	NEW-P	90-14-079
296-155-680	AMD	90-03-029	308-30-050	AMD-P	90-03-107	308-40-151	NEW-W	90-14-081
296-155-680	AMD-P	90-12-106	308-30-060	AMD-P	90-03-107	308-40-152	NEW-P	90-07-068
296-155-682	AMD-P	90-12-106	308-30-070	AMD-P	90-03-107	308-40-152	NEW-P	90-14-079
296-155-690	AMD	90-03-029	308-30-080	AMD-P	90-03-107	308-40-152	NEW-W	90-14-081
296-155-691	AMD-P	90-12-106	308-30-090	AMD-P	90-03-107	308-41-025	REP-P	90-14-043
296-155-692	REP	90-03-029	308-30-100	AMD-P	90-03-107	308-42-045	AMD-P	90-04-095

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308-42-060	AMD-P	90-04-095	308-72-570	AMD	90-13-037	308-120-275	AMD	90-04-094
308-42-060	AMD	90-16-070	308-72-690	AMD-P	90-08-116	308-120-620	NEW	90-04-059
308-42-145	AMD-P	90-04-095	308-72-690	AMD	90-13-037	308-121-030	REP-P	90-12-117
308-42-145	AMD-W	90-16-035	308-77-034	AMD-P	90-08-117	308-121-040	REP-P	90-12-117
308-48-165	REP-P	90-14-098	308-77-034	AMD	90-13-038	308-121-050	REP-P	90-12-117
308-48-800	AMD-P	90-04-110	308-77-040	AMD-P	90-08-117	308-121-055	REP-P	90-12-117
308-48-800	AMD	90-07-024	308-77-040	AMD	90-13-038	308-121-060	REP-P	90-12-117
308-49-100	AMD-P	90-14-098	308-77-040	AMD	90-13-038	308-121-070	REP-P	90-12-117
308-49-130	AMD-P	90-14-098	308-77-120	AMD-P	90-08-117	308-121-110	NEW-P	90-10-084
308-49-140	AMD-P	90-14-098	308-77-120	AMD	90-13-038	308-121-110	NEW-C	90-12-115
308-49-150	AMD-P	90-14-098	308-77-125	NEW-E	90-08-060	308-121-120	NEW-P	90-10-084
308-49-160	REP-P	90-14-098	308-77-125	NEW-P	90-08-119	308-121-120	NEW-C	90-12-115
308-49-162	NEW-P	90-14-098	308-77-125	NEW	90-13-036	308-121-130	NEW-P	90-10-084
308-49-164	NEW-P	90-14-098	308-77-125	NEW-P	90-08-117	308-121-130	NEW-C	90-12-115
308-49-168	NEW-P	90-14-098	308-77-165	NEW	90-13-038	308-121-130	NEW-P	90-10-084
308-49-200	NEW-P	90-14-098	308-78-010	AMD-P	90-08-118	308-121-140	NEW-C	90-12-115
308-50-295	AMD-W	90-03-069	308-78-010	AMD	90-13-039	308-121-140	NEW-P	90-10-084
308-50-295	AMD-P	90-08-107	308-78-030	AMD-P	90-08-118	308-121-145	NEW-P	90-10-084
308-50-310	AMD-W	90-03-069	308-78-030	AMD	90-13-039	308-121-150	NEW-C	90-12-115
308-50-310	AMD-P	90-08-107	308-78-040	AMD-P	90-08-118	308-121-150	NEW-C	90-12-115
308-50-440	AMD	90-04-094	308-78-040	AMD	90-13-039	308-121-155	NEW-P	90-10-084
308-51-120	AMD-P	90-07-069	308-78-070	AMD-P	90-08-118	308-121-155	NEW-C	90-12-115
308-51-120	AMD	90-13-005	308-78-070	AMD	90-13-039	308-121-160	NEW-P	90-10-084
308-51-130	AMD-P	90-07-069	308-91-010	AMD-P	90-10-091	308-121-160	NEW-C	90-12-115
308-51-130	AMD	90-13-005	308-91-010	AMD-W	90-13-057	308-121-160	NEW-C	90-12-115
308-52-100	AMD	90-05-001	308-91-010	AMD-P	90-13-058	308-121-165	NEW-P	90-10-084
308-52-260	AMD-E	90-12-113	308-91-010	AMD	90-16-072	308-121-165	NEW-C	90-12-115
308-52-260	AMD-P	90-12-116	308-91-030	AMD-P	90-10-091	308-121-170	NEW-P	90-10-084
308-52-590	AMD-E	90-04-093	308-91-030	AMD-W	90-13-057	308-121-170	NEW-C	90-12-115
308-52-590	AMD-E	90-06-100	308-91-030	AMD-P	90-13-058	308-121-175	NEW-P	90-10-084
308-52-590	AMD-P	90-08-009	308-91-030	AMD	90-16-072	308-121-175	NEW-C	90-12-115
308-52-690	AMD-E	90-09-007	308-91-040	AMD-P	90-10-091	308-121-180	NEW-P	90-10-084
308-52-690	AMD-E	90-11-044	308-91-040	AMD-W	90-13-057	308-121-180	NEW-C	90-12-115
308-53-075	AMD-P	90-08-106	308-91-040	AMD-P	90-13-058	308-122-275	AMD	90-04-094
308-53-075	AMD	90-11-080	308-91-040	AMD	90-16-072	308-122-500	AMD-E	90-05-016
308-53-084	AMD-P	90-08-106	308-91-050	AMD-P	90-10-091	308-122-500	AMD-P	90-05-040
308-53-084	AMD	90-11-080	308-91-050	AMD-W	90-13-057	308-122-500	AMD-W	90-10-100
308-53-085	AMD-P	90-08-106	308-91-050	AMD-P	90-13-058	308-122-503	REP	90-05-015
308-53-085	AMD	90-11-080	308-91-050	AMD	90-16-072	308-122-503	REP-E	90-05-017
308-53-210	PREP	90-12-065	308-91-060	AMD-P	90-10-091	308-122-550	REP	90-05-015
308-53-265	PREP	90-12-065	308-91-060	AMD-W	90-13-057	308-122-550	REP-E	90-05-017
308-54-315	AMD	90-04-094	308-91-060	AMD-P	90-16-072	308-122-555	REP	90-05-015
308-56A-090	NEW-P	90-14-069	308-91-060	AMD	90-10-091	308-122-555	REP-E	90-05-017
308-56A-090	NEW-E	90-14-072	308-91-070	AMD-P	90-10-091	308-122-560	REP	90-05-015
308-56A-420	AMD-P	90-06-022	308-91-070	AMD-W	90-13-057	308-122-560	REP-E	90-05-017
308-56A-420	AMD	90-10-013	308-91-070	AMD-P	90-13-058	308-122-565	REP	90-05-015
308-56A-500	NEW-P	90-06-015	308-91-080	AMD	90-16-072	308-122-565	REP-E	90-05-017
308-56A-500	NEW-E	90-06-016	308-91-080	AMD-P	90-10-091	308-122-570	REP	90-05-015
308-56A-500	NEW	90-11-091	308-91-080	AMD-W	90-13-057	308-122-570	REP-E	90-05-017
308-56A-505	NEW-P	90-06-015	308-91-080	AMD-P	90-13-058	308-122-575	REP	90-05-015
308-56A-505	NEW-E	90-06-016	308-91-080	AMD	90-16-072	308-122-575	REP-E	90-05-017
308-56A-505	NEW	90-11-091	308-91-090	AMD-P	90-10-091	308-122-580	REP	90-05-015
308-56A-510	NEW-P	90-06-015	308-91-090	AMD-W	90-13-057	308-122-580	REP-E	90-05-017
308-56A-510	NEW-E	90-06-016	308-91-090	AMD-P	90-13-058	308-124C-020	AMD-P	90-10-075
308-56A-510	NEW	90-11-091	308-91-090	AMD	90-16-072	308-124C-020	AMD-W	90-11-008
308-56A-515	NEW-P	90-06-015	308-91-160	REP-P	90-10-091	308-124C-020	AMD-P	90-11-098
308-56A-515	NEW-E	90-06-016	308-91-160	REP-W	90-13-057	308-124E-014	AMD-P	90-02-103
308-56A-515	NEW	90-11-091	308-91-160	REP-P	90-13-058	308-124E-014	AMD-C	90-05-073
308-56A-520	NEW-P	90-06-015	308-91-160	REP	90-16-072	308-124E-014	AMD	90-09-014
308-56A-520	NEW-E	90-06-016	308-93-010	AMD	90-08-018	308-124H	AMD-P	90-02-102
308-56A-520	NEW	90-11-091	308-93-010	AMD	90-08-018	308-124H	AMD-C	90-05-072
308-66-150	AMD-P	90-04-048	308-93-050	AMD	90-08-018	308-124H	AMD	90-10-010
308-66-150	AMD-C	90-12-089	308-93-140	AMD	90-08-018	308-124H-011	NEW-P	90-02-102
308-66-152	NEW-P	90-04-048	308-93-660	NEW	90-08-018	308-124H-011	NEW-C	90-05-072
308-66-152	NEW-C	90-12-089	308-93-670	NEW-P	90-14-071	308-124H-011	NEW	90-10-010
308-66-190	AMD-P	90-06-022	308-93-670	NEW-E	90-14-074	308-124H-020	REP-P	90-02-102
308-66-190	AMD	90-10-013	308-96A-105	AMD-P	90-14-070	308-124H-020	REP-P	90-05-072
308-67-010	NEW	90-03-022	308-96A-105	AMD-E	90-14-073	308-124H-020	REP-C	90-05-072
308-72-509	NEW-P	90-08-116	308-96A-106	NEW-P	90-14-070	308-124H-020	REP	90-10-010
308-72-509	NEW	90-13-037	308-96A-106	NEW-E	90-14-073	308-124H-021	NEW-P	90-02-102
308-72-520	AMD-P	90-08-116	308-96A-120	AMD-P	90-14-070	308-124H-021	NEW-C	90-05-072
308-72-520	AMD	90-13-037	308-96A-120	AMD-E	90-14-073	308-124H-021	NEW	90-10-010
308-72-540	AMD-P	90-08-116	308-100-010	AMD-P	90-14-039	308-124H-025	NEW-P	90-02-102
308-72-540	AMD	90-13-037	308-100-210	NEW-P	90-14-039	308-124H-025	NEW-C	90-05-072
308-72-542	NEW-P	90-08-116	308-104-050	AMD-P	90-14-039	308-124H-025	NEW	90-10-010
308-72-542	NEW	90-13-037	308-104-145	NEW-P	90-14-039	308-124H-030	REP-P	90-02-102
308-72-542			308-115-405	AMD	90-04-094	308-124H-030	REP-C	90-05-072
308-72-542			308-117-500	AMD	90-04-094	308-124H-030	REP	90-10-010

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308-124H-033	REP-C	90-05-072	308-124H-340	NEW	90-10-010	308-127-300	AMD	90-07-023
308-124H-033	REP	90-10-010	308-124H-510	NEW-C	90-05-072	308-128B-060	REP	90-03-098
308-124H-035	AMD-P	90-02-102	308-124H-510	NEW	90-10-010	308-128B-080	AMD	90-03-099
308-124H-035	AMD-C	90-05-072	308-124H-520	NEW-C	90-05-072	308-138-080	AMD	90-04-094
308-124H-035	AMD	90-10-010	308-124H-520	NEW	90-10-010	308-152-030	AMD	90-04-094
308-124H-036	AMD-P	90-02-102	308-124H-530	NEW-C	90-05-072	308-152-030	AMD-P	90-08-009
308-124H-036	AMD-C	90-05-072	308-124H-530	NEW	90-10-010	308-158-010	NEW-P	90-16-097
308-124H-036	AMD	90-10-010	308-124H-540	NEW-C	90-05-072	308-158-020	NEW-P	90-16-097
308-124H-037	AMD-P	90-02-102	308-124H-540	NEW	90-10-010	308-158-030	NEW-P	90-16-097
308-124H-037	AMD-C	90-05-072	308-124H-550	NEW-C	90-05-072	308-158-040	NEW-P	90-16-097
308-124H-037	AMD	90-10-010	308-124H-550	NEW	90-10-010	308-171-001	AMD-P	90-04-096
308-124H-038	REP-P	90-02-102	308-124H-560	NEW-C	90-05-072	308-171-001	AMD	90-16-071
308-124H-038	REP-C	90-05-072	308-124H-560	NEW	90-10-010	308-171-010	AMD-P	90-04-096
308-124H-038	REP	90-10-010	308-124H-570	NEW-C	90-05-072	308-171-010	AMD	90-16-071
308-124H-040	REP-P	90-02-102	308-124H-570	NEW	90-10-010	308-171-020	AMD-P	90-04-096
308-124H-040	REP-C	90-05-072	308-124H-580	NEW-C	90-05-072	308-171-020	AMD	90-16-071
308-124H-040	REP	90-10-010	308-124H-580	NEW	90-10-010	308-171-041	NEW-P	90-04-096
308-124H-041	NEW-P	90-02-102	308-124H-800	NEW-P	90-10-075	308-171-041	NEW-W	90-16-036
308-124H-041	NEW-C	90-05-072	308-124H-800	NEW-W	90-11-008	308-171-041	NEW-P	90-16-096
308-124H-041	NEW	90-10-010	308-124H-800	NEW-P	90-11-098	308-171-045	AMD-P	90-16-096
308-124H-043	REP-P	90-02-102	308-124H-800	NEW-P	90-11-008	308-171-301	AMD-P	90-16-096
308-124H-043	REP-C	90-05-072	308-1241-010	NEW-P	90-02-102	308-171-301	AMD-P	90-16-096
308-124H-043	REP	90-10-010	308-1241-020	NEW-P	90-02-102	308-171-320	AMD-P	90-16-096
308-124H-045	REP-P	90-02-102	308-1241-030	NEW-P	90-02-102	308-173-130	AMD	90-04-094
308-124H-045	REP-C	90-05-072	308-1241-040	NEW-P	90-02-102	308-173-210	NEW-P	90-10-084
308-124H-045	REP	90-10-010	308-1241-050	NEW-P	90-02-102	308-173-210	NEW-C	90-12-115
308-124H-050	REP-P	90-02-102	308-1241-060	NEW-P	90-02-102	308-173-220	NEW-P	90-10-084
308-124H-050	REP-C	90-05-072	308-1241-070	NEW-P	90-02-102	308-173-220	NEW-C	90-12-115
308-124H-050	REP	90-10-010	308-1241-080	NEW-P	90-02-102	308-173-230	NEW-P	90-10-084
308-124H-051	NEW-P	90-02-102	308-1241-090	NEW-P	90-02-102	308-173-230	NEW-C	90-12-115
308-124H-051	NEW-C	90-05-072	308-1241-100	NEW-P	90-02-102	308-173-240	NEW-P	90-10-084
308-124H-051	NEW	90-10-010	308-1241-110	NEW-P	90-02-102	308-173-240	NEW-C	90-12-115
308-124H-055	REP-P	90-02-102	308-1241-120	NEW-P	90-02-102	308-173-245	NEW-P	90-10-084
308-124H-055	REP-C	90-05-072	308-1241-130	NEW-P	90-02-102	308-173-245	NEW-C	90-12-115
308-124H-055	REP	90-10-010	308-1241-140	NEW-P	90-02-102	308-173-250	NEW-P	90-10-084
308-124H-060	REP-P	90-02-102	308-124J-010	NEW-P	90-02-102	308-173-255	NEW-P	90-12-115
308-124H-060	REP-C	90-05-072	308-124J-020	NEW-P	90-02-102	308-173-255	NEW-C	90-12-115
308-124H-060	REP	90-10-010	308-124J-030	NEW-P	90-02-102	308-173-260	NEW-P	90-10-084
308-124H-061	NEW-P	90-02-102	308-124J-040	NEW-P	90-02-102	308-173-260	NEW-C	90-12-115
308-124H-061	NEW-C	90-05-072	308-124J-050	NEW-P	90-02-102	308-173-265	NEW-P	90-10-084
308-124H-061	NEW	90-10-010	308-124J-060	NEW-P	90-02-102	308-173-265	NEW-C	90-12-115
308-124H-062	NEW-P	90-02-102	308-124J-070	NEW-P	90-02-102	308-173-270	NEW-P	90-10-084
308-124H-062	NEW-C	90-05-072	308-124J-080	NEW-P	90-02-102	308-173-270	NEW-C	90-12-115
308-124H-062	NEW	90-10-010	308-127-010	REP-P	90-04-088	308-173-275	NEW-P	90-10-084
308-124H-065	REP-P	90-02-102	308-127-010	REP	90-07-023	308-173-275	NEW-C	90-12-115
308-124H-065	REP-C	90-05-072	308-127-020	REP-P	90-04-088	308-173-280	NEW-P	90-10-084
308-124H-065	REP	90-10-010	308-127-030	REP-P	90-04-088	308-173-280	NEW-C	90-12-115
308-124H-070	REP-P	90-02-102	308-127-030	REP	90-07-023	308-175-140	AMD	90-04-094
308-124H-070	REP-C	90-05-072	308-127-035	NEW-P	90-04-088	308-175-200	AMD-E	90-06-004
308-124H-070	REP	90-10-010	308-127-035	NEW	90-07-023	308-175-200	AMD-P	90-11-019
308-124H-210	NEW-C	90-05-072	308-127-040	AMD-P	90-04-088	308-175-200	AMD	90-14-131
308-124H-210	NEW	90-10-010	308-127-040	AMD	90-07-023	308-177-110	AMD	90-04-094
308-124H-220	NEW-C	90-05-072	308-127-100	REP-P	90-04-088	308-180-120	AMD-P	90-05-053
308-124H-220	NEW	90-10-010	308-127-100	REP	90-07-023	308-180-120	AMD	90-11-093
308-124H-230	NEW-C	90-05-072	308-127-105	NEW-P	90-04-088	308-180-150	AMD-P	90-08-002
308-124H-230	NEW	90-10-010	308-127-105	NEW	90-07-023	308-180-150	AMD	90-12-114
308-124H-240	NEW-C	90-05-072	308-127-110	AMD-P	90-04-088	308-180-210	AMD-P	90-08-002
308-124H-240	NEW	90-10-010	308-127-110	AMD	90-07-023	308-180-210	AMD	90-12-114
308-124H-250	NEW-C	90-05-072	308-127-120	AMD-P	90-04-088	308-180-250	AMD-P	90-08-002
308-124H-250	NEW	90-10-010	308-127-120	AMD	90-07-023	308-180-250	AMD	90-12-114
308-124H-260	NEW-C	90-05-072	308-127-130	AMD-P	90-04-088	308-180-260	AMD	90-04-094
308-124H-260	NEW	90-10-010	308-127-130	AMD	90-07-023	308-180-260	AMD-P	90-08-009
308-124H-270	NEW-C	90-05-072	308-127-140	AMD-P	90-04-088	308-190-010	AMD	90-04-094
308-124H-270	NEW	90-10-010	308-127-140	AMD	90-07-023	308-190-010	AMD-P	90-08-009
308-124H-280	NEW-C	90-05-072	308-127-155	REP-P	90-04-088	308-300	NEW-E	90-14-021
308-124H-280	NEW	90-10-010	308-127-155	REP	90-07-023	308-300	NEW-P	90-14-022
308-124H-290	NEW-C	90-05-072	308-127-160	NEW-P	90-04-088	308-300-075	NEW-E	90-14-021
308-124H-290	NEW	90-10-010	308-127-160	NEW	90-07-023	308-300-075	NEW-P	90-14-022
308-124H-300	NEW-C	90-05-072	308-127-200	AMD-P	90-04-088	308-310-010	AMD	90-04-094
308-124H-300	NEW	90-10-010	308-127-200	AMD	90-07-023	308-320-010	NEW	90-02-060
308-124H-310	NEW-C	90-05-072	308-127-210	AMD-P	90-04-088	308-320-010	NEW-E	90-02-061
308-124H-310	NEW	90-10-010	308-127-210	AMD	90-07-023	308-320-020	NEW	90-02-060
308-124H-320	NEW-C	90-05-072	308-127-220	REP-P	90-04-088	308-320-020	NEW-E	90-02-061
308-124H-320	NEW	90-10-010	308-127-220	REP	90-07-023	308-320-030	NEW	90-02-060
308-124H-330	NEW-C	90-05-072	308-127-225	NEW-P	90-04-088	308-320-030	NEW-E	90-02-061
308-124H-330	NEW	90-10-010	308-127-225	NEW	90-07-023	308-320-040	NEW	90-02-060

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308-320-040	NEW-E 90-02-061	315-33-020	NEW 90-06-060	316-85-050	NEW-P 90-03-040
308-320-050	NEW 90-02-060	315-33-030	NEW-P 90-03-109	316-85-050	NEW 90-06-046
308-320-050	NEW-E 90-02-061	315-33-030	NEW 90-06-060	316-85-060	NEW-P 90-03-040
308-320-060	NEW 90-02-060	315-33-040	NEW-P 90-03-109	316-85-060	NEW 90-06-046
308-320-060	NEW-E 90-02-061	315-33-040	NEW 90-06-060	316-85-070	NEW-P 90-03-040
308-320-070	NEW 90-02-060	315-33-050	NEW-P 90-03-109	316-85-070	NEW 90-06-046
308-320-070	NEW-E 90-02-061	315-33-050	NEW 90-06-060	316-85-080	NEW-P 90-03-040
308-320-080	NEW 90-02-060	315-33-060	NEW-P 90-03-109	316-85-080	NEW 90-06-046
308-320-080	NEW-E 90-02-061	315-33-060	NEW 90-06-060	316-85-090	NEW-P 90-03-040
308-320-090	NEW 90-02-060	315-33-070	NEW-P 90-03-109	316-85-090	NEW 90-06-046
308-320-090	NEW-E 90-02-061	315-33-070	NEW 90-06-060	316-85-100	NEW-P 90-03-040
308-320-100	NEW-W 90-11-068	315-34-010	NEW-P 90-16-094	316-85-100	NEW 90-06-046
308-400-042	AMD 90-04-050	315-34-020	NEW-P 90-16-094	320-08-002	NEW-P 90-14-080
308-400-095	AMD 90-04-050	315-34-030	NEW-P 90-16-094	326-30-030	AMD 90-06-040
314-12-135	NEW-P 90-10-088	315-34-040	NEW-P 90-16-094	326-30-03902	NEW 90-06-041
314-12-135	NEW 90-14-003	315-34-050	NEW-P 90-16-094	326-30-03903	NEW-E 90-13-023
314-12-175	AMD-P 90-10-087	315-34-060	NEW-P 90-16-094	332-24-700	NEW-P 90-12-015
314-12-175	REP 90-14-012	316-55-001	AMD-P 90-03-039	332-24-700	NEW 90-15-061
314-16-170	AMD-P 90-03-088	316-55-001	AMD 90-06-047	332-26-010	NEW-E 90-15-012
314-20-020	AMD-P 90-10-090	316-55-005	NEW-P 90-03-039	332-26-020	NEW-E 90-15-012
314-20-025	NEW-P 90-03-089	316-55-005	NEW 90-06-047	332-26-030	NEW-E 90-15-012
314-40-020	AMD-P 90-10-089	316-55-010	AMD-P 90-03-039	332-26-040	NEW-E 90-15-012
314-40-020	AMD 90-14-004	316-55-010	AMD 90-06-047	332-26-050	NEW-E 90-15-012
314-60-040	AMD 90-02-109	316-55-020	AMD-P 90-03-039	332-26-060	NEW-E 90-15-012
315-04-132	AMD-P 90-07-086	316-55-030	AMD 90-06-047	332-30-166	AMD 90-02-085
315-04-132	AMD 90-11-040	316-55-030	AMD-P 90-03-039	332-130-030	AMD-P 90-03-066
315-06-080	AMD-P 90-07-086	316-55-030	AMD 90-06-047	332-130-030	AMD 90-06-028
315-06-080	AMD 90-11-040	316-55-050	AMD-P 90-03-039	332-130-070	AMD-P 90-03-066
315-08-010	NEW-P 90-07-086	316-55-050	AMD 90-06-047	332-130-070	AMD 90-06-028
315-08-010	NEW 90-11-040	316-55-070	AMD-P 90-03-039	332-130-080	AMD-P 90-03-066
315-08-020	NEW-P 90-07-086	316-55-070	AMD 90-06-047	332-130-080	AMD 90-06-028
315-08-020	NEW 90-11-040	316-55-090	RE-AD-P 90-03-039	332-130-090	AMD-P 90-03-066
315-08-030	NEW-P 90-07-086	316-55-090	RE-AD 90-06-047	332-130-090	AMD 90-06-028
315-08-030	NEW 90-11-040	316-55-110	AMD-P 90-03-039	352-12-020	AMD-P 90-04-108
315-08-040	NEW-P 90-07-086	316-55-110	AMD 90-06-047	352-12-020	AMD 90-07-062
315-08-040	NEW 90-11-040	316-55-120	NEW-P 90-03-039	352-12-020	AMD-E 90-08-121
315-08-480	AMD 90-03-023	316-55-120	NEW 90-06-047	352-12-030	AMD-P 90-04-108
315-11-490	AMD 90-03-023	316-55-130	RE-AD-P 90-03-039	352-12-030	AMD 90-07-062
315-11-491	AMD 90-03-023	316-55-130	RE-AD 90-06-047	352-12-030	AMD-E 90-08-121
315-11-530	NEW-P 90-03-109	316-55-150	RE-AD-P 90-03-039	352-20-010	AMD-P 90-04-108
315-11-530	NEW 90-06-060	316-55-150	RE-AD 90-06-047	352-20-010	AMD 90-07-062
315-11-531	NEW-P 90-03-109	316-55-150	AMD-P 90-03-039	352-20-010	AMD-E 90-08-121
315-11-531	NEW 90-06-060	316-55-160	AMD 90-06-047	352-20-050	AMD-P 90-04-108
315-11-532	NEW-P 90-03-109	316-55-160	AMD 90-06-047	352-20-050	AMD 90-07-062
315-11-532	NEW 90-06-060	316-55-170	RE-AD-P 90-03-039	352-20-050	AMD-E 90-08-121
315-11-532	NEW 90-06-060	316-55-170	RE-AD 90-06-047	352-20-050	AMD-P 90-04-108
315-11-540	NEW-P 90-03-109	316-55-200	AMD-P 90-03-039	352-32-010	AMD-W 90-07-064
315-11-540	NEW 90-06-060	316-55-500	AMD 90-06-047	352-32-010	NEW-E 90-15-075
315-11-541	NEW-P 90-03-109	316-55-505	AMD-P 90-03-039	352-32-011	NEW-P 90-16-105
315-11-541	NEW 90-06-060	316-55-505	AMD 90-06-047	352-32-011	NEW-P 90-16-105
315-11-542	NEW-P 90-03-109	316-55-510	RE-AD-P 90-03-039	352-32-045	AMD-P 90-04-108
315-11-542	NEW 90-06-060	316-55-510	RE-AD 90-06-047	352-32-045	AMD 90-07-062
315-11-550	NEW-P 90-07-086	316-55-515	AMD-P 90-03-039	352-32-045	AMD-E 90-08-121
315-11-550	NEW 90-11-040	316-55-515	AMD 90-06-047	352-32-050	AMD-P 90-04-108
315-11-551	NEW-P 90-07-086	316-55-517	NEW-P 90-03-039	352-32-050	AMD 90-07-062
315-11-551	NEW 90-11-040	316-55-517	NEW 90-06-047	352-32-050	AMD-E 90-08-121
315-11-552	NEW-P 90-07-086	316-55-520	REP-P 90-03-039	352-32-235	AMD 90-04-025
315-11-552	NEW 90-11-040	316-55-520	REP 90-06-047	352-32-250	AMD-P 90-04-108
315-11-560	NEW-P 90-11-127	316-55-525	AMD-P 90-03-039	352-32-250	AMD 90-07-062
315-11-560	NEW 90-15-014	316-55-525	AMD 90-06-047	352-32-250	AMD-E 90-08-121
315-11-561	NEW-P 90-11-127	316-55-600	RE-AD-P 90-03-039	352-32-25001	AMD-P 90-04-108
315-11-561	NEW 90-15-014	316-55-600	RE-AD 90-06-047	352-32-25001	AMD 90-07-062
315-11-562	NEW-P 90-11-127	316-55-700	NEW-P 90-03-039	352-32-25001	AMD-E 90-08-121
315-11-562	NEW 90-15-014	316-55-700	NEW 90-06-047	352-32-251	AMD 90-04-024
315-11-570	NEW-P 90-11-127	316-55-710	NEW-P 90-03-039	352-32-252	AMD-P 90-04-108
315-11-570	NEW 90-15-014	316-55-710	NEW 90-06-047	352-32-252	AMD 90-07-062
315-11-571	NEW-P 90-11-127	316-55-730	NEW-P 90-03-039	352-32-252	AMD-E 90-08-121
315-11-571	NEW 90-15-014	316-55-730	NEW 90-06-047	352-32-270	AMD-P 90-06-108
315-11-571	AMD-P 90-16-094	316-85-001	NEW-P 90-03-040	352-32-270	AMD 90-10-023
315-11-572	NEW-P 90-11-127	316-85-001	NEW 90-06-046	352-36-010	REP-P 90-06-109
315-11-572	NEW 90-15-014	316-85-010	NEW-P 90-03-040	352-36-010	REP 90-10-024
315-11-580	NEW-P 90-16-094	316-85-010	NEW 90-06-046	352-36-020	REP-P 90-06-109
315-11-581	NEW-P 90-16-094	316-85-020	NEW-P 90-03-040	352-36-020	REP 90-10-024
315-11-582	NEW-P 90-16-094	316-85-020	NEW 90-06-046	352-36-025	REP-P 90-06-109
315-32-060	AMD-P 90-16-094	316-85-030	NEW-P 90-03-040	352-36-025	REP 90-10-024
315-33-010	NEW-P 90-03-109	316-85-030	NEW 90-06-046	352-36-030	REP-P 90-06-109
315-33-010	NEW 90-06-060	316-85-040	NEW-P 90-03-040	352-36-030	REP 90-10-024
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356-34-010	AMD-P	90-16-050	356-37-070	NEW-P	90-03-101	371-08-001	NEW-P	90-14-097
356-34-110	REP-P	90-03-101	356-37-070	NEW	90-07-057	371-08-002	NEW-P	90-14-097
356-34-110	REP-C	90-07-053	356-37-080	NEW-P	90-03-101	371-08-005	AMD-P	90-14-097
356-34-110	REP-E	90-10-017	356-37-080	NEW	90-07-057	371-08-010	AMD-P	90-14-097
356-34-110	REP	90-10-018	356-37-090	NEW-P	90-03-101	371-08-015	REP-P	90-14-097
356-34-113	REP-P	90-03-101	356-37-090	NEW	90-07-057	371-08-020	AMD-P	90-14-097
356-34-113	REP-C	90-07-053	356-37-100	NEW-P	90-03-101	371-08-030	AMD-P	90-14-097
356-34-113	REP-E	90-10-017	356-37-100	NEW	90-07-057	371-08-031	REP-P	90-14-097
356-34-113	REP	90-10-018	356-37-110	NEW-P	90-03-101	371-08-032	AMD-P	90-14-097
356-34-115	REP-P	90-03-101	356-37-110	NEW	90-07-057	371-08-033	NEW-P	90-14-097
356-34-115	REP-C	90-07-053	356-37-120	NEW-P	90-03-101	371-08-035	AMD-P	90-14-097
356-34-115	REP-E	90-10-017	356-37-120	NEW	90-07-057	371-08-040	AMD-P	90-14-097
356-34-115	REP	90-10-018	356-37-130	NEW-P	90-03-101	371-08-045	REP-P	90-14-097
356-34-117	REP-P	90-03-101	356-37-130	NEW	90-07-057	371-08-065	AMD-P	90-14-097
356-34-117	REP-C	90-07-053	356-37-140	NEW-P	90-03-101	371-08-071	AMD-P	90-14-097
356-34-117	REP-E	90-10-017	356-37-140	NEW	90-07-057	371-08-075	AMD-P	90-14-097
356-34-117	REP	90-10-018	356-37-150	NEW-P	90-03-101	371-08-080	AMD-P	90-14-097
356-34-118	REP-P	90-03-101	356-37-150	NEW	90-07-057	371-08-085	AMD-P	90-14-097
356-34-118	REP-C	90-07-053	356-42-055	AMD-P	90-03-104	371-08-095	REP-P	90-14-097
356-34-118	REP-E	90-10-017	356-42-055	AMD	90-08-020	371-08-100	AMD-P	90-14-097
356-34-118	REP	90-10-018	356-42-056	NEW-P	90-03-103	371-08-102	REP-P	90-14-097
356-34-119	REP-P	90-03-101	356-46-060	AMD-P	90-07-052	371-08-104	AMD-P	90-14-097
356-34-119	REP-C	90-07-053	356-46-060	AMD	90-12-028	371-08-105	REP-P	90-14-097
356-34-119	REP-E	90-10-017	356-46-135	NEW-P	90-08-071	371-08-106	NEW-P	90-14-097
356-34-119	REP	90-10-018	356-46-135	NEW-C	90-12-016	371-08-110	REP-P	90-14-097
356-34-130	REP-P	90-03-101	356-46-135	NEW-C	90-13-067	371-08-115	REP-P	90-14-097
356-34-130	REP-C	90-07-053	356-46-135	NEW-E	90-15-034	371-08-120	REP-P	90-14-097
356-34-130	REP-E	90-10-017	356-46-135	NEW	90-15-035	371-08-125	AMD-P	90-14-097
356-34-130	REP	90-10-018	356-46-140	NEW-P	90-08-071	371-08-130	AMD-P	90-14-097
356-34-140	REP-P	90-03-101	356-46-140	NEW-C	90-12-016	371-08-131	REP-P	90-14-097
356-34-140	REP-C	90-07-053	356-46-140	NEW-C	90-13-067	371-08-132	REP-P	90-14-097
356-34-140	REP-E	90-10-017	356-46-140	NEW-E	90-15-034	371-08-135	REP-P	90-14-097
356-34-140	REP	90-10-018	356-46-140	NEW	90-15-035	371-08-140	AMD-P	90-14-097
356-34-160	REP-P	90-03-101	356-46-145	NEW-P	90-08-071	371-08-144	AMD-P	90-14-097
356-34-160	REP-C	90-07-053	356-46-145	NEW-C	90-12-016	371-08-146	NEW-P	90-14-097
356-34-160	REP-E	90-10-017	356-46-145	NEW-C	90-13-067	371-08-147	NEW-P	90-14-097
356-34-160	REP	90-10-018	356-46-145	NEW-E	90-15-034	371-08-148	NEW-P	90-14-097
356-34-170	REP-P	90-03-101	356-46-145	NEW	90-15-035	371-08-155	AMD-P	90-14-097
356-34-170	REP-C	90-07-053	356-47-030	AMD-P	90-08-073	371-08-156	AMD-P	90-14-097
356-34-170	REP-E	90-10-017	356-47-030	AMD-E	90-12-023	371-08-160	REP-P	90-14-097
356-34-170	REP	90-10-018	356-47-030	AMD	90-12-024	371-08-162	NEW-P	90-14-097
356-34-180	REP-P	90-03-101	356-47-090	AMD-P	90-08-070	371-08-163	REP-P	90-14-097
356-34-180	REP-C	90-07-053	356-47-090	AMD	90-12-025	371-08-165	AMD-P	90-14-097
356-34-180	REP-E	90-10-017	360-10-050	AMD-P	90-03-053	371-08-175	REP-P	90-14-097
356-34-180	REP	90-10-018	360-10-050	AMD-W	90-11-069	371-08-180	AMD-P	90-14-097
356-34-190	REP-P	90-03-101	360-10-050	AMD	90-11-079	371-08-183	AMD-P	90-14-097
356-34-190	REP-C	90-07-053	360-15-010	NEW	90-03-054	371-08-184	NEW-P	90-14-097
356-34-190	REP-E	90-10-017	360-15-020	NEW	90-03-054	371-08-186	AMD-P	90-14-097
356-34-190	REP	90-10-018	360-15-030	NEW	90-03-054	371-08-187	AMD-P	90-14-097
356-34-200	REP-P	90-03-101	360-15-040	NEW	90-03-054	371-08-188	AMD-P	90-14-097
356-34-200	REP-C	90-07-053	360-15-050	NEW	90-03-054	371-08-189	AMD-P	90-14-097
356-34-200	REP-E	90-10-017	360-15-060	NEW	90-03-054	371-08-190	REP-P	90-14-097
356-34-200	REP	90-10-018	360-15-070	NEW	90-03-054	371-08-195	AMD-P	90-14-097
356-34-210	REP-P	90-03-101	360-16A-010	NEW	90-03-055	371-08-196	AMD-P	90-14-097
356-34-210	REP-C	90-07-053	360-16A-020	NEW	90-03-055	371-08-200	AMD-P	90-14-097
356-34-210	REP-E	90-10-017	360-16A-030	NEW	90-03-055	371-08-201	REP-P	90-14-097
356-34-210	REP	90-10-018	360-16A-040	NEW	90-03-055	371-08-205	REP-P	90-14-097
356-34-220	REP-P	90-03-101	360-16A-050	NEW-W	90-11-070	371-08-210	REP-P	90-14-097
356-34-220	REP-C	90-07-053	360-16A-060	NEW	90-03-055	371-08-215	AMD-P	90-14-097
356-34-220	REP-E	90-10-017	360-16A-070	NEW	90-03-055	371-08-220	AMD-P	90-14-097
356-34-220	REP	90-10-018	360-16A-080	NEW	90-03-055	371-08-230	AMD-P	90-14-097
356-34-230	REP-P	90-03-101	360-16A-090	NEW	90-03-055	371-08-240	AMD-P	90-14-097
356-34-230	REP-C	90-07-053	360-16A-100	NEW	90-03-055	371-08-245	REP-P	90-14-097
356-34-230	REP-E	90-10-017	365-110-020	AMD-P	90-03-017	371-12-010	REP-P	90-14-097
356-34-230	REP	90-10-018	365-110-020	AMD	90-09-008	371-12-020	REP-P	90-14-097
356-37-010	NEW-P	90-03-101	365-110-030	REP-P	90-03-017	371-12-030	REP-P	90-14-097
356-37-010	NEW	90-07-057	365-110-030	REP	90-09-008	371-12-040	REP-P	90-14-097
356-37-020	NEW-P	90-03-101	365-110-035	AMD-P	90-03-017	371-12-050	REP-P	90-14-097
356-37-020	NEW	90-07-057	365-110-035	AMD	90-09-008	371-12-060	REP-P	90-14-097
356-37-030	NEW-P	90-03-101	365-110-040	REP-P	90-03-017	371-12-070	REP-P	90-14-097
356-37-030	NEW	90-07-057	365-110-040	REP	90-09-008	371-12-080	REP-P	90-14-097
356-37-040	NEW-P	90-03-101	365-110-050	REP-P	90-03-017	371-12-090	REP-P	90-14-097
356-37-040	NEW	90-07-057	365-110-050	REP	90-09-008	371-12-100	REP-P	90-14-097
356-37-050	NEW-P	90-03-101	365-110-060	REP-P	90-03-017	371-12-110	REP-P	90-14-097
356-37-050	NEW	90-07-057	365-110-060	REP	90-09-008	371-12-120	REP-P	90-14-097
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374-20-010	NEW	90-14-019	388-08-446	NEW	90-04-076	388-11-215	AMD-P	90-15-010
374-20-020	NEW-P	90-10-093	388-08-449	NEW-C	90-04-020	388-11-215	AMD-E	90-15-011
374-20-020	NEW	90-14-019	388-08-449	NEW	90-04-076	388-11-220	NEW-P	90-15-010
374-20-030	NEW-P	90-10-093	388-08-452	NEW-C	90-04-020	388-11-220	NEW-E	90-15-011
374-20-030	NEW	90-14-019	388-08-452	NEW	90-04-076	388-13-050	AMD-C	90-04-021
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392-127-060	NEW-P	90-09-020	392-137-045	REP-P	90-15-070	392-139-122	AMD-P	90-11-128
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463-18-020	AMD-P	90-09-029	463-47-060	AMD-C	90-13-032	479-13-040	REP-P	90-07-060
463-18-020	AMD-C	90-13-032	463-50-030	AMD-P	90-09-029	479-13-040	REP	90-11-035
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463-26-120	AMD-C	90-13-032	463-54-070	AMD-P	90-09-029	479-13-050	REP	90-11-035
463-26-130	AMD-P	90-09-029	463-54-070	AMD-C	90-13-032	479-13-060	AMD-P	90-07-060
463-26-130	AMD-C	90-13-032	463-58-030	AMD-P	90-09-029	479-13-060	AMD	90-11-035
463-28-060	AMD-P	90-09-029	463-58-030	AMD-C	90-13-032	479-13-070	AMD-P	90-07-060
463-28-060	AMD-C	90-13-032	468-22-010	NEW-P	90-16-061	479-13-070	AMD	90-11-035
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479-16-092	AMD-P	90-07-060	480-30-020	AMD-P	90-10-077	480-122-060	AMD-P	90-14-089
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479-20-005	REP	90-11-035	480-30-060	AMD-W	90-12-119	480-122-090	AMD-P	90-14-089
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479-20-007	NEW	90-11-035	480-30-070	AMD-W	90-12-119	480-149-070	AMD-W	90-12-119
479-20-010	AMD-P	90-07-060	480-30-097	NEW	90-06-017	480-149-070	REP-P	90-10-077
479-20-010	AMD	90-11-035	480-30-100	AMD	90-06-017	480-149-120	REP-W	90-12-119
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479-20-036	AMD	90-11-035	480-40-050	AMD-W	90-12-119	490-500-340	NEW	90-11-114
479-20-037	AMD-P	90-07-060	480-40-050	AMD-P	90-10-077	490-500-350	AMD-P	90-07-035
479-20-037	AMD	90-11-035	480-40-060	AMD-W	90-12-119	490-500-350	AMD	90-11-114
479-20-060	REP-P	90-07-060	480-40-060	AMD-P	90-10-077	490-500-387	REP-P	90-07-035
479-20-060	REP	90-11-035	480-40-060	AMD-W	90-12-119	490-500-387	REP	90-11-114
479-20-070	REP-P	90-07-060	480-40-065	NEW	90-06-017	490-500-390	AMD-P	90-07-035
479-20-070	REP	90-11-035	480-40-070	AMD-P	90-10-077	490-500-390	AMD	90-11-114
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479-20-080	REP-P	90-07-060	480-40-100	AMD-W	90-12-119	490-500-415	AMD-P	90-07-035
479-20-080	REP	90-11-035	480-40-110	NEW	90-06-017	490-500-415	AMD	90-11-114
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479-20-083	REP	90-11-035	480-40-120	AMD-W	90-12-119	490-500-417	NEW	90-11-114
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479-20-086	AMD	90-11-035	480-40-130	AMD-W	90-12-119	490-500-418	NEW	90-11-114
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479-20-089	AMD	90-11-035	480-70-050	AMD-W	90-12-119	490-500-420	AMD	90-11-114
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490-500-560	AMD	90-11-114		504-15-830	NEW-S	90-05-060	508-60-070	REP-P	90-11-059
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490-500-600	NEW	90-11-114		504-15-900	NEW-S	90-05-060	516-08-005	REP	90-10-042
490-500-605	NEW-P	90-07-035		504-15-900	NEW	90-11-078	516-08-010	REP	90-10-042
490-500-605	NEW	90-11-114		504-15-920	NEW-S	90-05-060	516-08-070	REP	90-10-042
490-500-610	NEW-P	90-07-035		504-15-920	NEW	90-11-078	516-08-080	REP	90-10-042
490-500-610	NEW	90-11-114		504-15-940	NEW-S	90-05-060	516-08-090	REP	90-10-042
490-500-615	NEW-P	90-07-035		504-15-940	NEW	90-11-078	516-08-100	REP	90-10-042
490-500-615	NEW	90-11-114		504-17-010	REP-S	90-05-060	516-08-110	REP	90-10-042
490-500-620	NEW-P	90-07-035		504-17-010	REP	90-11-078	516-08-120	REP	90-10-042
490-500-620	NEW	90-11-114		504-17-020	REP-S	90-05-060	516-08-130	REP	90-10-042
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504-15-010	NEW-S	90-05-060		504-17-030	REP	90-11-078	516-08-170	REP	90-10-042
504-15-010	NEW	90-11-078		504-17-040	REP-S	90-05-060	516-08-190	REP	90-10-042
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504-15-030	NEW	90-11-078		504-17-060	REP-S	90-05-060	516-08-260	REP	90-10-042
504-15-040	NEW-S	90-05-060		504-17-060	REP	90-11-078	516-08-270	REP	90-10-042
504-15-040	NEW	90-11-078		504-17-070	REP-S	90-05-060	516-08-280	REP	90-10-042
504-15-050	NEW-S	90-05-060		504-17-070	REP	90-11-078	516-08-290	REP	90-10-042
504-15-050	NEW	90-11-078		504-17-080	REP-S	90-05-060	516-08-300	REP	90-10-042
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504-15-060	NEW	90-11-078		504-17-090	REP-S	90-05-060	516-08-320	REP	90-10-042
504-15-080	NEW-S	90-05-060		504-17-090	REP	90-11-078	516-08-330	REP	90-10-042
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504-15-250	NEW	90-11-078		504-17-150	REP-S	90-05-060	516-08-450	REP	90-10-042
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504-15-350	NEW	90-11-078		504-17-170	REP-S	90-05-060	516-08-490	REP	90-10-042
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504-15-470	NEW	90-11-078		504-17-240	REP-S	90-05-060	516-11-050	REP	90-10-042
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504-15-510	NEW	90-11-078		504-17-250	REP-S	90-05-060	516-11-070	AMD	90-10-042
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