

FEBRUARY 19, 1992

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This issue contains documents officially
filed not later than February 5, 1992

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of February 1992 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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 1992 pursuant to RCW 63.14.130(1)(a) is eleven point seven five percent (11.75%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is ten point seven five percent (10.75%) for the first calendar quarter of 1992.

The maximum allowable retail installment contract service charge for the purchase of a vessel pursuant to RCW 63.14.130(3)(a) is ten point zero percent (10.00%) for the first calendar quarter of 1992.

WASHINGTON STATE REGISTER

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Olympia, WA 98504

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

Raymond W. Haman
Chairman, Statute Law Committee

Dennis W. Cooper
Code Reviser

Gary Reid
Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

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

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

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

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

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

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

5. EFFECTIVE DATE OF RULES

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

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

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

1991 – 1992

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
91-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
91-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
91-18	Aug 7	Aug 21	Sep 4	Sep 18	Oct 8
91-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
91-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
91-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
91-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
91-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
91-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1992
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92-01	Nov 21	Dec 5	Dec 19, 1991	Jan 2, 1992	Jan 22
92-02	Dec 5	Dec 19, 1991	Jan 2, 1992	Jan 15	Feb 4
92-03	Dec 26, 1991	Jan 8, 1992	Jan 22	Feb 5	Feb 25
92-04	Jan 8	Jan 22	Feb 5	Feb 19	Mar 10
92-05	Jan 22	Feb 5	Feb 19	Mar 4	Mar 24
92-06	Feb 5	Feb 19	Mar 4	Mar 18	Apr 7
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92-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8
92-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
92-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1993

¹All documents are due at the code reviser's office by 12:00 noon 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 92-04-001
PROPOSED RULES
HEALTH CARE AUTHORITY
(State Employees Benefits Board)
 [Filed January 22, 1992, 2:54 p.m.]

Original Notice.

Title of Rule: Eligible employees, retirees and dependents.

Purpose: Change SEBB eligibility to include spouses who work less than full-time in the K-12 system.

Statutory Authority for Adoption: RCW 41.05.010 and 41.05.025.

Summary: This change will include spouses who work less than full-time in the K-12 system to be eligible for SEBB insurance.

Name of Agency Personnel Responsible for Drafting: Kristen West, Lacey, 438-7990; **Implementation:** Sharon Thompson, Lacey, 438-7971; and **Enforcement:** Margaret Stanley, Lacey, 438-7979.

Name of Proponent: State Employees Benefits Board, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This is necessary to implement state budget.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will ensure that the state does not double-pay premiums for spouses who waive K-12 school district coverage.

Proposal Changes the Following Existing Rules: This amends WAC 182-12-115 (8)(a).

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

Hearing Location: Tye Motel, Coho C Room, Tumwater, Washington, on March 11, 1992, at 2:30 p.m.

Submit Written Comments to: Kristen West, Health Care Authority, by March 4, 1992.

Date of Intended Adoption: March 12, 1992.

January 22, 1992

Kristen West

Rules Coordinator

AMENDATORY SECTION (Amending WSR 91-14-084, filed 7/1/91, effective 7/1/91)

WAC 182-12-115 ELIGIBLE EMPLOYEES, RETIREES, AND DEPENDENTS. The following definitions of eligible employees, retirees, and dependents of an eligible entity, as defined in WAC 182-12-111, shall apply for all SEBB approved plans except as otherwise stated in this chapter:

(1) "Permanent employees." Those who are scheduled to work at least half-time per month and are expected to be employed for more than six months. Such employees shall be eligible effective with their first day of employment.

(2) "Nonpermanent employees." Those who are scheduled to work at least half-time and are expected to be employed for no more than six months. Such employees shall be eligible effective the first day of the seventh calendar month of employment.

(3) "Seasonal employees." Those who work at least half-time per month during a designated season for a minimum of three months but less than nine months per year and who have an understanding of continued employment with their agency season after season. These employees become eligible on the first day of such employment, however,

they are not eligible for the employer contribution during the break between seasons of employment.

(4) "Part-time faculty." Faculty who are employed on a quarter/semester to quarter/semester basis become eligible beginning with the second consecutive quarter/semester of half-time or more employment at one or more state institutions of higher education, provided that:

(a) For determining eligibility, spring and fall may be considered consecutive quarters/semesters; and

(b) "Half-time or more employment" will be determined based on each institution's definition of "full-time"; and

(c) At the beginning of each quarter/semester, the employers of part-time faculty shall notify, in writing, all current and newly hired part-time faculty of their potential right to benefits under this section. The employee shall have the responsibility, each quarter, to notify the employers, in writing, of the employee's multiple employment. In no case will there be a requirement for retroactive coverage or employer contribution if a part-time faculty member fails to inform all of his/her employing institutions about employment at all institutions within the current quarter; and

(d) Where concurrent employment at more than one state higher education institution is used to determine total part-time faculty employment of half-time or more, the employing institutions will arrange to prorate the cost of the employer insurance contribution based on the employment at each institution. However, if the part-time faculty member would be eligible by virtue of employment at one institution, that institution will pay the entire cost of the employer contribution regardless of other higher education employment. In cases where the cost of the contribution is prorated between institutions, one institution will forward the entire contribution monthly to SEBB; and

(e) Once enrolled, if a part-time faculty member does not work at least a total of half-time in one or more state institutions of higher education, eligibility for the employer contribution ceases.

(5) "Appointed and elected officials." Legislators are eligible on the date their term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible on the date their term begins or they take the oath of office, whichever occurs first.

(6) "Judges." Justices of the supreme court and judges of the court of appeals and the superior courts become eligible on the date they take the oath of office.

(7) "Retirees and disabled employees." Eligible employees who terminate state service after becoming vested in a Washington state sponsored retirement system are eligible for retiree medical, dental and life coverages provided the person:

(a) Immediately begins receiving a monthly retirement income benefit from such retirement system; or

(b) If not retiring under the public employees retirement system (PERS), would have been eligible for a monthly retirement income benefit because of age and years of service had the person been employed under the provisions of PERS I or PERS II for the same period of employment; or

(c) Must take a lump sum benefit because their monthly benefit would have been under fifty dollars.

Employees who are permanently and totally disabled and eligible for a deferred monthly retirement income benefit are likewise eligible, provided they apply for retiree coverage before their SEBB active employee coverage ends. Persons retiring who do not have waiver of premium coverage from any SEBB life insurance plan are eligible for retiree life insurance, subject to the same qualifications as for retiree medical coverage. Retirees and disabled employees are not eligible for an employer premium contribution. The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University cooperative extension service employees who hold a federal civil service appointment and who are covered under the SEBB program at the time of retirement or disability.

(8) "Eligible dependents." The following are eligible as dependents under the medical and dental plans:

(a) Lawful spouse except that as of November 1, 1991, a lawful spouse who works ((twenty hours or more a week)) full time and who is eligible for coverage as a subscriber on a plan or plans offered by a K-12 school district and who has waived that coverage is not eligible for employer-paid coverage as a dependent on a SEBB plan.

(b) Dependent children through age nineteen. As used in this section, "children" includes natural children, stepchildren, legally adopted children, and married children who qualify as dependents of the employee/retiree under the Internal Revenue Code or as specified in a

court order or divorce decree, and foster children approved by the health care authority. To qualify for HCA approval, a foster child must:

- (i) Be living with the subscriber in a parent-child relationship;
- (ii) Be dependent upon the subscriber for financial support;
- (iii) Not be eligible for coverage under Medicare, Medicaid, or similar government entitlement programs; and

(iv) Not be a foster child for whom support payments are made to the subscriber through the state department of social and health services (DSHS) foster care program.

(c) Dependent children age twenty through age twenty-three who are dependent upon the employee/retiree for maintenance and support, and who are registered students in full-time attendance at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters and for the quarter following graduation provided the employee/retiree is covered at the same time; the dependent limiting age has not been exceeded; and the dependent meets all other eligibility requirements.

(d) Dependent children of any age who are incapable of self-support due to developmental disability or physical handicap, provided such condition occurs prior to age twenty or during the time the dependent was covered under an SEBB plan as a full-time student. Proof of such disability and dependency must be furnished prior to the dependent's attainment of age twenty or loss of eligibility for student coverage, and as periodically requested thereafter.

(e) "Dependent parents." Parents of the employee/retiree or their spouse who qualify as dependents under the Internal Revenue Code and who were covered as dependents under SEBB medical/dental plans prior to July 1, 1990, may continue SEBB coverage on a self-pay basis.

(9) Notwithstanding any of the foregoing, employees who are not mandatorily, by election, or otherwise covered by industrial insurance under Title 51 RCW shall not be considered "eligible employees" within the meaning of this section.

WSR 92-04-002
RULES COORDINATOR
BOARD OF
INDUSTRIAL INSURANCE APPEALS
 [Filed January 23, 1992, 9:25 a.m.]

In accordance with RCW 34.05.310, the rules coordinator for the Board of Industrial Insurance Appeals is Teresa Loe, 2430 Chandler Court S.W., P.O. Box 42401, Olympia, WA 98504-2401, phone (206) 753-6824 comm, 234-6824 scan, (206) 586-5611 FAX.

John D. Fairley
 Executive Secretary

WSR 92-04-003
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 3326—Filed January 23, 1992, 10:50 a.m.]

Date of Adoption: January 23, 1992.

Purpose: To repeal WAC 388-77-256 Employability reassessment.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-77-256.

Statutory Authority for Adoption: RCW 74.21.190.

Pursuant to notice filed as WSR 91-24-092 on December 4, 1991.

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

January 23, 1992

Leslie F. James, Director
 Administrative Services
 by Rosemary Carr

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-77-256 Employability Reassessment.

WSR 92-04-004
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 3319—Filed January 23, 1992, 10:52 a.m.]

Date of Adoption: January 23, 1992.

Purpose: Defines "other conditions resembling mental retardation." First defined January 1, 1989, after a planned review of the current definition, the division found that it was not screening adequately the people it was intended to include.

Citation of Existing Rules Affected by this Order: Amending WAC 275-27-026 Eligibility for services.

Statutory Authority for Adoption: RCW 71A.10.020.

Pursuant to notice filed as WSR 91-24-094 on December 4, 1991.

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

January 23, 1992

Leslie F. James, Director
 Administrative Services
 by Rosemary Carr

AMENDATORY SECTION (Amending Order 2767, filed 2/28/89)

WAC 275-27-026 ELIGIBILITY FOR SERVICES. (1) A developmental disability is a condition which meets all of the following:

(a) A condition defined as mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition as described under WAC 275-27-026;

(b) Originates before the individual reaches eighteen years of age;

(c) Is expected to continue indefinitely; and

(d) Results in a substantial handicap.

(2) Mental retardation is a condition resulting in significantly subaverage general intellectual functioning as evidenced by:

(a) A diagnosis of mental retardation documented by a licensed psychologist or certified school psychologist; and

(b) A substantial handicap when the individual has an intelligence quotient score of more than two standard deviations below the mean using the Stanford-Binet, Wechsler, or Leiter International Performance Scale; and

(c) An intelligence quotient score which is not:

(i) Expected to improve with treatment, instruction, or skill acquisition above the established level; or

(ii) Attributable to mental illness or other psychiatric condition; and

(d) Meeting the requirements of developmental disability under subsection (1)(b) and (c) of this section.

(3) Cerebral palsy is a condition evidenced by:

(a) A diagnosis of cerebral palsy by a licensed physician; and

(b) A substantial handicap when, after forty-eight months of age:

(i) An individual needs direct physical assistance in two or more of the following activities:

(A) Eating((:));

(B) Dressing((:));

(C) Bathing((:));

(D) Toileting((:)); or

(E) Mobility; or

(ii) An individual meets the requirements under subsection (6)(b) of this section; and

(c) Meeting the requirements under subsection (1)(b) and (c) of this section.

(4) Epilepsy is a condition evidenced by:

(a) A diagnosis of epilepsy by a board-eligible neurologist, including documentation the condition is chronic; and

(b) The presence of partially controlled or uncontrolled seizures; and

(c) A substantial handicap when the individual:

(i)(A) Requires the presence of another individual to monitor the individual's medication, and is certified by a physician to be at risk of serious brain damage/trauma without direct physical assistance from another individual; or

(B) In the case of individuals eighteen years of age or older only, requires the presence of another individual to monitor the individual's medication, and is unable to monitor the individual's own medication resulting in risk of medication toxicity or serious dosage side effects threatening the individual's life; or

(ii) Meets the requirements under subsection (6)(b) of this section; and

(d) Meeting the requirements under subsection (1)(b) and (c) of this section.

(5) Autism is a condition evidenced by:

(a) A specific diagnosis ((of autism))₂, by a board-eligible psychiatrist or licensed clinical psychologist, of autistic disorder, a particular diagnostic subgroup of the general diagnostic category pervasive developmental disorders; and

(b) A substantial handicap shown by:

(i) The presence of significant deficits of social and communication skills and marked restriction of activities of daily living, as determined by one or more of the following persons with at least one year's experience working with autistic individuals:

(A) Licensed psychologists;

(B) Psychiatrists;

(C) Social workers;

(D) Certified communication disorder specialists;

(E) Registered occupational therapists;

(F) Case managers;

(G) Certificated educators; and

(H) Others; or

(ii) Meeting the requirements under subsection (6)(b) of this section; and

(c) Meeting the requirements under subsection (1)(b) and (c) of this section.

(6) Another neurological or other condition closely related to mental retardation, or requiring treatment similar to that required for individuals with mental retardation is a condition evidenced by:

(a)(i) ~~((Damage to))~~ Impairment of the central nervous system as diagnosed by a licensed physician; and

(ii) A substantial handicap when, after forty-eight months of age, an individual needs direct physical assistance ~~((m))~~ with two or more of the following activities:

(A) Eating((:));

(B) Dressing((:));

(C) Bathing((:));

(D) Toileting((:)); or

(E) Mobility; and

(iii) An intelligence quotient score of at least one and one-half standard deviations below the mean, using the Wechsler Intelligence Scale, the Stanford-Binet, or the Leiter International Performance Scale; and

(iv) Meeting the requirements under subsection (1)(b) and (c) of this section; or

(b) A condition evidenced by:

(i) An intelligence quotient score at least one and one-half standard deviations below the mean, using the Wechsler Intelligence Scale, the Stanford-Binet, or the Leiter International Performance Scale~~((:))~~; or

(ii) If the individual's intelligence score is higher than one and one-half standard deviations below the mean, then current or previous eligibility for participation in special education, under WAC 392-171-376 through 392-171-451, shall be demonstrated. Such participation shall not currently or at eighteen years of age be solely due to one or more of the following:

(A) Psychiatric impairment;

(B) Serious emotional/behavioral disturbance; or

(C) Orthopedic impairment; and

~~((iii))~~ (iii) A substantial handicap when a ~~((broad independence))~~ standard score of ~~((at least))~~ more than two standard deviations ~~((or more))~~ below the mean ~~((om))~~ in each of four domains of the adaptive behavior section of the Inventory for Client and Agency Planning (ICAP) is obtained, ~~((such assessment tool being administered at least every twenty-four months))~~ the domains identified as:

(A) Motor skills;

(B) Social and communication skills;

(C) Personal living skills;

(D) Community living skills; and

(iv) The ICAP is administered at least every twenty-four months; and

~~((iii))~~ (v) Is not attributable to mental illness, personality and behavioral disorders, or other psychiatric conditions; and

~~((iv))~~ (vi) Meets the requirements under subsection (1)(b) and (c) of this section; or

(c) A child under six years of age at risk of developmental disability, as measured by developmental assessment tools and administered by qualified professionals, showing a substantial handicap as evidenced by one of the following:

(i) A delay of at least twenty-five percent of the chronological age in one or more developmental areas between birth and twenty-four months of age; or

(ii) A delay of at least twenty-five percent of the chronological age in two or more developmental areas between twenty-five and forty-eight months of age; or

(iii) A delay of at least twenty-five percent of the chronological age in three or more developmental areas between forty-nine and seventy-two months of age; and

(iv) Such eligibility shall be subject to review at any time, but at least at thirty-six months of age and at least seventy-two months of age;

(v) Developmental areas as described in subsection (6)(c) of this section are:

(A) Fine or gross motor skills;

(B) Self-help skills;

(C) Expressive and receptive communication skills, including American sign language skills;

(D) Social skills; and

(E) Cognitive, academic, or problem-solving skills.

(vi) Qualified professionals, as described in subsection (6)(c) of this section, include, but are not limited to, the following professionals with at least one year's experience and training in the field of child development and preferably in the area of developmental disabilities:

(A) Licensed physicians;

(B) Licensed psychologists;

(C) Certified communication disorder specialists;

(D) Registered occupational therapists;

(E) Licensed physical therapists;

(F) Case managers;

(G) Registered public health nurses; and

(H) Educators.

(vii) Any standardized developmental assessment tool may be used if the tool:

(I) Is reasonably reliable and valid by professional standards; and

(II) Demonstrates the information required to make a determination of the developmental delay; or

(d) A child under six years of age having a diagnosis of Down(=) Syndrome.

WSR 92-04-005

NOTICE OF PUBLIC MEETINGS FOREST PRACTICES BOARD

[Memorandum—January 22, 1992]

This notice is given pursuant to provisions of RCW 42-30.075 and WAC 222-08-040.

The Washington Forest Practices Board will hold its regular quarterly meeting February 11, 1992.

The Forest Practices Board will hold a work session on February 10, 1992, to study proposed rules for cumulative effects and wetlands. The board will take no action

on the proposals at the work session. The work session will be open to the public, but no public testimony will be taken. Public testimony on the issues will be taken at the regular meeting on February 11. The work session will convene at 9:30 a.m., February 10, 1992, in the Tacoma Convention Center, Tacoma Sheraton Hotel, 1313 Market Street.

Regular business of the board will be conducted on February 11, 1992, convening at 9:00 a.m. in the Tacoma Convention Center, Sheraton Tacoma Hotel, 1313 Market Street.

Additional information may be obtained from: Forest Practices Division, P.O. Box 7012, 1007 South Washington, Olympia, WA 98504-7012, (206) 753-5315.

WSR 92-04-006

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed January 23, 1992, 12:35 p.m.]

Date of Adoption: January 23, 1992.

Purpose: To implement the provisions of ESHB 1136.

Citation of Existing Rules Affected by this Order: Amending chapter 308-20 WAC, Cosmetology—Barber—Manicurist—Estheticians rules.

Statutory Authority for Adoption: Chapter 18.16 RCW and RCW 34.05.220.

Pursuant to notice filed as WSR 91-22-094 on November 6, 1991.

Changes Other than Editing from Proposed to Adopted Version: Editorial. Changes were for clarification or extension of time deadlines for the benefit of the public. WAC 308-20-010(1), "or receiving instruction" was added to clarify; WAC 308-20-040 (5)(c), "students attendance to be no more than eight hours per day and forty hours per week." was eliminated because of unnecessary regulation; WAC 308-20-060, "(surety bond, savings assignment or irrevocable letter of credit)" as well as the law reference was added for clarification; WAC 308-20-110(14), changed from requiring waste baskets at "each station" to "adjacent" work stations; WAC 308-20-140(4), added language for clarification of examination eligibility and scheduling; WAC 308-20-140(5), extended examination application and passage from January 1, 1993, to July 1, 1993, to provide sufficient time for December graduates to be examined; and WAC 308-20-180, removed "In the case of multiple employment locations, a license must be posted at each location." Duplication of regulation. All changes are the result of public testimony and are not substantial or are to the benefit of the applicant.

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

January 23, 1992

Marsha Tadano Long
Assistant Director

Chapter 308-20 WAC
COSMETOLOGY—BARBER—MANICURIST—
ESTHETICIAN RULES

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-010 DEFINITIONS. (1) "Creditable hour" means only those hours of training while the student is performing or receiving instruction in the subject areas listed in the course outline, as stated in WAC 308-20-080 and 308-20-105.

(2) "Chemical compounds formulated for professional use only" are those compounds containing hazardous chemicals in a form not generally sold to the public; including but not limited to, bulk concentrates of permanent wave solution, neutralizers, chemical relaxers, oxidizing agents, flammable substances, facial creams, or approved chemical compounds. These compounds must be designated for use on the hair ~~((of the))~~, face, neck, skin, or scalp.

(3) "Curriculum" means a detailed course of study.

(4) "Student learning objectives" are measurable outcomes expected to occur as the result of instruction.

(5) "Instructional objectives" are measurable evaluation of the attainment of the student learning objectives.

(6) "Terminal learning objectives" are final outcomes expected to occur at the completion of a course of study as a result of instruction.

(7) "Monthly student record" is a form provided by the school, approved by the department, preprinted with school name and address, that shows the actual activities of the student in each subject, (i.e., shampoo, haircut, perm, color, etc.) within each course (i.e., barbering, manicuring, ~~((chemical services))~~ cosmetology, esthetics, or ~~((cadet))~~ instructor-trainee).

(8) "Completed and graduated" is the completion of the state approved minimum hourly course of training and passage of a state approved performance evaluation administered by the school.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-020 TERM OF COURSE—EXAMINATION ELIGIBILITY. A school shall not require students to remain in school after the completion ~~((of))~~ and graduation from the minimum state ~~((credit-able hours required in the))~~ approved course of instruction.

Any individual, seventeen years of age or older, having completed 500 hours of manicurist training approved by the director and graduated may apply for examination to be licensed as a manicurist.

Any individual, seventeen years of age or older, having completed 500 hours of esthetics training approved by the director and graduated may apply for examination to be licensed as an esthetician.

Any individual, seventeen years of age or older, having completed ~~((800))~~ 1000 hours of barber training as approved by the director and graduated may apply for examination to be licensed as a barber.

Any individual, seventeen years of age or older, having completed 1600 hours of cosmetology training as approved by the director and graduated may apply for examination to be licensed as a cosmetologist. ~~((Cosme-tology training consists of the 500 hour manicurist~~

~~course, the 800 hour barber course and the 300 hours of training in chemical services as approved by the director.))~~

Any person who has the same qualifications as a cosmetologist, barber, manicurist, or esthetician and who has completed at least 500 hours of instruction in ~~((cos-metology))~~ teaching techniques and lesson planning in a school may apply for examination to be licensed as ~~((a cosmetology))~~ an instructor/operator with endorsements to teach in the area of their individual license.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-030 CURRICULUM STRUCTURE. Each curriculum shall be designed to prepare students for at least beginning employment/job entry. A school offering training in cosmetology, barbering, esthetics, manicuring, and instructor-training will submit a curriculum for each course. The curriculum shall include the minimum state required hours in accordance with the course outline as stated in WAC 308-20-080 and 308-20-105.

Each curriculum shall include clearly defined, tangible instructional objectives and student learning objectives to meet the training needs of each course offered by the school. The number of hours in each subject and the mannequin versus the live model work ratio will be detailed.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-040 APPLICATION FOR SCHOOL LICENSE. With each school application, the following items must be included before a school license will be approved by the department:

(1) Names and addresses of all school owners. Change in ownership of less than fifty-one percent must be submitted to the department within fifteen days, accompanied with the affidavit of sale;

(2) Names and addresses of all school operators or managers;

(3) Names and addresses of all instructors responsible for the training of students. The department must be notified, in writing within fifteen days, when a change of instructor staff occurs;

(4) A copy of the curriculum for each course the school intends to offer. A ~~((cosmetology))~~ school offering cosmetology instruction must submit a ~~((combined))~~ cosmetology curriculum ~~((for manicurist, barber and chemical services));~~ a school offering barber instruction must submit a barber curriculum; a school offering esthetics instruction must submit an esthetician curriculum; a school offering manicurist instruction must submit a manicurist curriculum. A school offering instruction in cosmetology, barber, esthetics, and ~~((manicurist))~~ manicuring must submit ~~((a))~~ separate complete curriculums for each. Any school offering ~~((cosmetology))~~ instructor training must submit a curriculum in ~~((cosme-tology))~~ teaching techniques and lesson planning. Each curriculum must meet the training guidelines established by the director and adopted by rules pursuant to this

chapter. A copy of the instructional objectives, student learning objectives, terminal learning objectives and student rating scale for each curriculum must be submitted with the application. The school minimum requirements of services designating mannequin versus live model ratio must be a minimum of twenty-five percent of all services performed. A school license will be issued with endorsements to instruct in cosmetology, barbering, esthetics, manicuring, and/or instructor training according to the curriculums submitted. Endorsement may be added to a school license by submitting the required curriculum and paying the required fee;

(5) Each school will submit, at the time of application, a catalog, bulletin or other printed material which contains accurate and current information regarding the operation and requirements of the school. Supplements to the catalog/bulletin are to be fastened to the publication and, if such information supersedes any information contained elsewhere in the catalog/bulletin, it must be clearly indicated on the supplement. The catalog/bulletin is to be made available to all students prior to enrollment and must include, but not be limited to, the following information:

- (a) Names of all owners and/or managers.
- (b) Names and qualifications of all instructors.
- (c) Beginning and ending dates of training, including hours of operation, and observed holidays.
- (d) Placement assistance, if any.
- (e) Policy outlining acceptable conduct of students including grounds for dismissal and readmission.
- (f) School policy on absences, leave, tardiness, and make-up work.
- (g) School policy and regulations regarding student progress including expected rate of progress, minimum acceptable grades, penalties for unsatisfactory progress, and the rights of students to appeal.
- (h) School policy and regulations regarding breaks and lunches. Lunches and break times are not creditable toward the minimum state requirements.

(i) Total cost to students including registration fee, books, supplies, equipment, tuition, lab fees, or any other associated cost for which the student is liable.

((+)) (j) A description of each course to include total hours, the course objectives and the method of instruction. (E.g., classroom lab, etc.) and any certificate or credentials awarded upon completion.

((+)) (k) Cancellation and refund policies.

((+)) (l) The address and phone number of the department of licensing, cosmetology, barber, manicure, and esthetics section for student's use in contacting the state regarding Washington state laws or concerns about their training.

(6) A copy of the school's monthly and final student record form, showing hours of training earned in each area listed in WAC 308-20-080 or in the case of an instructor-trainee, WAC 308-20-105. The form must be preprinted with the school name and address and signature areas for both the student and instructor and be in a form ((acceptable to)) approved by the department.

The approved form must show operations or hours of activity daily in each subject, by course, i.e., barbering,

manicuring, esthetics, cosmetology, or ((chemicals)) instructor-trainee with total hours by course daily and monthly in subjects, listed in WAC 308-20-080 or 308-20-105, with totals in each subject for month to date and total to date. Hours of training, in addition to state required hours, should show in a separate area. This form must also show the completion of the state approved performance evaluation demonstrating graduation.

(7) Each school shall submit a copy of the enrollment contract or agreement for each course of training offered. The contract/agreement must include at least the following:

- (a) The school's cancellation and refund policy;
- (b) Adequate information to clearly define the terms of the agreement between the student and the school, including but not limited to:
 - (i) The name and address of the school and student.
 - (ii) The date training is to begin, and the number of hours of instruction.
 - (iii) An itemized list of all costs incurred by the student to complete the training. Such costs shall include tuition and registration fees, books, supplies, and equipment and all other charges made by the school. Methods of payment or payment schedule must be clearly stated.
- (c) A statement acknowledging receipt of the copy of the school's catalog/brochure and enrollment agreement by the student;
- (d) The school shall retain a copy of the student enrollment agreement and one copy shall be delivered to the student at the time of execution.

(8) A description of the school facilities and equipment. This may be submitted by facility architect's blue print with equipment penciled in or by accurate hand drawn diagram including equipment to be used for training of students;

(9) ((A surety bond)) An approved security as established by WAC 308-20-060 shall be submitted with the application for school licensure. No school shall be approved until the ((surety bond)) approved security is in force.

The department shall be notified within fifteen days of any changes in subsections (1) through (9) of this section.

(10) Estimated gross tuition form indicating the expected gross tuition for one year. This information will be used to determine the required ((bond)) security amount. If the tuition earned exceeds the estimated amount, the ((bond)) security will be amended to reflect actual tuition earned.

(11) A minimum of one instructor per twenty students is required.

(12) Schools must maintain all student's final records for a minimum of four years.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-050 CHANGE IN OWNERSHIP OF SCHOOL. If a change involving ((twenty-five or more percent)) the controlling interest of school ownership occurs, a new license application must be submitted

with an affidavit of the sale demonstrating proof of ownership, or percentage of ownership, by the new owners. The new application must be complete. It must include all items listed in WAC 308-20-040 and the required fee. A new license must be issued prior to operation. Applicants should allow at least forty-five days for processing a complete application.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-060 (~~(SURETY BOND REQUIREMENT FOR SCHOOLS)~~) APPROVED SECURITY (SURETY BOND, SAVINGS ASSIGNMENT, OR IRREVOCABLE LETTER OF CREDIT). Every currently licensed school and every applicant for a new or renewed school license is required to have ~~((a surety bond which meets legal requirements))~~ an approved security as defined by RCW 18.16.020(23). ((Surety bonds)) Approved securities shall be made to the state of Washington and be kept on file at the department of licensing.

(1) The amount of the ~~((bond))~~ security shall be ~~((one))~~ ten thousand dollars or ~~((five))~~ ten percent of the annual gross tuition collected by the school, whichever is greater. The ~~((bond))~~ security shall not exceed ~~((twenty-five))~~ fifty thousand dollars and shall run to the state of Washington for the protection of unearned prepaid student tuition.

(2) At the time of licensing each school shall file ~~((a surety bond))~~ an approved security with the director of licensing, hereinafter referred to as the director, in a form acceptable to the department. The ~~((bond))~~ security may be continuous or renewable at the time of renewal of license: PROVIDED, That the ~~((bond))~~ security shall cover the full period during which a school is licensed unless the ~~((surety))~~ security has been released as provided in subsection (4) of this section.

(3) The ~~((bond))~~ security shall be executed by the licensed school as principal and by a ~~((surety))~~ company authorized to do business in this state ~~((as surety))~~. The ~~((bond))~~ security shall run to the state of Washington, for protection of unearned prepaid student tuition.

(4) A ~~((surety on a bond))~~ security may be released by serving written notice thereof to the director at least ~~((thirty-five))~~ sixty days prior to the release, but the release shall not discharge or otherwise affect any claim theretofore or thereafter filed by a student or enrollee, or, in the case of a minor, his or her parents or guardian.

The director shall give the school at least thirty days' written notice prior to the release of the ~~((surety))~~ security to the effect that upon release of the ~~((surety))~~ security the school license will be null and void by operation of RCW 19.72.130 until a new and sufficient ~~((surety bond))~~ approved security is filed in the same manner and amount as the ~~((bond))~~ security being terminated or the amount required by the gross tuition earned, whichever is greater. Students shall not receive credit for instruction received during any time a school ~~((bond))~~ security is not in effect.

(5) All currently licensed schools, in order to maintain a valid license, must file with the department of licensing

an approved security as required in this section by July 1, 1992.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-070 TRAINING GUIDELINES. A ~~((numerical))~~ rating scale shall be used to evaluate and record student progress.

The student's competency in attaining learning objectives is to be rated.

Schools will design a rating method form that will demonstrate each student's progress in each course. Schools will design instructional objectives which promote student progress from beginning to completion within the specified hours required for each ~~((course))~~ program. ~~((Each month))~~ The school shall provide each student with a current copy of his/her ((rating)) progress report according to its evaluation schedule as outlined in the catalog on file with the department of licensing.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-080 COURSE OUTLINE OF TRAINING REQUIREMENTS. Listed are the subjects that make up the mandatory ~~((800))~~ 1000 hours of training for barbering, 500 hours of training for manicuring, 500 hours of training for esthetics, and ((300)) 1600 hours of training for ((chemical services)) cosmetology. To qualify for the barber examination students ~~((only))~~ need to complete the ((800)) 1000 hours of barbering ~~((subjects))~~ courses, to qualify for the manicurists examination students need ((only)) to complete the 500 hours of manicuring ((subjects:)) courses, to qualify for the esthetician examination students need to complete the 500 hours of esthetic courses, to qualify for the cosmetology examination students ((must)) need to complete ((800 hours of barbering subjects, 500 hours of manicuring subjects, and 300)) 1600 hours of ((chemical services subjects. A cosmetologist qualifies to perform all listed services and must be trained in all three areas)) cosmetology courses.

Barber ~~((Services))~~ Training:

1. Theory
2. Shampooing - includes draping, brushing hair, scalp manipulations, PH values, conditioning and rinsing
3. Scalp and Hair Analysis
4. Haircutting and Trimming - includes scissor, razor, thinning shears, and clipper
5. Cutting and Trimming of Facial Hair - includes shaving, beard, and mustache, eyebrow, ear & nose trimming
6. Thermal Styling
7. Wet Styling ~~((includes pin curling, braiding, fingerwaves, shaping, and rollers))~~
8. Dry Styling ~~((includes braiding, shaping, brushing, backcombing, and rollers))~~
9. Styling Aids
10. Artificial Hair - includes fitting and styling when working with clients
11. Sanitation - includes cleaning individual work station, shampoo and dispensary bowls after individual use, proper disposal and storage of towels used by the student, ~~((life expectancy of disinfectants,))~~ sanitizing implements used by the student
12. Diseases - skin, scalp and hair

- ~~((12:))~~ 13. Safety – includes demonstration of implements and proper use, electrical appliances
- ~~((13:))~~ 14. First Aid – as related to the barbering field

Manicurist ((Services)) Training:

1. Theory
2. Artificial Nails – may include~~((s-nail analysis))~~ silk, linen, fiber-glass, acrylic, gel, powder, extensions, and sculpting, preparation of the nail, application, finish and removal
3. ~~((Skin Care – includes hot compresses, facials, hand massage or using approved electrical or mechanical appliances, or approved chemical compounds))~~ Manicuring – cleaning, shaping, and polishing of the nail and the treatment of the cuticles
4. ~~((Temporary removal of superfluous hair – tweezing, waxing, tape, and chemicals))~~ Pedicuring – cleaning, shaping, and polishing of the nails of the feet
5. Sanitation – cleaning of individual work station, proper storage and disposal of equipment used by the student, disinfectants ~~((and life expectancy of disinfectants))~~, sanitation methods of equipment
6. Safety – includes demonstration of implements and proper use
7. Diseases and Disorders – nail ~~((and skin))~~
8. First Aid – as related to the manicurist field

Esthetician Training:

1. Theory
2. Skin Care – includes hot compresses, massage, approved electrical or mechanical appliances or approved chemical compounds
3. Facials – may include make-up and skin and color analysis
4. Temporary removal of superfluous hair – tweezing, waxing, tape, and approved chemicals, lotions, creams, or mechanical or electrical apparatus or appliance
5. Sanitation – cleaning of individual work station, proper storage and disposal of equipment used by the student, disinfectants, sanitation methods of equipment
6. Safety – includes demonstration of implements and proper use
7. Diseases and disorders of the skin
8. First aid – as related to the esthetics field

~~((Chemical Services))~~ Cosmetology Training consists of 1600 hours of cutting, trimming, and chemical processing of the hair and a basic introduction to manicuring and esthetics.

1. Theory
2. A minimum of 100 hours involving the safe and sanitary practice of manicuring, pedicuring, and artificial nails
3. A minimum of 100 hours involving the safe and sanitary practice of skin care and temporary removal of hair
4. Scalp and hair analysis
- ~~((2:))~~ 5. Permanent Waving – includes ~~((scalp and hair analysis;))~~ sectioning and wrapping, preperm test curl (when necessary), solution application, processing ~~((t))~~ test curl, (when necessary) and neutralizing
- ~~((3:))~~ 6. Chemical Relaxing – includes ~~((scalp and hair analysis;))~~ sectioning, strand test, relaxer application
- ~~((4:))~~ 7. ~~((Chemical Training Elements – includes processing, neutralizing, materials, equipment))~~ Hair cutting and trimming – includes scissor, razor, thinning shears, and clipper
8. Shampooing – includes draping, brushing hair, scalp manipulations, conditioning, and rinsing
9. Styling – thermal, wet, dry, and styling aids
- ~~((5:))~~ 10. Hair Coloring or Bleaching – includes ~~((scalp & hair analysis;))~~ predisposition test, strand test, measurement and mixing of chemicals, application of chemicals and removal of chemicals
11. Artificial Hair – may include extensions and fitting when working with clients
- ~~((6:))~~ 12. Sanitation – clean individual work station, sanitize individual equipment and tools, (life expectancy of disinfectant;)) proper use and storage of linens and chemicals
- ~~((7:))~~ 13. First Aid and Safety – as it relates to ~~((the use of chemicals))~~ cosmetology

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-090 STUDENT CREDIT FOR TRAINING. (1) Only those hours of instruction received under the direction of a licensed instructor and on the premises of the licensed school in which the student is enrolled and in the courses listed in this chapter shall be credited toward the hourly training requirements.

(2) Students shall not receive credit for training received during any period the school license is void, expired, suspended, revoked, or otherwise not currently in effect.

~~((3))~~ ~~((Manicurists will be given 500 hours credit and barbers will be given 800 hours credit toward meeting the hourly requirement of 1600 hours in cosmetology. Cosmetology students transferring to a barber or manicurist course shall transfer only the credit that applies to the course for which they are transferring:))~~ Students withdrawing from a licensed school, within Washington state, prior to completion of the course must obtain a certified copy of the signed monthly report including the last day attended to verify credit for training when enrolling in another school.

(4) Students transferring from another school, state, country or territory may, at the school's discretion, receive credit toward completion of student learning objectives and course requirement hours as follows: (a) Hour for hour credit as applies to each of the Washington state minimum recognized creditable hours in each course, as verified by the certified copy of the last student monthly report, and; (b) student learning objective credit after successfully demonstrating to the school that the objectives have been met.

Schools transferring credits will transfer to the student report form, in appropriate categories by course, the credits accepted. The certifying school accepts responsibility for total training of the student.

(5) Each month the school will provide a copy of the completed monthly report form to the student. When a student transfers to a new school an enrollment student record will be developed for the permanent student file with a copy given to the student prior to enrollment. This will reflect the training transferred and the areas of training still needed.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-100 RECORDING STUDENT HOURS. (1) Each school shall record student hours daily and provide to each student monthly accumulated totals of all hours obtained for each course offered including noncreditable hours. ~~((Cosmetology students will have hours recorded in manicuring, barbering and chemical services as the training takes place:))~~ Up to date monthly accumulated hourly totals shall be recorded as they are achieved~~((:))~~. The original report will be kept on file at the school and a copy provided to the student each month.

(2) Hours credited to a student may not be deducted without documentation demonstrating justification.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-105 CURRICULUM FOR INSTRUCTOR-TRAINEES. Licensed schools wishing to offer training for ((**cosmetology**)) instructors are required to develop and maintain an appropriate curriculum. This curriculum should be based on five hundred hours of training and study in the areas shown below:

(1) Training in instructional methods covering the following subjects or units:

- (a) Methods of teaching ((**cosmetology**)):
 - (i) Lesson planning to meet instructional objectives;
 - (ii) Student learning principles for student learning objectives;
 - (iii) Classroom management;
 - (iv) Four-step method; and
 - (v) Occupational analysis.
- (b) Course organization:
 - (i) Develop instruction from analysis;
 - (ii) Organize and prioritize;
 - (iii) Group and sequence learning units;
 - (iv) Test and evaluate; record progress of students on monthly report forms; and
 - (v) Teaching aids.
- (c) Student leadership development:
 - (i) How to be effective;
 - (ii) Student leadership organization such as Vocational Industrial Clubs of America;
 - (iii) Personality and conduct;
 - (iv) Interpersonal relationships; and
 - (v) Customer relations.
- (d) One of the following topics or units:
 - (i) Testing and rating;
 - (ii) Audio visual materials;
 - (iii) Philosophy of vocational education; or
 - (iv) Techniques in individualized instruction.
- (2) Training in clinic supervision and management covering the application of teaching techniques as follows:
 - (a) Practical classroom and clinic services:
 - (i) Sanitation of all tools, implements, equipment, and work areas; and
 - (ii) Safety involved in providing any service to members of the public.
 - (b) Safety in the storage, mixing, and use of all chemicals used in a cosmetology, barber, or manicurist school or business.
 - (c) Student's practical assignments.
 - (d) Motivational supervision.
 - (e) Student assistance.

AMENDATORY SECTION (Amending WSR 90-07-030, filed 3/14/90, effective 4/14/90)

WAC 308-20-107 USE AND TRAINING OF INSTRUCTOR-TRAINEES. (1) ((**Cosmetology**)) Instructor-trainees cannot be used to replace a licensed instructor for the training of students. Instructor-trainees must be under the direct supervision of a licensed instructor at all times.

(2) "Direct supervision" means the licensed ((**cosmetology**)) instructor shall:

(a) Inspect a substantial portion of the instructor-trainee's work;

(b) Be physically present on the premises where the instructor-trainee is working and be available for consultation with the instructor-trainee a minimum of eighty percent of the time claimed as hours of training received. Provided, that "direct supervision" shall not require that the licensed ((**cosmetology**)) instructor while on the premises inspect all the instructor-trainee's work, nor shall it require that the licensed ((**cosmetology**)) instructor and the instructor-trainee be constantly in the same room.

(3) A school licensed under chapter 18.16 RCW and providing instruction to instructor-trainees must provide the department of licensing at least seven days advance notice, in writing, of the name and address of each person who will receive instruction as a ((**cosmetology**)) instructor-trainee.

(4) No person may be used as, or receive credit for training as, ((**a cosmetology**)) an instructor-trainee unless the person holds a current, valid cosmetology, barber, manicurist, or esthetician license.

(5) Schools may enroll instructor-trainees, whose initial licenses are in programs offered by that school. For instance, a school limited to instructing barbers and instructor-trainees, cannot enroll an instructor-trainee whose individual license is in manicuring.

(6) No person may be used as, or receive credit for training as, ((**a cosmetology**)) an instructor-trainee for more than 600 hours total at any school or schools licensed under chapter 18.16 RCW, unless the school has first requested and received from the department of licensing written approval to use or train a certain instructor-trainee for additional hours.

((6)) (7) No ((**cosmetology**)) instructor-trainee may receive any wage or commission.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-109 INSTRUCTOR-TRAINEE CREDIT FOR TRAINING. Each ((**cosmetology**)) school shall daily record instructor-trainee hours of instruction received in ((**cosmetology**)) teaching techniques and in lesson planning. The ((**cosmetology**)) school shall provide to each instructor-trainee monthly accumulated totals of hours of instruction the instructor-trainee has received. Except for instruction received in an otherwise state approved teacher training program, only those hours of instruction received under the direct supervision of a licensed instructor and on the premises of the licensed school may be credited toward the instructor-trainee hourly training requirement.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-110 MINIMUM SCHOOL SAFETY STANDARDS. (1) Each licensed school or institution will be responsible for providing a clean, safe environment for the training of students and provide all students the necessary training to ensure that sanitation

and safety measures are applied for the maximum protection of the public, students, and models.

(2) An adequate supply of hot and cold running water must be provided ~~((for the benefit of the student's and consumer's health, safety and welfare))~~ in the shampoo area, dispensary and toilet facilities in accordance with federal, state, and local laws.

(3) Clean towels shall be provided for each customer and shall be laundered after every use. Clean towels will be kept in closed cabinets ~~((until used))~~ with tight fitting doors and shall be kept closed to protect the linen and towels from dust and dirt.

(4) Robes or gowns used by customers must be laundered after every use, and stored in closed cabinets until used. ~~((Soiled linens should be kept in ventilated closed containers. Towels, robes and gowns shall not be washed or dried on the premises except in suitable automatic washers and dryers.))~~

(5) A separate area with an adequate supply of hot and cold running water, shall be designated as a dispensary for the dispensing of supplies and for the cleaning of tools, equipment and materials.

(6) Wet sanitizer—fresh, clean solution shall be in a clean covered container for the sanitizing of combs, brushes and other tools or implements. The solution will be of a sufficient chemical mixture that will destroy bacterial and viral germs.

(7) Chemicals must be stored in compliance with federal, state, and local laws to ensure maximum protection against fires, fumes, corrosion of containers or contamination. Storage areas shall be posted "flammable liquids" and "hazardous chemicals." Materials should be inspected regularly and corroded containers and outdated chemicals must be discarded immediately.

(8) Adequate toilet facilities shall be provided for the use of customers, employees and students in sufficient quantity to comply with state and local laws. The use of common towels and bar soap is prohibited.

(9) Shampoo bowls will be kept clean and free of hair ~~((in traps)).~~

(10) Licenses of the school and all currently employed instructors must be posted in ~~((public view))~~ the reception area.

(11) All trays, rollers, floors, chairs, and other implements should be free from dust, dirt, and/or hair.

(12) Clippers, scissors, razors, rollers, and other implements should be disinfected and sanitized after each use. Once sanitized they should be stored in clean covered/sealed containers to maintain dry sanitation. Used implements should be stored in an area separate from the sanitized implements.

(13) ~~((Hazardous chemicals and flammable liquid signs should be posted in the dispensary, storage room, and any other location these materials may be located.~~

~~(14) Fire extinguishers must be readily accessible to the dispensary, storage room, and other locations where flammable liquids may be kept.~~

~~(15) Facial rooms must have provisions for privacy, hot and cold running water, closed cabinets for linen storage, and method or procedure to sanitize and store implements in a manner that maintains sanitation.))~~

Soiled towels and linens must be stored in covered ventilated receptacles.

(14) Work stations shall have an adjacent waste basket that must be emptied and cleansed daily.

(15) Creams, lotions, and fluids shall be dispensed and administered in such a way to maintain acceptable sanitation standards.

(16) General appearance – the school floor, walls, ~~((and ceilings))~~ fixtures, ceilings, and work stations must be clean and free from dust, dirt, and hair and in good working condition.

(17) Ventilation should be sufficient to keep odors from the chemicals used at a safe level and in compliance with federal, state, and local laws.

(18) Electrical wiring must be acceptable to the local fire district as demonstrated by a current fire inspection form. Electrical plug-ins should not reflect any frays and be properly repaired to prevent shock.

(19) Waste disposal, plumbing, and lighting are to be in compliance with federal, state, and local laws.

(20) No animals will be allowed in a school except animals trained to assist disabled patrons.

(21) A notice supplied by the department of licensing, giving the address and phone number of the department for submitting written complaint, shall be posted in the reception area.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-120 EXAMINATION CONSTRUCTION AND CONTENT. Examinations for cosmetologists, barbers, estheticians, and manicurists shall consist of written questions, with multiple choice answers. The examination will determine the applicant's knowledge of safe and sanitary practice. Safe and sanitary practices includes but is not necessarily limited to, the use of tools, machines, materials, processes used to provide a service, or working conditions, which may adversely affect the members of the public or licensees. The examination for ~~((a cosmetology))~~ an instructor's license will cover lesson planning and ~~((cosmetology))~~ teaching techniques.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-130 EXAMINATION OBJECTIVES. The following objectives will constitute the basis for written examination questions for the cosmetologist's, barber's, esthetician's, and manicurist's license:

(1) The applicant's knowledge of safety skills in the use of tools, machines, materials and processes in providing any service offered within each course of instruction.

(2) The applicant's knowledge of providing maximum protection, caution and consideration for consumer's eyes, ears, skin, nails, hair and clothing as applies to each course of study.

(3) The applicant's knowledge of all means of sanitation necessary to maintain clean tools, equipment, machines, materials and work areas to prevent contamination and the spread of disease.

(4) The applicant's knowledge of hazards involved in the storage of flammable, volatile or combustible substances, acids and corrosive materials used within the cosmetology, barber, esthetics, or manicurist occupations.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-140 EXAMINATION—APPLICATION. (1) Examinations are administered (~~at least~~) monthly. Examination schedules will be published and issued to each school. Each licensed school shall post the schedule of examinations in plain view for the students and provide students with an application and all necessary information for completing and submitting the application. No school shall prohibit or hinder a student from submitting an application for examination if the student is at least seventeen years of age and has completed the minimum state required (~~creditable hours in the approved~~) course of study and graduated.

(2) Each application submitted must be complete in every respect, including fee before the applicant will be scheduled for examination. The application must include a copy of the final student record form verifying the total activities in each subject and the hours of training in each course signed by the student and instructor. A sworn statement by the student that all statements on the application are true and correct is to be included. The school owner or manager will also sign a sworn statement that all statements made in the application are true and correct and this school has complied with all state regulations regarding the training of the student.

(3) Applications may be submitted when the student is within one hundred fifty hours of completing the required training. These applications must include a sworn statement by student and school owner or manager that the student is within 150 hours of completing the required training. The training affidavit and final student record form must be submitted prior to being authorized to sit for any examination. If completed properly and otherwise satisfactory, the applicant will be authorized to take the examination(~~(s)~~).

(4) Applications and fees for examination must be received in the department of licensing no later than the first day of the month to be eligible for the next available examination. The postmark date is not acceptable.

(5) Any student trained in the cosmetology curriculum approved by the state under the law effective previous to July 28, 1991, may apply for the cosmetology, barber, manicurist, and esthetician examinations. A complete separate application and fee is required for each examination. This provision is not available to individuals trained in a school with an approved curriculum as required in WAC 308-20-080, effective January 1, 1992. Any person who qualifies by training under the previous law but does not make application and pass the required examination by July 1, 1993, must then meet the eligibility requirements of the current law.

(6) Any person who fails to appear as scheduled for an examination, shall forfeit the fee.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-150 STUDENT APPEAL—EXAMINATION ELIGIBILITY DENIAL BY THE SCHOOL. Should a school owner or manager refuse to sign the eligibility portion of the student examination application after the student has (~~obtained the required course hours~~) met the minimum state requirements, the student may appeal. An appeal must be submitted to the department, in writing, stating specific reasons why the student feels he/she is eligible. An appeal must be submitted with a completed examination application, accompanied by the required fee and copy of (~~achievement indicator~~) final monthly student form showing completion of hours and (~~learning objectives~~) performance evaluation demonstrating graduation.

A school owner or manager is required to respond in writing stating the reason for refusal to sign. The school owner or manager shall provide documentation of events or reasons which substantiate his/her refusal to sign. A school's failure to respond within twenty days may result in default. More than four appeals from students of any one school in a one-year period may result in review of curriculum and training provided for students by the school.

AMENDATORY SECTION (Amending WSR 90-07-030, filed 3/14/90, effective 4/14/90)

WAC 308-20-155 PROCEDURE FOR APPLICANTS REQUIRING SPECIAL ACCOMMODATIONS FOR LICENSURE EXAMINATION. (1) An applicant for a licensure examination who, due to a specific physical, mental or sensory impairment, requires special accommodation in examination procedures, may submit a written request for the specific accommodation needed.

(a) The applicant must submit an individualized written opinion from a physician or other specialist:

(i) Verifying the existence of a specific physical, mental, or sensory impairment;

(ii) Stating whether special accommodation is needed for a specific licensure examination; and

(iii) Stating what special accommodation is necessary. The applicant must also submit to the department a signed and notarized authorization, authorizing the specifically identified physician or other specialist to discuss the matter with the department of licensing's representative.

(b) The written request for special accommodation and individualized written opinion must be submitted to the department of licensing at least eight weeks in advance of the examination date and must be accompanied by a completed application and the application fee.

(c) Only readers and (~~translators~~) interpreters provided and/or approved by the department may be used for reading/~~(translating)~~ interpreting the examination. The department will bear the costs of the initial scheduled examination. The applicant will be required to bear the costs associated with any rescheduled examinations.

(d) Applicants who pass the ~~((cosmetology))~~ examination with the assistance of a reader/~~((translator))~~ interpreter will be issued a license with the following printed restriction: "Requires Reading Supervision For Product Usage ~~((When Performing Chemical Services))~~." If a licensee with a license restriction successfully retakes the ~~((chemical services portion of the))~~ examination without the assistance of a reader or translator, a new license will be issued without the restriction.

(2) Applicants who wish to use a foreign language dictionary during an examination must obtain approval at the examination site prior to the examination. Only dictionaries without definitions will be approved for use.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-171 PASSING SCORES ON ALL EXAMINATIONS. Passing scores are based on the standard of 100 percent and are determined by the cosmetology/barber/manicurist advisory board.

The passing score on the barber, manicurist, esthetician, and ~~((chemical services))~~ cosmetology examinations is 76 percent. An applicant who receives a passing score of not less than 76 percent shall be entitled to a license.

~~((Applicants for a barber license will be required to obtain a passing score on the barber examination.~~

~~Applicants for a manicurist license will be required to obtain a passing score on the manicurist examination.~~

~~Applicants for a cosmetology license will be required to obtain a passing score on the barber examination, the manicurist examination and the chemical services examination. No one will be licensed to perform chemical services until successfully passing all three examinations.~~

~~If a cosmetology applicant passes the barber examination, a barber license will be issued upon request.~~

~~If a cosmetology applicant passes the manicurist examination, a manicurist license will be issued upon request. There will be no refund of fees for separate licenses issued. If both barber and manicurist licenses are requested, an additional fee for a manicurist license will be required.))~~

Applicants for ~~((cosmetology))~~ instructor license will be required to obtain a converted score of eighty on the instructor's examination.

NEW SECTION

WAC 308-20-172 FAILED EXAMINATION APPEAL PROCEDURES. (1) Any candidate who takes the state examination for licensure and does not pass the examination may request to review their papers.

(a) The department will not modify examination results unless the candidate presents clear and convincing evidence of error in the grading of the examination.

(b) The department will not consider any challenge to examination grading unless the total of the potentially revised score would result in issuance of license.

(2) The procedure for requesting an informal review of examination results is as follows:

(a) The request must be in writing and must be received by the department within thirty days of the date

of the examination and must request a rescore of the examination.

(b) The following procedures apply to an appeal of the results of the examination.

(i) After a response regarding the rescore of the examination, the candidate must appear personally in the department office in Olympia to review the examination. The candidate must contact the department to make an appointment for the exam review session with department staff.

(ii) The candidate will be allowed one hour to review their examination.

(iii) Within fifteen days of the review the candidate, in writing, must specifically identify the challenged questions of the examination and must state the specific reason(s) why the results should be modified with multiple published reference material supporting the candidate's position.

(c) The department will review the examination and justification submitted by the candidate. The candidate will be notified in writing of the department's decision.

(d) Any candidate who is not satisfied with the results of the informal examination review may, within twenty days of the date on the notice of the department's informal review notification, request a formal hearing to challenge the examination results.

(3) The procedures for requesting a formal hearing are as follows:

(a) The candidate must complete the informal review process before requesting a formal hearing.

(b) The request for a formal hearing must be received by the department within twenty days of the date on the notice of the results of the department's informal review.

(c) The written request must specifically identify the challenged questions of the examination and must state the specific reason(s) why the candidate believes the examination results should be modified.

(d) Candidates will receive at least twenty days notice of the time and place of the formal hearing.

(e) The hearing will be restricted to the specific portion(s) of the examination the candidate has identified in the request for formal hearing.

(f) The formal hearing will be conducted pursuant to the Administrative Procedures Act, chapter 34.05 RCW.

(g) The candidate will be notified in writing of the director's final decision.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-175 PERSONS LICENSED IN OTHER JURISDICTIONS. Persons licensed in any state, territory, or possession of the United States, or foreign country can apply for licensure by submitting a complete application, fee, and verification from the licensing authority of current licensure ~~((, and a detailed transcript of all cosmetology, barber, and/or manicurist training))~~. Upon review, if a license is valid in another jurisdiction, the applicant will be scheduled for the next examination in the field in which they hold a current license.

~~((1) ((After review of the courses taken and hours involved if it is determined that the training at the time of~~

~~licensure was obtained, is equivalent to Washington state requirements, as stated in WAC 308-20-080, a license will be issued without examination.~~

~~(2) After review of the courses taken and hours involved if it is determined that the training is not equivalent to Washington state requirements, additional training in the lacking area(s) is required. When training to meet the requirements is obtained, the applicant must pass the examination(s) in the areas the training was needed, if a current out-of-state license is held. If the out-of-state license is invalid the complete examination for the requested license must be passed. The department will schedule the required examination(s) upon receipt of a statement from the school of the completion of required training and the monthly student record form that verifies the actual training received:)) To apply for licensure in any additional field, they must obtain training from a school licensed under this chapter in accordance with the course outline as shown in WAC 308-20-080.~~

(2) Individuals who applied for licensure under the law previous to July 28, 1991, have until January 1, 1993, to obtain their license under the conditions previously set forth. Failure to obtain their license under the previous law by January 1, 1993, will require the applicant to meet the criteria set forth in the current law.

AMENDATORY SECTION (Amending Order PL 480, filed 9/12/84)

WAC 308-20-180 POSTING OF LICENSE. All individual licenses required by this chapter shall be posted ((in a location within the place of business)) at the individual work station with a current photograph of the licensee, at a location that is easily observed by members of the public for whom services are performed.

((The address of the division of professional licensing shall be provided to consumers as the agency to handle complaints not resolved by the licensee.)) School, instructor/operator, and salon/shop licenses will be displayed in the reception area.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-205 LICENSE RENEWAL—PENALTIES. (1) Each individual license shall be renewed on or before the birthdate expiration date shown on the license. Failure to renew the license by the expiration date will result in a penalty fee determined by the director. Licenses may be reinstated up to ((three)) four years by payment of all renewal fees and a penalty fee for the period for which the license had lapsed.

(2) Each school license shall be renewed on or before July 1st as indicated by the expiration date on the license. Failure to renew the school license by the expiration date will result in a penalty fee determined by the director. Students shall not receive credit for instruction received during any period a school license is expired. In order to renew the school license in 1992, the new approved curriculum must be on file with the department of licensing.

(3) Each salon/shop, booth renter, mobile operator, and personal service operator license will expire annually. Booth renter, mobile operator, and personal service operator licenses will expire annually on the birth date expiration date. Salon/shop licenses will expire annually based on the date issued.

(4) Initial licenses will be issued to expire on the applicant's birth date but not less than ninety days from issuance. Renewals will be based on the two-year cycle.

(5) Beginning with the 1992 renewals, the renewal period will go to every two years. This will be staggered. If individual's birth year is even their 1992 renewal fee will be for two years. If the individual birth year is odd, a one year renewal fee is required with the beginning of two-year renewal cycle in 1993.

NEW SECTION

WAC 308-20-208 GRANDFATHER PROVISIONS. (1) All licenses issued prior to January 1, 1992, shall remain in effect until renewal or January 1, 1993, whichever is earlier. Prior to January 1, 1993, the licensee should take the following action:

(a) A cosmetologist whose license issue date is prior to January 1, 1992, may apply for licenses as a cosmetologist, barber, manicurist, and esthetician. A separate renewal fee is required for each. This may be done when the license is renewed for 1993. At the time of renewal send the renewal fee for each license type desired, with a statement designating the licenses to be issued.

(b) A manicurist whose license issue date is prior to January 1, 1992, may apply for licenses as an esthetician and a manicurist. A separate renewal fee is required for each. This may be done when the license is renewed for 1993. At the time of renewal send the renewal fee for each license type, with a statement designating the licenses to be issued.

(c) An instructor whose license issue date is prior to January 1, 1992, may be issued an instructor/operator license with endorsements for all four license types. This may be done when the license is renewed for 1993. When you submit your renewal and fee, the designation for the endorsements should be indicated.

(d) After January 1, 1993, multiple licenses and endorsements cannot be obtained based on original issue date. All applicants must meet training, licensure, and examination requirements of the current law.

(2) Students enrolled in a licensed school in the course outline as stated in WAC 308-20-080, may apply for examination in any type or any combination of types of examination when they complete the approved course.

(a) Cosmetology students, upon completion of the approved course of instruction, may apply for the cosmetology, barber, manicuring, and esthetic examinations. Each requires a separate application and fee and passage of the appropriate examination. Manicurists, upon completion of the approved course of instruction, may apply for the manicurist and esthetic examinations. Each requires a separate application and fee and passage of the appropriate examination.

(b) Students who have previously applied for examination and not obtained licensure prior to January 1,

1992, may also apply for the examination as stated in (a) of this subsection.

(c) All applicants who completed their training under the curriculum required in the previous law, but have not successfully obtained their license by July 1, 1993, will be eligible only for the examination offered in their primary course of training.

(d) Students may not be enrolled in any program under the previous law if they cannot complete their training prior to January 1, 1993.

(3) Schools must file with the department the curriculum required in the current law by July 1, 1992.

(a) A school may file and enroll students in the current law curriculum once it is approved by the department. Upon submission of the new curriculum, if a starting enrollment date other than July 1, 1992, is desired, the effective date of the curriculum must be designated. However, enrollment of all students from the designated date forward must be in the currently approved curriculum.

(b) Schools must complete the training of all students in the curriculum that was in effect when enrolled in the school. However, students may not be enrolled in the school under the curriculum required by the previous law if they cannot complete their training prior to January 1, 1993.

AMENDATORY SECTION (Amending WSR 90-07-030, filed 3/14/90, effective 4/14/90)

WAC 308-20-210 COSMETOLOGY FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Cosmetologist:	
Examination application	\$ 25.00
<u>Examination retake</u>	<u>25.00</u>
<u>Renewal per year</u>	<u>20.00</u>
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
Out-of-state application	25.00
Instructor:	
Examination application	30.00
<u>Examination retake</u>	<u>30.00</u>
<u>Renewal per year</u>	<u>20.00</u>
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
Out-of-state application	30.00
Manicurist:	
Examination application	25.00
<u>Examination retake</u>	<u>25.00</u>
<u>Renewal per year</u>	<u>20.00</u>
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
Out-of-state application	25.00

Title of Fee	Fee
Esthetician:	
<u>Examination application</u>	<u>25.00</u>
<u>Examination retake</u>	<u>25.00</u>
<u>Renewal per year</u>	<u>20.00</u>
<u>Late renewal penalty</u>	<u>20.00</u>
<u>Duplicate</u>	<u>15.00</u>
<u>Certification</u>	<u>25.00</u>
<u>Out-of-state application</u>	<u>25.00</u>
School:	
License application	175.00
<u>Renewal per year</u>	<u>175.00</u>
Late renewal penalty	175.00
Duplicate	15.00
<u>Curriculum review</u>	<u>15.00</u>
Barber:	
Examination application	25.00
<u>Examination retake</u>	<u>25.00</u>
<u>Renewal per year</u>	<u>20.00</u>
Late renewal penalty	20.00
Out-of-state application	25.00
Duplicate	15.00
Certification	25.00

WSR 92-04-007

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
(Red Raspberry Commission)
[Memorandum—January 17, 1992]**

Please include the Washington Red Raspberry Commission's 1992 meeting schedule in the Washington State Register. Scheduled meetings are:

January 8	Tacoma (Sheraton Hotel)
April 8	Vancouver
October 28	Lynden
December 4	Puyallup (WSU Research & Extension Center)

WSR 92-04-008

**PROPOSED RULES
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS**

[Filed January 23, 1992, 4:47 p.m.]

Original Notice.

Title of Rule: WAC 196-24-050 Examinations, examinations administered by this board.

Purpose: Regulation of engineering and land surveying professions.

Statutory Authority for Adoption: RCW 18.43.035.

Statute Being Implemented: Chapter 18.43 RCW.

Summary: This amendment reflects changes in discipline examinations administered by the board.

Reasons Supporting Proposal: A national exam has been discontinued and the board proposes to discontinue one little used local exam. Three national exams are added to the list of administered exams.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: W. Rick Notestine, 2424 Bristol Court S.W., Olympia, WA, 753-3634.

Name of Proponent: Board of Registration for Professional Engineers and Land Surveyors, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule lists the examinations administered by the Washington board. The amendment will eliminate little used exams, but add other exams offered by our national organization. Language is also clarified.

Proposal Changes the Following Existing Rules: Deletes the sanitary and ceramic discipline exams in engineering. Adds exams in control systems, manufacturing and petroleum. Also clarifies language and brings rule into compliance with statutory amendment, chapter 19, Laws of 1991.

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

Hearing Location: Seattle Marriott-SeaTac, City Suite Area, 3201 South 176th Street, SeaTac, WA, on March 13, 1992, at 11:00 a.m.

Submit Written Comments to: Alan E. Rathbun, P.O. Box 9649, Olympia, WA 98507-9649, by March 11, 1992.

Date of Intended Adoption: March 13, 1992.

January 17, 1992
Alan E. Rathbun
Executive Director

AMENDATORY SECTION (Amending Order PM 606, filed 6/4/87)

WAC 196-24-050 EXAMINATIONS. (1) The regular branches of engineering in which certificates of registration are presently issued are: Aeronautical, agricultural, ~~((ceramic))~~ chemical, civil, control systems, electrical, fire protection, industrial, logging, manufacturing, mechanical, metallurgical, mining, naval architecture and marine engineering, ~~((and))~~ nuclear, and petroleum. The ~~((branches of sanitary and))~~ branch of structural engineering ~~((are considered to be))~~ is a specialized ((branches)) branch. An applicant for ~~((any specialized branch))~~ structural engineer is required to hold a current registration in the state of Washington, in one of the regular branches. Applicants shall have ~~((not less than two))~~ a minimum of ten years of professional engineering experience ~~((in the additional branch in which the applicant seeks registration, over and above the requirements for professional registration (statutory eight years)))~~ at least two years of which must be structural engineering.

The examination in structural engineering shall be ~~((of two days duration. Examination in sanitary engineering shall be of one day duration))~~ sixteen hours long.

Certificates of registration ~~((with))~~ shall also be issued in land surveying.

All examinations are given at times and places as ~~((will be))~~ designated by the board. The schedule of future examinations may be obtained from the board office.

(2) Applicants for registration by ~~((reciprocity from states, territories, districts, or countries))~~ comity who have been issued certificates of registration without examination ~~((or in instances where such governmental body does not grant certificates of registration to regularly qualified registrants of the state of Washington will))~~ or by examination not equivalent to exams given in Washington, or do not have a certificate of registration shall be required to sit for an examination

~~((to test the skill, knowledge, and other professional attributes of the applicant))~~.

(a) The examination will be ~~((given))~~ in ~~((the))~~ a branch ~~((chosen by the applicant))~~ of engineering selected from the list of regular branches given ~~((by this board))~~ in subsection (1) of this section.

The board must approve of the branch selected before an exam can be administered.

(b) Such examinations are given after the board has approved the applicant's request for licensure.

(c) In cases where an applicant is issued a certificate of registration by his or her governmental body in a branch not included in the list of regular branches (subsection (1) of this section) the board ~~((with))~~ may examine such an applicant in a regular branch of his or her choice, ~~((presumably))~~ the one closest to his or her specialty.

(3) One designation as professional engineer and/or land surveyor will be issued by ~~((reciprocity))~~ comity. Each added designation requires a new application. Any additional branch designations will be authorized after the applicant has passed ~~((a regular))~~ an examination in the branch, except that applicants may be granted registration in the additional branch without further examination provided they have successfully passed an examination equivalent to that given in the state of Washington ~~((, in a state, territory, possession, district, or country, which grants like reciprocity to the state of Washington registrants))~~.

(4) All examinations will be ~~((given with))~~ open book unless otherwise specified by the board.

WSR 92-04-009

PROPOSED RULES

**SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed January 24, 1992, 3:57 p.m.]

Original Notice.

Title of Rule: Chapter 392-141 WAC, Transportation—State allocations for operations.

Purpose: To amend chapter 392-141 WAC to be consistent with current legislative appropriations and authority.

Statutory Authority for Adoption: RCW 28A.150.290.

Statute Being Implemented: RCW 29A.160.160-190 [28A.160.160-28A.160.190].

Summary: These amendments make these rules consistent with legislative authority and appropriations for the current school year.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Rick M. Wilson, Superintendent of Public Instruction, Old Capitol Building, (206) 753-2298; Implementation: Dr. David L. Moberly, Superintendent of Public Instruction, Old Capitol Building, (206) 753-6742; and Enforcement: Don M. Carnahan, Superintendent of Public Instruction, Old Capitol Building, (206) 753-0235.

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 Changes the Following Existing Rules: Changes special transportation distance weighing factors and load factors. Adds the computation of district car allocations. Adds definitions necessary to understand and

implement the operations allocation. Adds language related to the recovery of allocations not used for transportation purposes.

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

Hearing Location: Old Capitol Building, Wanamaker Conference Room, Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, on March 13, 1992, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, Superintendent of Public Instruction, Legal Services, P.O. Box 47200, Olympia, WA 98504-7200, by March 10, 1992.

Date of Intended Adoption: March 20, 1992.

January 24, 1992
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-141-105 AUTHORITY. The authority for this chapter is RCW 28A.150.290 which authorizes the superintendent of public instruction to adopt rules and regulations for the administration of chapter 28A.150 RCW, which includes student transportation programs, and RCW 28A.160.030, which ~~((authorizes the superintendent of public instruction to adopt rules and regulations for))~~ includes individual and in-lieu transportation arrangements.

AMENDATORY SECTION (Amending Order 84-26, filed 7/11/84)

WAC 392-141-110 PURPOSE. The purpose of this chapter is to ~~((implement and))~~ establish and implement policies and procedures for the allocation of pupil transportation operation funds.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-141-115 DEFINITION—ELIGIBLE STUDENT. As used in this chapter, "eligible student" ~~((shall))~~ means any student ~~((who is))~~ served by ~~((transportation or for whom compensation is provided pursuant to RCW 28A.160.030 who meets at least one of the following:~~

~~((1) In the case of students transported by bus))~~ a school district transportation program either by bus, district car, or individual arrangements meeting one or more of the following criteria:

~~((a) A))~~ (1) Students whose route stop is more than one radius mile from the student's destination school ~~((of attendance))~~ site 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))~~ (2) Students whose route stop is established because of ~~((one or more))~~ hazardous walking conditions in accordance with WAC 392-141-175 and ~~((is))~~ whose route stop is less than one radius mile ~~((or less from the school of attendance))~~ from the student's destination school site or learning center; or

~~((d) A))~~ (3) Students ~~((who is handicapped as))~~ whose handicap is defined by RCW 28A.155.020 and who is either not ambulatory or capable of protecting his or her own welfare while traveling to or from schools or ~~((agency))~~ agencies where special education services are provided and whose route stop is one radius mile or less from the destination school ~~((of attendance))~~ site or learning center.

~~((2) In the case of students for whom transportation arrangements are made pursuant to RCW 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.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 392-141-120 DEFINITION—TO AND FROM SCHOOL. As used in this chapter ~~((the term))~~, "to and from school" ~~((shall))~~ means all transportation between route stops ~~((and))~~, schools ~~((both before and after school and between schools))~~, and learning centers ~~((or agencies that meet the criteria established by WAC 392-141-180))~~ both before and after school.

Transportation not authorized for state allocations under this definition shall include, but not be limited to, ~~((such transportation activities as))~~ transportation designed exclusively for extended day, field trips, and extracurricular activities.

AMENDATORY SECTION (Amending Order 84-26, filed 7/11/84)

WAC 392-141-125 DEFINITION—HAZARDOUS WALKING CONDITIONS. As used in this chapter ~~((the term))~~, "hazardous walking conditions" ~~((shall))~~ means the existence of walkways which meet one or more of the conditions established pursuant to WAC 392-141-175.

AMENDATORY SECTION (Amending Order 84-26, filed 7/11/84)

WAC 392-141-130 DEFINITION—STANDARD STUDENT MILE ALLOCATION RATE. As used in this chapter ~~((the term))~~, "standard student mile allocation rate" ~~((shall))~~ means the monetary amount per weighted ~~((student))~~ unit ~~((allocation amount))~~ established by the legislature ~~((either directly or through the adopted budget))~~ pursuant to the appropriations act in effect at the time the operations allocation is paid.

NEW SECTION

WAC 392-141-135 PRORATED BUS. As used in this chapter, "prorated bus" means a whole or fractional bus calculated by dividing the total number of each type of route by the total of all routes run by each individual bus.

AMENDATORY SECTION (Amending Order 84-26, filed 7/11/84)

WAC 392-141-140 DEFINITION—RADIUS MILE. As used in this chapter ~~((the term))~~, "radius mile" ~~((shall))~~ means the straight line distance representing one mile measured between any two points on a map ~~((; e.g., route stop and school of attendance, submitted to the superintendent of public instruction)).~~

AMENDATORY SECTION (Amending Order 84-26, filed 7/11/84)

WAC 392-141-145 DEFINITION—SMALL FLEET MAINTENANCE ~~((FACTOR))~~ ALLOCATION RATE. As used in this chapter ~~((the term))~~, "small fleet maintenance ~~((factor))~~ allocation rate" ~~((shall))~~ means ~~((a))~~ the monetary amount, established ~~((through))~~ by the legislative ~~((budget))~~ process, which shall be added to the standard student mile allocation rate for districts ~~((that operate ten school buses or less on routes as reported on forms pursuant to WAC 392-141-160))~~ operating a school bus fleet of ten buses or less.

NEW SECTION

WAC 392-141-146 DEFINITION—BASIC TRANSPORTATION. As used in this chapter, "basic transportation" means students transported from home to school for their basic education and classified as either basic, transit tripper, in-lieu, private party contract or pass or token transportation.

NEW SECTION

WAC 392-141-147 DEFINITION—BASIC SHUTTLE TRANSPORTATION. As used in this chapter, "basic shuttle transportation" means students transported between schools and learning centers or to other schools or learning centers in other districts pursuant to interdistrict agreements during the regular school day.

NEW SECTION

WAC 392-141-148 DEFINITION—SPECIAL TRANSPORTATION. As used in this chapter, "special transportation" means students transported from home to school for their gifted or bilingual programs, or for special education programs pursuant to chapter 28A.155 RCW and chapter 392-141 WAC.

AMENDATORY SECTION (Amending Order 84-26, filed 7/11/84)

WAC 392-141-150 DEFINITION—MIDDAY TRANSPORTATION. As used in this chapter ((the term)), "midday transportation" ((~~shall~~)) means a separate route exclusively used for kindergarten ((and younger)) students, except special education students, that is operated to or from home and between the beginning and end of the regular school day.

AMENDATORY SECTION (Amending Order 84-26, filed 7/11/84)

WAC 392-141-155 DEFINITION—WEIGHTED STUDENT UNIT. As used in this chapter ((the term)), "weighted student unit" ((~~shall~~)) means the numeric value assigned to each student ((for allocation purposes)) based upon the radius mile interval in which each student's route stop is located ((as delineated in WAC 392-141-170 (3) and (4), if appropriate)).

NEW SECTION

WAC 392-141-156 DEFINITION—DISTRICT CAR ALLOCATION RATE. As used in this chapter, "district car allocation rate" means the per mile increment rate, established by legislative budget process, which allows for the operation and depreciation allocation of school district-owned passenger cars when used to transport students to and from school.

NEW SECTION

WAC 392-141-157 DEFINITION—DISTRICT. As used in this chapter, "district" means either individual school district(s) or educational service district(s).

NEW SECTION

WAC 392-141-158 DEFINITION—MINIMUM LOAD FACTOR. As used in this chapter, "minimum load factor" means a numeric value derived to achieve efficient average bus loads of at least seventy-four students.

AMENDATORY SECTION (Amending Order 84-26, filed 7/11/84)

WAC 392-141-160 DISTRICT REPORTING REQUIREMENTS. Annual ((and)) or supplementary reports shall be submitted by each school district((s)) to the superintendent of public instruction ((as follows):

(i) Each district shall submit an annual report to the superintendent of public instruction which shall include:

(a) All required data, on forms supplied by the superintendent of public instruction, which includes)) prior to the third Monday in October. Each district shall submit the data required on a timely basis as a condition to the continuing receipt of student transportation allocations. These reports shall include the following:

((~~(f)~~)) (1) School bus route logs ((which)) completed by bus drivers ((must complete)) for five consecutive days ((as specified by the superintendent of public instruction)). These logs shall include state school bus numbers, each bus stop, the number of students boarding the bus at each stop, and ((the)) destination schools, transfer points, learning centers, or agencies;

((~~(g)~~)) (ii) An annual school bus mileage report which includes each school bus by state school bus number and the beginning year and ending year odometer reading and the total miles for each bus for the school year; and

((~~(h)~~)) (iii) An annual to and from school mileage report which includes last year's actual mileage for to and from school and an estimate of the to and from school mileage for the current school year. This report shall exclude miles for extended day routes, field trips, extracurricular, and other contractual uses of school buses.

((~~(i)~~)) (2) Maps showing student route stop locations, and schools, learning centers, transfer points, or agency locations shall be in a format in accordance with instructions ((published in bulletins)) issued by the superintendent of public instruction((:)); and

((~~(j)~~)) (3) Other operational data and descriptions, as required by the superintendent of public instruction to determine operation allocation requirements for each district((, shall be included)).

((~~(2)~~)) Each of the annual reports shall be submitted to the superintendent of public instruction prior to the second Monday in October. The school bus route log data shall be collected on five consecutive

school days selected by each district to allow compliance with reporting requirements.

((~~(3)~~)) Each district shall submit the data required on a timely basis as a condition to the continuing receipt of student transportation allocations.))

((~~(4)~~)) An annual school bus mileage report including the beginning and ending year odometer reading, the total miles for each bus for the school year, an estimate of to and from school mileage for the upcoming school year, and miles for extended day routes, field trips, extracurricular, and other contractual uses of school buses.

AMENDATORY SECTION (Amending Order 84-26, filed 7/11/84)

WAC 392-141-165 ADJUSTMENT OF STATE ALLOCATION DURING YEAR. Districts ((experiencing a ten percent increase in eligible students transported which is maintained for at least twenty consecutive school days)) may be eligible for an additional allocation under the following conditions:

(1) ((Any district may submit revised annual reports subject to the following conditions:

(a) ~~(f)~~) The number of eligible students transported increases ten percent or more from the number in the October report set forth in WAC 392-141-160(1) for twenty consecutive days; ((and

(b) The ten percent increase is maintained for a period of twenty consecutive school days.))

(2) Revised reports for the twenty consecutive school days shall ((use methods, forms, procedures, and techniques required in WAC 392-141-160 and shall be based on data collected for twenty consecutive school days.)) be consistent with WAC 392-141-160;

(3) The ((district submitting the)) revised report shall document the first date that the ten percent increase occurred((:)) and the termination date of activities; and

(4) ((The)) Any adjusted allocation is subject to available ((revenue)) appropriation authority and such adjustment shall not be made until the ((July allocation)) appropriate apportionment cycle for ((the)) that school year.

AMENDATORY SECTION (Amending Order 84-26, filed 7/11/84)

WAC 392-141-170 FACTORS USED TO DETERMINE ALLOCATION. The method of determining the transportation operation allocation for each district shall be based on the following factors:

(1) The number of eligible students transported as defined in WAC 392-141-115;

(2) The radius mile distances from route stops to the destination schools, transfer route stops, learning centers, or agencies ((measured in radius miles)); ((and))

(3) ((The following)) A basic or special transportation distance weighting factor((s)) per radius mile interval((Each eligible route stop shall be placed in the appropriate radius mile interval and assigned a distance weighting factor as listed below. The appropriate distance interval shall be measured on a straight line basis between route stops and schools, transfer route stops, learning centers, or agencies.)) as listed below:

Distance ((Intervals in)) Weighting Factors Per Radius Miles

((More Including Factors)) ((Than)) Miles	((Up Distance)) ((to and Weighting)) Factors))		
	Basic	Special	
((0	1	2.85	4.75
+	2	3.20	4.89
2	3	3.55	5.05
3	4	3.90	5.19
4	5	4.25	5.34
5	6	4.60	5.49
6	7	4.97	5.64
7	8	5.30	5.78
8	9	5.65	5.94
9	10	6.00	6.08
+0	11	6.36	6.23
+1	12	6.71	6.38
+2	13	7.07	6.53
+3	14	7.43	6.67
+4	15	7.79	6.83
+5	16	8.13	6.97
+6))	17 AND OVER	8.50	7.13

(4) ((Additional differential factors when appropriate shall include the following:

(a) A minimum load factor for districts that have an average of less than fifty students transported per bus for all morning (i.e., before noon) home to school routes except for routes designed exclusively for transportation of handicapped and kindergarten and younger students. This factor is calculated as follows:

(i) Determine the most frequent number of students picked up at each route stop during the five day reporting period. If the pickup count at a route stop is the same for two days and different but the same for at least two other days during the five day reporting period, the larger count shall be used in the calculation.

(ii) Add the numbers determined for all route stops in (i) of this subsection.

(iii) Divide the total obtained in (ii) of this subsection by the number of buses used on such routes during the five day reporting period.

(iv) If the quotient obtained in (iii) of this subsection is less than fifty, divide fifty by the quotient.

(b) A special education load factor derived from the modal number of students picked up at each school bus stop in the district as reported pursuant to WAC 392-141-160 and which shall be in accordance with the average bus load set forth below:

Special Education Average Load	Special Education Load Factor
1	12
3.5	10
6.5	8
12.0	6
17.0	4
20	2
or more	2

To determine each school district's special education average load districts shall report only special education students meeting the requirements set forth in WAC 392-141-115 who are transported to or from schools, learning centers or agencies on special bus routes used exclusively for transporting students to special education programs or related services:

(c) A small fleet maintenance factor as defined in WAC 392-141-145.) The basic average load which is calculated by dividing the total number of basic and transit tripper students by the total number of prorated basic buses;

(5) A minimum load factor for districts with a basic average load of less than seventy-four students transported per bus for all home to school routes, except routes designed exclusively for handicapped or kindergarten students. This factor is calculated by dividing the whole number seventy-four by the basic average load and subtracting the whole number one;

(6) The special education average load is derived by dividing the total number of home to school special education students by the total number of special education prorated buses;

(7) A small fleet maintenance allocation rate as defined in WAC 392-141-115; and

(8) A special education load factor is based on the special education average load. To determine the special education load factor, use the following chart:

Special Average Load		
From	To	Factor
0.01	1.24	24.42
1.25	1.49	22.94
1.50	1.74	21.46
1.75	1.99	19.98
2.00	2.24	18.50
2.25	2.49	17.89
2.50	2.74	17.27
2.75	2.99	16.67
3.00	3.24	16.04
3.25	3.49	15.73
3.50	3.74	15.42
3.75	3.99	15.11
4.00	4.24	14.80
4.25	4.49	14.43
4.50	4.74	14.06
4.75	4.99	13.69
5.00	5.24	13.32
5.25	5.49	12.92

Special Average Load		
From	To	Factor
5.50	5.74	12.52
5.75	5.99	12.11
6.00	6.24	11.71
6.25	6.49	11.32
6.50	6.74	10.93
6.75	6.99	10.55
7.00	7.24	10.14
7.25	7.49	9.85
7.50	7.74	9.56
7.75	7.99	9.26
8.00	8.24	8.97
8.25	8.49	8.74
8.50	8.74	8.51
8.75	8.99	8.28
9.00	9.24	8.05
9.25	9.49	7.87
9.50	9.74	7.69
9.75	9.99	7.50
10.00	10.49	7.32
10.50	10.99	7.02
11.00	11.49	6.72
11.50	11.99	6.47
12.00	12.49	6.22
12.50	12.99	6.01
13.00	13.49	5.80
13.50	13.99	5.62
14.00	14.49	5.43
14.50	14.99	5.28
15.00	15.54	5.12
15.55	16.54	4.85
16.55	17.54	4.61
17.55	18.54	4.39
18.55	19.54	4.20
19.55	20.54	4.03
20.55	21.54	3.87
21.55	22.54	3.69
22.55	23.54	3.53
23.55	24.54	3.38
24.55	25.54	3.25
25.55	26.54	3.12
26.55	27.54	3.01
27.55	28.54	2.90
28.55	29.54	2.80
29.55	30.54	2.70
30.55	31.54	2.61
31.55	32.54	2.54
32.55	33.54	2.46
33.55	34.54	2.38
34.55	35.54	2.32
35.55	36.54	2.25
36.55	37.54	2.20
37.55	38.54	2.13
38.55	39.54	2.07
39.55	40.54	2.03
40.55	41.54	1.98
41.55	42.54	1.93
42.55	43.54	1.89
43.55	44.54	1.84
44.55	45.54	1.80
45.55	46.54	1.76
46.55	47.54	1.72
47.55	48.54	1.69
48.55	49.54	1.66
49.55	50.54	1.62
50.55	51.54	1.59
51.55	52.54	1.56
52.55	53.54	1.52
53.55	54.54	1.50
54.55	55.54	1.47
55.55	56.54	1.45
56.55	57.54	1.41
57.55	58.54	1.39
58.55	59.54	1.37
59.55	60.54	1.35

Special		Factor
Average	Load	
From	To	
60.55	61.54	1.33
61.55	62.54	1.30
62.55	63.54	1.28
63.55	64.54	1.26
64.55	65.54	1.24
65.55	66.54	1.23
66.55	67.54	1.21
67.55	68.54	1.18
68.55	69.54	1.17
69.55	70.54	1.15
70.55	71.54	1.14
71.55	72.54	1.12
72.55	73.54	1.11
73.55	74.00	1.10
74.01+		1.00

AMENDATORY SECTION (Amending Order 84-26, filed 7/11/84)

WAC 392-141-175 HAZARDOUS WALKING CONDITIONS. ((For the 1983-84 and 1984-85 school years,)) Route stops located within one radius mile of schools ((or)), learning centers, or agencies may be reported to the superintendent of public instruction for funding purposes if the ((local board of directors has judged that walking conditions are hazardous for students. The board's decision shall be based upon criteria established by the board defining a hazardous condition and may include any of the following:

- (1) There is inadequate area for walking along roadways;
- (2) There is inadequate traffic control for crossing roadways;
- (3) The traffic controls are too complex for the age of the children; and

(4) The traffic conditions are too dangerous for the age of the children. Examples are as follows:

- (a) There is a high volume of traffic with minimal or nonexistent protection for pedestrians; and
- (b) Vehicle traffic moves at a high rate of speed;)) walking conditions meet the criteria established in the publication "Guidelines for Determining the Existence of Hazardous Walking Conditions."

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

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 be scheduled for at least one hundred forty-four school days within an annual term and meet the requirements established in any of the following statutes:

- (a) Chapter 28A.230 RCW;
- (b) Chapter 28A.155 RCW;
- (c) RCW 28A.165.010 through 28A.165.080;
- (d) RCW 28A.150.200; and
- (e) RCW 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 for at least ((eighty percent of the)) one hundred forty-four school days within an annual ((school)) term((; (i.e., 144 school days)); and

((4)) (3) The limitations imposed by this section shall not apply to midday transportation ((to or from school)) or transportation of special education, gifted, or bilingual students between schools and ((between schools and)) agencies less frequently than four days a week.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-141-185 OPERATION ALLOCATION COMPUTATION. The computation of the transportation operation allocation shall be as follows:

(1) All ((eligible)) basic and transit tripper 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)) sites in accordance with WAC 392-141-170(3) and multiplied by two to yield the round trip totals in each distance interval;

(2) All ((kindergarten and younger)) midday and basic shuttle students transported ((to or from school midday)) shall be measured by radius mile intervals between the bus route stop and the destination 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 subsections ((4)) (1) and (2) of this section in each ((of the)) distance interval(s), 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 interval(s) with the exception of)). Midday transportation students whose ((midday transportation)) schedule is ((three)) one day(s) per week ((or less. In such cases)) shall have the weighted student units ((calculated for such transportation are)) multiplied by ((the appropriate)) twenty percent ((shown in the table below));

(4) The district's minimum load factor, if applicable, is calculated pursuant to WAC 392-141-170(5). This factor is multiplied by the total weighted student units generated by basic and tripper students. This total is the additional weighted units attributable to the district's small average bus load;

(No. of days per week	Percent factor
1	20%
2	40%
3	60%

((6)) (5) The sum of the cumulative weighted student units ((in each of the distance intervals)) calculated in subsections ((5)) (3) and (4) 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)), if applicable, less the weighted units for students who do not qualify under WAC 392-141-175 equals the total basic transportation weighted units;

(6) The basic allocation is the total basic transportation weighted units calculated in subsection (5) of this section multiplied by the standard student mile allocation rate. The small fleet maintenance allocation rate, if applicable, shall be added to the standard student mile allocation rate before calculating the basic allocation;

(7) All special ((education)) students ((as)) defined in RCW 28A.155.020 transported on special ((education)) transportation bus routes to school or agencies for ((special education)) related services shall be measured by ((distance)) radius mile intervals between their bus route stops and destinations sites 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)) two to yield the round trip total in each distance interval;

(8) All special ((education)) shuttle students transported between schools ((and between schools and)) or agencies less frequently than ((four)) five days a week((; the weighted student units calculated for such students shall be)) shall be measured by radius mile intervals between the bus route stop and destination sites in accordance with WAC 392-141-170(3);

(9) The total students in subsections (7) and (8) of this section in each distance interval multiplied by the applicable distance weighting factor contained in WAC 392-141-170(3) shall equal the weighted student units in each distance interval. Special shuttle transportation whose schedule is less than five days a week shall have the weighted units multiplied by the appropriate percent shown in the table below:

No. of days per week	Percent factor
1	20%
2	40%
3	60%
4	100%

~~((This product shall equal the weighted student units for special education transportation;))~~ (10) The district's special transportation load factor, if applicable, is calculated pursuant to WAC 392-141-170. The factor is multiplied by the total weighted student units generated by special students (not special shuttle students);

~~((8))~~ (11) The weighted student units calculated ((pursuant to)) in subsections ((7)) (9) and (10) 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)), if applicable, equals the total special transportation weighted units;

~~((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))~~ (12) The special allocation is the total special transportation weighted units calculated in subsection (11) of this section, multiplied by the standard student mile allocation rate. The small fleet maintenance allocation rate, if applicable, shall be added to the standard student mile allocation rate before calculating the special allocation;

(13) The district car allocation is computed for each vehicle and then totaled to equal the district car allocation. The computation is based on one hundred eighty days and fifty mile increments multiplied by the appropriate district car operation and depreciation rates published by the superintendent of public instruction. All vehicles traveling over two hundred fifty miles receive only the depreciation rate for miles in excess of two hundred fifty for the one hundred eighty day period;

(14) The district's annual allocation for transportation operation is the total of the calculations made in subsections (6), ((8)) (12), and ((9)) (13) of this section;

~~((12))~~ (15) 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 or until termination of activities before the end of the scheduled 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 18, filed 7/19/90, effective 8/19/90)

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.510.250. Such allocation shall be based on estimated amounts for payments ((to be)) made in September, October, November, ((and)) December, and January. The superintendent shall

notify each school district of the ((student)) pupil transportation operation allocation before ((December)) January 15 of the current school year.

NEW SECTION

WAC 392-141-200 **RECOVERY OF TRANSPORTATION FUNDS.** State allocation for pupil transportation operations are subject to recovery. Each school district's Annual Financial Statement, Form F-196, Part III, district expenditures plus indirect expenditures, less abatements for Program 99, plus funds transferred to the transportation vehicle fund, will be compared to the related pupil transportation operation allocation to determine any recovery of funds.

WSR 92-04-010

**NOTICE OF PUBLIC MEETINGS
CENTRAL WASHINGTON UNIVERSITY**
[Memorandum—January 22, 1992]

Regular meetings of Central Washington University board of trustees will be held in Room 143, Bouillon Hall, on the Central Washington University campus in Ellensburg at 11:00 a.m. on the following dates:

Friday March 13, 1992
Friday May 8, 1992
Friday June 12, 1992

WSR 92-04-011

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF FISHERIES**
[Filed January 27, 1992, 11:18 a.m.]

The Department of Fisheries withdraws its filing of proposed rule making published in WSR 91-22-077. This filing has been superseded by the 1992 sport regulation proposal, filed as WSR 92-03-151.

Judith Merchant
Deputy
for Joseph R. Blum
Director

WSR 92-04-012

**NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES**
[Memorandum—January 17, 1992]

This is to inform you, in compliance with the Open Public Meeting Act notice provisions, the board of trustees of the Seattle Community College District will meet with the Chancellor-select, Dr. Charles A. Kane, for a dinner meeting, to begin at 6:00 p.m. on Friday, January 17, 1992, in Kaspar's by the Bay, 2701 1st Avenue, Seattle, WA.

**WSR 92-04-013
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed January 27, 1992, 11:50 a.m.]

Original Notice.

Title of Rule: WAC 388-28-570 Net cash income—Exempt earned income; and chapter 388-51 WAC, Job opportunities and basic skills training program child care and other work-related supportive services and transitional child care.

Purpose: To implement the income assistance child care program.

Statutory Authority for Adoption: Chapter 16, Laws of 1991.

Statute Being Implemented: Chapter 16, Laws of 1991.

Summary: The proposed Washington Administrative Code implements the income assistance child care program. Under the program, the department assures the availability of state-paid child care to accept or maintain employment. The program will facilitate access to quality child care for working AFDC recipients by providing state-paid child care instead of the current income disregard.

Reasons Supporting Proposal: [No information supplied by agency.]

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rachael Langen, Division of Income Assistance, 753-5827.

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 March 10, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop 5805, Olympia, Washington 98504, by March 10, 1992.

Date of Intended Adoption: March 24, 1992.

January 27, 1992
Leslie F. James, Director
Administrative Services
by Rosemary Carr

AMENDATORY SECTION (Amending Order 3050, filed 8/21/90)

WAC 388-28-570 NET CASH INCOME—EXEMPT EARNED INCOME. (1) For rules on exempting earned income of a full- or part-time student, see WAC 388-28-535. For rules exempting income from training, see WAC 388-28-515. For rules exempting earned income for refugee assistance, see WAC 388-55-010. For rules on other income, see WAC 388-28-580.

(2) As used in this section, "earned income" shall mean income in cash or in-kind earned as wages, salary, commissions, or profit from

activities in which the individual is engaged as a self-employed person or as an employee. Earned income may be derived from self-employment (such as business enterprise or farming), or derived from wages or salary received as an employee. Earned income also includes earnings over a period of time for which settlement is made at one time, for example, sale of farm crops, livestock, or poultry. Income from rentals is earned income, provided the individual has managerial responsibility for the rental property.

(3) For an AFDC recipient, earned income includes earnings under Title I of the Elementary and Secondary Education Act, all earnings received under the Economic Opportunity Act, wages from WIN on-the-job training, and wages paid under the Job Training Partnership Act (JTPA). See WAC 388-28-535(2) for treatment of a child excluded from the grant.

(4) The definition of "earned income" excludes:

(a) Returns from capital investment with respect to which the individual is not actively engaged, as in a business. For example, under most circumstances, dividends and interest are excluded from "earned income."

(b) Benefits accruing as compensation or reward for service, or as compensation for lack of employment, for example, pensions and benefits from labor organizations, veterans' benefits, unemployment compensation, Social Security, etc.

(c) Income from WIN incentive payments and training-related expenses derived from WIN institutional or work experience training.

(d) Income received under the Job Training Partnership Act for training allowances, payments for support services, etc.

(5) In AFDC, refugee assistance, and general assistance when payment of income earned over a period of more than one month is delayed, the exemption applies to the period during which the income was earned.

(6) Aid to families with dependent children.

(a) The following shall be disregarded sequentially from the monthly gross earned income of each individual member of the assistance unit.

(i) Ninety dollars for work expenses, regardless of the number of hours worked per month.

(ii) For each nonstudent dependent child and adult found otherwise eligible to receive assistance or having received assistance in one of the four prior months, thirty dollars and one-third of the remainder not already disregarded. The thirty dollars and one-third disregard shall be applied for a maximum of four consecutive months; it cannot be applied again until the recipient has been a nonrecipient for twelve consecutive months.

(iii) After expiration of the disregard in subsection (6)(a)(ii) of this section, thirty dollars for a maximum of eight consecutive months, whether or not the recipient has earnings or is receiving assistance; it cannot be applied again until the recipient has been a nonrecipient for twelve consecutive months.

(iv) The actual cost ((not to exceed the following amounts depending upon the number of hours worked per month)) for ((the)) care of each dependent child or incapacitated adult living in the same home and receiving AFDC((-)) provided:

(A) Conditions under WAC 388-51-110 (1)(c) are met for each dependent child;

(B) No ((deduction shall)) disregard will be ((made)) allowed for ((child)) care provided by a parent or stepparent((-));

(C) The ((amount incurred must be verified by the)) provider ((-)) verifies the cost incurred;

(D) The ((expense must have been)) cost is incurred for the month of employment being reported ((to be allowed as a deduction)); and

(E) The cost for each dependent child or incapacitated adult, depending on the number of hours worked per month does not exceed the following:

Hours Worked Per Month	((Child-Care Max-imum Deductions-Child 2 Years of Age or Older))		Child-Care Max-imum Deductions-Child Under 2 Years of Age))	
	Dependent Care Max-imum Deductions-Dependent 2 Years of Age or Older	Dependent Care Max-imum Deductions-Dependent Under 2 Years of Age	Dependent Care Max-imum Deductions-Child 2 Years of Age or Older	Dependent Care Max-imum Deductions-Child Under 2 Years of Age
0 - 40	\$ 43.75		\$ 50.00	
41 - 80	87.50		\$100.00	
81 - 120	131.25		\$150.00	
121 or more	175.00		\$200.00	

(b) The exemptions and deductions in subsection (6)(a) of this section will not be applied for any month if the individual within a period of thirty days preceding the month in which the income was received:

(i) Terminated the individual's employment or reduced the individual's earned income without good cause; or

(ii) Refused without good cause to accept employment in which the individual is able to engage which is offered through employment security department, or is otherwise offered by an employer if the offer of such employment is determined by the local office to be a bona fide offer of employment.

(c) The exemptions and deductions in subsection (6)(a) of this section will not be applied for any month the recipient failed without good cause to make a timely report of income. When a timely report is made under these circumstances, the thirty-dollar and one-third exemption shall be counted in the applicable time limits. Good cause shall be determined by the department. Any circumstance beyond the control of the recipient shall constitute good cause.

To be considered timely, a report must be received by the department:

(i) On or before the eighteenth day of the month following the month in which the income was received, or

(ii) By the first following work day if the eighteenth day of the month falls on a weekend or holiday.

(d) If a recipient requests termination in order to break the consecutiveness of the applicable time limits for the thirty-dollar plus one-third exemption, and would have been eligible, the months of voluntary nonreceipt of assistance shall be counted toward the applicable time limits.

(e) If a recipient quits work without good cause, the thirty-dollar and one-third exemption shall be deemed to have been received and shall be counted toward the applicable time limits.

(f) Months in which the applicant/recipient received the thirty-dollar and one-third exemption in another state shall not apply toward the applicable time limits.

(7) The following conditions when verified shall constitute good cause for refusal of an offer of employment or refusal to continue employment:

(a) Physical, mental, or emotional inability of the individual to satisfactorily perform the work required;

(b) Inability of the individual to get to and from the job without undue cost or hardship to the individual;

(c) The nature of the work would be hazardous to the individual;

(d) The wages do not meet any applicable minimum wage requirements and are not customary for such work in the community;

(e) The job is available because of a labor dispute; or

(f) Adequate child care is not available to the AFDC household.

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 3126, filed 12/31/90, effective 1/31/91)

WAC 388-51-010 CHILD CARE AND OTHER WORK-RELATED SUPPORTIVE SERVICES—((AUTHORITY AND)) PURPOSE. ((+)) Child care and other work-related supportive service for a participant in the JOBS program is authorized under P.L. 100-485, as amended, 102 Stat. 2343, amending Title IV of the Social Security Act, and establishing Title IV-F. The short title is the Family Support Act of 1988. Federal regulations for support services are in Part 45, Code of Federal Regulations, Section 255.

((2)) The purpose of this program is to provide child care and other support services ((for a family:

(a) Receiving and, in some cases, applying for aid to families with dependent children (AFDC); and

(b) Participating in the JOBS program according to chapter 388-47 WAC)) necessary to assist families with dependent children to become self-sufficient.

NEW SECTION

WAC 388-51-110 JOBS AND INCOME ASSISTANCE CHILD CARE PROGRAM. (1) The department shall guarantee child care by:

(a) Paying providers for center care or family day care if the provider is:

(i) Licensed under chapter 74.15 RCW and either chapters 388-73, 388-150, or 388-155 WAC;

(ii) Exempt from licensure under chapter 74.15 RCW and chapters 388-73, 388-150, or 388-155 WAC;

(iii) A tribal day care center which meets the requirements of tribal law and is certified by the department; or

(iv) A child care facility, certified by the department, on a military installation.

(b) Paying the recipient for in-home care provided requirements in WAC 388-15-170 (6), (7), and (8) are met. In-home care shall include care given in the home of the recipient, an adult sibling living outside the child's home, grandparents, aunts, uncles, or first cousins.

(c) Allowing the dependent care earnings disregard. The department shall allow a disregard when the household:

(i) Received AFDC on October 13, 1988, based on application of the dependent care disregard and has remained continuously eligible for grant assistance since that time. Such households shall have the option to use the disregard or state paid child care;

(ii) Was employed on September 30, 1991, and has not yet been converted to the state-paid, child care system; or

(iii) Is subject to retrospective budgeting and is converting to state-paid child care. For such cases, the department shall allow both state-paid, child care and a child care earnings disregard for the month of conversion and the month thereafter if the household incurred child care costs in the corresponding budget month; or

(iv) Is a new applicant employed at the time of application. For such households, the department shall allow a prorata income disregard, or the actual child care cost if less, for the portion of the month that the applicant was not on assistance and had a child care expense.

(2) Within the child care guarantee of this section, the department shall authorize payment for child care to allow:

(a) An AFDC applicant or recipient to participate in:

(i) JOBS orientation or assessment;

(ii) Job search that is part of an approved employability plan under chapter 388-47 WAC; or

(b) A recipient to participate in:

(i) Work-related barrier removal activities, as approved by the department for participation in employment or activities under chapter 388-47 WAC;

(ii) Education or training or other component activity that is part of an approved employability plan under chapter 388-47 WAC; or

(iii) Employment, either to accept or maintain.

(3) The department shall take the individual needs of the child into account.

(4) The department shall not guarantee child care for two-parent households where one parent is able and available to care for the children. Able is defined as physically and/or mentally capable of caring for children in a responsible manner.

NEW SECTION

WAC 388-51-115 JOBS AND INCOME ASSISTANCE CHILD CARE PROGRAM—ELIGIBLE CHILDREN AND RECIPIENTS. (1) The department shall authorize necessary child care if the dependent child is:

(a) Included in the same assistance unit as the recipient; or

(b) Included in the household but is not in the recipient's assistance unit because the child is receiving SSI benefits or foster care benefits under Title IV-E of the Social Security Act; and

(c) Twelve years of age or younger; or

(d) Physically or mentally (including emotionally) incapable of self-care, as verified by a licensed medical practitioner or licensed or certified psychologist; or

(e) Under court supervision.

(2) The department shall not authorize child care to a recipient not included in the assistance unit because the recipient is:

(a) An undocumented alien;

(b) A recipient of SSI; or

(c) A non-need relative.

(3) The department shall authorize income assistance child care to employed recipients not included in the assistance unit due to a sanction with children meeting the requirements of subsection (1) above.

NEW SECTION

WAC 388-51-120 JOBS AND INCOME ASSISTANCE CHILD CARE PROGRAM—PAYMENT. (1) The department's payment for child care shall not exceed the local market rate for child care. The department shall establish the market rate based on representative samples of local child care providers.

(2) The child care rates shall be as published by the department.

(3) The department's payment for child care shall:

(a) Relate to a person's hours of participation under chapter 388-47 WAC or hours of employment;

(b) Include transportation time between the place of employment or participation site for activity under chapter 388-47 WAC and the child care provider; and

(c) Exclude study time, either before or after the day's participation in approved education or training.

(4) The department may authorize payment for child care for up to two weeks for a person waiting to enter education or training, or other component activity approved under chapter 388-47 WAC, or employment.

(5) The department may authorize child care for a period not to exceed one month when child care arrangements would otherwise be lost and the component activity is scheduled to begin within that period.

(6) The department may pay for initial one-time fees for registration or equipment which are required by an authorized child care provider if such fees are:

(a) Required of all parents whose children are in care; and

(b) Needed to maintain a child care arrangement.

(7) The department shall not pay ongoing annual registration.

(8) Notwithstanding WAC 388-51-110 (1)(b), the department may establish a protective payee due to mismanagement if the recipient fails to pay the in-home care provider when:

(a) A child care warrant has been issued to the correct address and it has been twelve or more working days since the issuance date; and

(b) The recipient has not reported the warrant lost, stolen, or destroyed.

NEW SECTION

WAC 388-51-123 JOBS AND INCOME ASSISTANCE CHILD CARE PROGRAM—EFFECTIVE DATES. (1) The department shall authorize child care for:

(a) Orientation or assessment, to coincide with participation in orientation or assessment provided the household has applied for assistance;

(b) Employment, to coincide with the start of employment or the date of eligibility for assistance, whichever is later, so long as the employment is timely reported by the eighteenth day of the process month. If the employment is not timely reported, the effective date for child care benefits shall be the date of request for child care;

(c) Other approved activities, to coincide with the date of request for child care or the start of the activity, whichever is later.

(2) The department is required to provide timely notice to recipients for changes in payment when the change results in a discontinuation, suspension, reduction, termination, or forces a change in child care arrangements;

(a) The department shall terminate child care benefits to coincide with the termination of assistance, provided timely notice for the change in child care has been given;

(b) Timely notice requirements shall not apply for other changes in the manner of payment.

NEW SECTION

WAC 388-51-125 JOBS AND INCOME ASSISTANCE CHILD CARE PROGRAM—RESPONSIBILITIES. (1) The department shall:

(a) Inform applicants/recipients about child care and supportive services available under this chapter and respond to requests for child care services within a reasonable period of time;

(b) Inform applicants/recipients of the types and locations of child care services available to help them select child care services;

(c) Inform applicants/recipients of the child care options for which the department can make payment;

(d) Inform applicants/recipients of their rights and responsibilities in relation to child care and support services;

(e) Provide timely child care payments to the provider; and

(f) Provide advance and adequate notice to recipients of reduction, suspension or termination of child care benefits.

(2) The recipient shall:

(a) Choose the provider and make the child care arrangements;

(b) Immediately notify the department of any change in providers;

(c) Pay the in-home care giver when the department pays the applicant/recipients for in-home care;

(d) Supply the department with necessary information to allow payment to the authorized provider; and

(e) Immediately notify the provider when the department discontinues or changes the child care authorization.

(3) The provider shall provide:

(a) Parental access;

(b) Constant supervision of a child under care throughout the time they are the provider;

(c) Developmentally appropriate activities for a child under provider's care;

(d) Provide access to attendance records by appropriate state and federal government representatives; and

(e) Meet licensing and contracting requirements as provided in chapters 388-150 and 155 WAC as required.

NEW SECTION

WAC 388-51-130 INCOME ASSISTANCE CHILD CARE PROGRAM—EFFECT ON ELIGIBILITY AND PAYMENTS. (1) Except as provided under WAC 388-28-570 (6)(iv), 388-51-110 (1)(c), and subsections (2) and (3) of this section, the department shall determine AFDC eligibility and payment amounts without the dependent care disregard for households subject to the income assistance child care program.

(2) The department shall determine payment amounts with the dependent care disregard for households receiving both state paid child care and the earnings disregard for the month of conversion and the month thereafter.

(3) The department shall determine eligibility and payment amounts for the month of application as provided under WAC 388-51-110 (1)(c)(iv).

(4) The department shall not consider the child care benefits provided under this chapter as income or resources when determining AFDC, food stamp program eligibility, or payment amount. Income received as a child care provider shall be treated according to chapters 388-28 and 388-49 WAC.

NEW SECTION

WAC 388-51-132 ASSIGNMENT OF SUPPORT. The department shall consider all child care expenditures provided under the JOBS and income assistance child care program as an assistance payment covered by the assignment of support under chapter 388-14 WAC.

NEW SECTION

WAC 388-51-135 JOBS AND INCOME ASSISTANCE CHILD CARE—HEARINGS. (1) Applicants/recipients shall be entitled to fair hearings under chapter 388-08 WAC on any action affecting child care benefits except for changes resulting from a change in policy or law.

(2) Recipients shall not be eligible for continued child care benefits pending the outcome of a child care fair hearing.

NEW SECTION

WAC 388-51-140 INCOME ASSISTANCE CHILD CARE PROGRAM—CONVERSION. (1) The department shall convert/subject households to the state-paid income assistance child care program as follows:

(a) At application. The department shall consider a reapplication following a break in assistance of one month or more as an application;

(b) For existing cases starting employment after October 1, 1991, when employment starts; and

(c) For existing cases that are employed on October 1, 1991, at the next eligibility review or the month thereafter, or upon the recipient's request, if earlier.

(2) Recipients that cease to be eligible for assistance at conversion because of the loss of the child care earnings disregard shall receive transitional benefits, if otherwise eligible.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-51-100 Child care—payment.

WSR 92-04-014
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3317—Filed January 27, 1992, 11:53 a.m., effective January 28, 1992, 12:01 a.m.]

Date of Adoption: January 27, 1992.

Purpose: To implement the income assistance child care program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-28-570 and chapter 388-51 WAC.

Statutory Authority for Adoption: Chapter 16, Laws of 1991.

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: Immediate adoption of the rules implementing the income assistance child care program is necessary to comply with the legislative intent that the program be in place for the current biennium; to facilitate immediate access to qualify child care for working recipients, in the interest of the general welfare of the state, by replacing current policy which often does not cover existing costs of dependent care; to help control AFDC expenditures by providing additional incentives for AFDC recipients to seek employment, thereby decreasing recipient reliance on public assistance; and to preserve and safeguard continued funding for the program by managing the program consistent with the direction given by the legislature and the federal government. Permanent adoption of such rules will also subsequently occur thereby affording public input as to such changes.

Effective Date of Rule: January 28, 1992, 12:01 a.m.

January 27, 1992

Leslie F. James, Director
Administrative Services
by Rosemary Carr

AMENDATORY SECTION (Amending Order 3050, filed 8/21/90)

WAC 388-28-570 NET CASH INCOME—EX-EMPT EARNED INCOME. (1) For rules on exempting earned income of a full- or part-time student, see WAC 388-28-535. For rules exempting income from

training, see WAC 388-28-515. For rules exempting earned income for refugee assistance, see WAC 388-55-010. For rules on other income, see WAC 388-28-580.

(2) As used in this section, "earned income" shall mean income in cash or in-kind earned as wages, salary, commissions, or profit from activities in which the individual is engaged as a self-employed person or as an employee. Earned income may be derived from self-employment (such as business enterprise or farming), or derived from wages or salary received as an employee. Earned income also includes earnings over a period of time for which settlement is made at one time, for example, sale of farm crops, livestock, or poultry. Income from rentals is earned income, provided the individual has managerial responsibility for the rental property.

(3) For an AFDC recipient, earned income includes earnings under Title I of the Elementary and Secondary Education Act, all earnings received under the Economic Opportunity Act, wages from WIN on-the-job training, and wages paid under the Job Training Partnership Act (JTPA). See WAC 388-28-535(2) for treatment of a child excluded from the grant.

(4) The definition of "earned income" excludes:

(a) Returns from capital investment with respect to which the individual is not actively engaged, as in a business. For example, under most circumstances, dividends and interest are excluded from "earned income."

(b) Benefits accruing as compensation or reward for service, or as compensation for lack of employment, for example, pensions and benefits from labor organizations, veterans' benefits, unemployment compensation, Social Security, etc.

(c) Income from WIN incentive payments and training-related expenses derived from WIN institutional or work experience training.

(d) Income received under the Job Training Partnership Act for training allowances, payments for support services, etc.

(5) In AFDC, refugee assistance, and general assistance when payment of income earned over a period of more than one month is delayed, the exemption applies to the period during which the income was earned.

(6) Aid to families with dependent children.

(a) The following shall be disregarded sequentially from the monthly gross earned income of each individual member of the assistance unit.

(i) Ninety dollars for work expenses, regardless of the number of hours worked per month.

(ii) For each nonstudent dependent child and adult found otherwise eligible to receive assistance or having received assistance in one of the four prior months, thirty dollars and one-third of the remainder not already disregarded. The thirty dollars and one-third disregard shall be applied for a maximum of four consecutive months; it cannot be applied again until the recipient has been a nonrecipient for twelve consecutive months.

(iii) After expiration of the disregard in subsection (6)(a)(ii) of this section, thirty dollars for a maximum of eight consecutive months, whether or not the recipient has earnings or is receiving assistance; it cannot be applied again until the recipient has been a nonrecipient for twelve consecutive months.

(iv) ~~The actual cost ((not to exceed the following amounts depending upon the number of hours worked per month)) for ((the)) care of each dependent child or incapacitated adult living in the same home and receiving AFDC((-)) provided:~~

(A) Conditions under WAC 388-51-110 (1)(c) are met for each dependent child;

(B) No ((deduction shall)) disregard will be ((made)) allowed for ((child)) care provided by a parent or stepparent((-));

(C) The ((amount incurred must be verified by the)) provider ((-)) verifies the cost incurred;

(D) The ((expense must have been)) cost is incurred for the month of employment being reported ((to be allowed as a deduction)); and

(E) The cost for each dependent child or incapacitated adult, depending on the number of hours worked per month does not exceed the following:

Hours Worked Per Month	((Child Care Maximum Deductions))	
	Child 2 Years of Age or Older	Child Under 2 Years of Age
0 - 40	\$ 43.75	\$ 50.00
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81 - 120	131.25	\$150.00
121 or more	175.00	\$200.00

(b) The exemptions and deductions in subsection (6)(a) of this section will not be applied for any month if the individual within a period of thirty days preceding the month in which the income was received:

(i) Terminated the individual's employment or reduced the individual's earned income without good cause; or

(ii) Refused without good cause to accept employment in which the individual is able to engage which is offered through employment security department, or is otherwise offered by an employer if the offer of such employment is determined by the local office to be a bona fide offer of employment.

(c) The exemptions and deductions in subsection (6)(a) of this section will not be applied for any month the recipient failed without good cause to make a timely report of income. When a timely report is made under these circumstances, the thirty-dollar and one-third exemption shall be counted in the applicable time limits. Good cause shall be determined by the department. Any circumstance beyond the control of the recipient shall constitute good cause.

To be considered timely, a report must be received by the department:

(i) On or before the eighteenth day of the month following the month in which the income was received, or

(ii) By the first following work day if the eighteenth day of the month falls on a weekend or holiday.

(d) If a recipient requests termination in order to break the consecutiveness of the applicable time limits for the thirty-dollar plus one-third exemption, and

would have been eligible, the months of voluntary non-receipt of assistance shall be counted toward the applicable time limits.

(e) If a recipient quits work without good cause, the thirty-dollar and one-third exemption shall be deemed to have been received and shall be counted toward the applicable time limits.

(f) Months in which the applicant/recipient received the thirty-dollar and one-third exemption in another state shall not apply toward the applicable time limits.

(7) The following conditions when verified shall constitute good cause for refusal of an offer of employment or refusal to continue employment:

(a) Physical, mental, or emotional inability of the individual to satisfactorily perform the work required;

(b) Inability of the individual to get to and from the job without undue cost or hardship to the individual;

(c) The nature of the work would be hazardous to the individual;

(d) The wages do not meet any applicable minimum wage requirements and are not customary for such work in the community;

(e) The job is available because of a labor dispute; or

(f) Adequate child care is not available to the AFDC household.

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~~(2)) The purpose of this program is to provide child care and other support services ((for a family:~~

~~(a) Receiving and, in some cases, applying for aid to families with dependent children (AFDC), and~~

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(i) Licensed under chapter 74.15 RCW and either chapters 388-73, 388-150, or 388-155 WAC;

(ii) Exempt from licensure under chapter 74.15 RCW and chapters 388-73, 388-150, or 388-155 WAC;

(iii) A tribal day care center which meets the requirements of tribal law and is certified by the department;

(iv) A child care facility, certified by the department, on a military installation.

(b) Paying the recipient for in-home care provided requirements in WAC 388-15-170 (6), (7), and (8) are met. In-home care shall include care given in the home of the recipient, an adult sibling living outside the child's home, grandparents, aunts, uncles, or first cousins.

(c) Allowing the dependent care earnings disregard. The department shall allow a disregard when the household:

(i) Received AFDC on October 13, 1988, based on application of the dependent care disregard and has remained continuously eligible for grant assistance since that time. Such households shall have the option to use the disregard or state paid child care;

(ii) Was employed on September 30, 1991, and has not yet been converted to the state-paid, child care system; or

(iii) Is subject to retrospective budgeting and is converting to state-paid child care. For such cases, the department shall allow both state-paid, child care and a child care earnings disregard for the month of conversion and the month thereafter if the household incurred child care costs in the corresponding budget month; or

(iv) Is a new applicant employed at the time of application. For such households, the department shall allow a prorata income disregard, or the actual child care cost if less, for the portion of the month that the applicant was not on assistance and had a child care expense.

(2) Within the child care guarantee of this section, the department shall authorize payment for child care to allow:

(a) An AFDC applicant or recipient to participate in:

(i) JOBS orientation or assessment;

(ii) Job search that is part of an approved employability plan under chapter 388-47 WAC; or

(b) A recipient to participate in:

(i) Work-related barrier removal activities, as approved by the department for participation in employment or activities under chapter 388-47 WAC;

(ii) Education or training or other component activity that is part of an approved employability plan under chapter 388-47 WAC; or

(iii) Employment, either to accept or maintain.

(3) The department shall take the individual needs of the child into account.

(4) The department shall not guarantee child care for two-parent households where one parent is able and available to care for the children. Able is defined as physically and/or mentally capable of caring for children in a responsible manner.

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(a) Included in the same assistance unit as the recipient; or

(b) Included in the household but is not in the recipient's assistance unit because the child is receiving SSI benefits or foster care benefits under Title IV-E of the Social Security Act; and

(c) Twelve years of age or younger; or

(d) Physically or mentally (including emotionally) incapable of self-care, as verified by a licensed medical practitioner or licensed or certified psychologist; or

(e) Under court supervision.

(2) The department shall not authorize child care to a recipient not included in the assistance unit because the recipient is:

(a) An undocumented alien;

(b) A recipient of SSI; or

(c) A non-needy relative.

(3) The department shall authorize income assistance child care to employed recipients not included in the assistance unit due to a sanction with children meeting the requirements of subsection (1) above.

NEW SECTION

WAC 388-51-120 JOBS AND INCOME ASSISTANCE CHILD CARE PROGRAM—PAYMENT. (1) The department's payment for child care shall not exceed the local market rate for child care. The department shall establish the market rate based on representative samples of local child care providers.

(2) The child care rates shall be as published by the department.

(3) The department's payment for child care shall:

(a) Relate to a person's hours of participation under chapter 388-47 WAC or hours of employment;

(b) Include transportation time between the place of employment or participation site for activity under chapter 388-47 WAC and the child care provider; and

(c) Exclude study time, either before or after the day's participation in approved education or training.

(4) The department may authorize payment for child care for up to two weeks for a person waiting to enter education or training, or other component activity approved under chapter 388-47 WAC, or employment.

(5) The department may authorize child care for a period not to exceed one month when child care arrangements would otherwise be lost and the component activity is scheduled to begin within that period.

(6) The department may pay for initial one-time fees for registration or equipment which are required by an authorized child care provider if such fees are:

(a) Required of all parents whose children are in care; and

(b) Needed to maintain a child care arrangement.

(7) The department shall not pay ongoing annual registration.

(8) Notwithstanding WAC 388-51-110 (1)(b), the department may establish a protective payee due to mismanagement if the recipient fails to pay the in-home care provider when:

(a) A child care warrant has been issued to the correct address and it has been twelve or more working days since the issuance date; and

(b) The recipient has not reported the warrant lost, stolen, or destroyed.

NEW SECTION

WAC 388-51-123 JOBS AND INCOME ASSISTANCE CHILD CARE PROGRAM—EFFECTIVE DATES. (1) The department shall authorize child care for:

(a) Orientation or assessment, to coincide with participation in orientation or assessment provided the household has applied for assistance;

(b) Employment, to coincide with the start of employment or the date of eligibility for assistance, whichever is later, so long as the employment is timely reported by the eighteenth day of the process month. If the employment is not timely reported, the effective date for child care benefits shall be the date of request for child care;

(c) Other approved activities, to coincide with the date of request for child care or the start of the activity, whichever is later.

(2) The department is required to provide timely notice to recipients for changes in payment when the change results in a discontinuation, suspension, reduction, termination, or forces a change in child care arrangements;

(a) The department shall terminate child care benefits to coincide with the termination of assistance, provided timely notice for the change in child care has been given;

(b) Timely notice requirements shall not apply for other changes in the manner of payment.

NEW SECTION

WAC 388-51-125 JOBS AND INCOME ASSISTANCE CHILD CARE PROGRAM—RESPONSIBILITIES. (1) The department shall:

(a) Inform applicants/recipients about child care and supportive services available under this chapter and respond to requests for child care services within a reasonable period of time;

(b) Inform applicants/recipients of the types and locations of child care services available to help them select child care services;

(c) Inform applicants/recipients of the child care options for which the department can make payment;

(d) Inform applicants/recipients of their rights and responsibilities in relation to child care and support services;

(e) Provide timely child care payments to the provider, and

(f) Provide advance and adequate notice to recipients of reduction, suspension or termination of child care benefits.

(2) The recipient shall:

(a) Choose the provider and make the child care arrangements;

(b) Immediately notify the department of any change in providers;

(c) Pay the in-home care giver when the department pays the applicant/recipient for in-home care;

(d) Supply the department with necessary information to allow payment to the authorized provider; and

(e) Immediately notify the provider when the department discontinues or changes the child care authorization.

(3) The provider shall provide:

(a) Parental access;

(b) Constant supervision of a child under care throughout the time they are the provider;

(c) Developmentally appropriate activities for a child under provider's care;

(d) Provide access to attendance records by appropriate state and federal government representatives; and

(e) Meet licensing and contracting requirements as provided in chapters 388-150 and 155 WAC as required.

NEW SECTION

WAC 388-51-130 INCOME ASSISTANCE CHILD CARE PROGRAM—EFFECT ON ELIGIBILITY AND PAYMENTS. (1) Except as provided under WAC 388-28-570 (6)(iv), 388-51-110 (1)(c), and subsections (2) and (3) of this section, the department shall determine AFDC eligibility and payment amounts without the dependent care disregard for households subject to the income assistance child care program.

(2) The department shall determine payment amounts with the dependent care disregard for households receiving both state paid child care and the earnings disregard for the month of conversion and the month thereafter.

(3) The department shall determine eligibility and payment amounts for the month of application as provided under WAC 388-51-110 (1)(c)(iv).

(4) The department shall not consider the child care benefits provided under this chapter as income or resources when determining AFDC, food stamp program eligibility, or payment amount. Income received as a child care provider shall be treated according to chapters 388-28 and 388-49 WAC.

NEW SECTION

WAC 388-51-132 ASSIGNMENT OF SUPPORT. The department shall consider all child care expenditures provided under the JOBS and income assistance child care program as an assistance payment covered by the assignment of support under chapter 388-14 WAC.

NEW SECTION

WAC 388-51-135 JOBS AND INCOME ASSISTANCE CHILD CARE—HEARINGS. (1) Applicants/recipients shall be entitled to fair hearings under chapter 388-08 WAC on any action affecting child care benefits except for changes resulting from a change in policy or law.

(2) Recipients shall not be eligible for continued child care benefits pending the outcome of a child care fair hearing.

NEW SECTION

WAC 388-51-140 INCOME ASSISTANCE CHILD CARE PROGRAM—CONVERSION. (1) The department shall convert/subject households to the state-paid income assistance child care program as follows:

(a) At application. The department shall consider a reapplication following a break in assistance of one month or more as an application;

(b) For existing cases starting employment after October 1, 1991, when employment starts; and

(c) For existing cases that are employed on October 1, 1991, at the next eligibility review or the month thereafter, or upon the recipient's request, if earlier.

(2) Recipients that cease to be eligible for assistance at conversion because of the loss of the child care earnings disregard shall receive transitional benefits, if otherwise eligible.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-51-100 Child care—payment.

WSR 92-04-015**EMERGENCY RULES****DEPARTMENT OF REVENUE**

[Filed January 27, 1992, 1:28 p.m.]

Date of Adoption: January 22, 1992.

Purpose: To implement chapter 200, Laws of 1991, effective October 1, 1991, which imposes a tax on the offloading from waterborne vessel of crude oil or petroleum products at marine terminals in this state.

Statutory Authority for Adoption: Section 808, chapter 200, Laws of 1991.

Other Authority: RCW 82.32.300.

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 emergency filing is necessary to implement chapter 200, Laws of 1991, by October 1, 1991, the effective date of the legislation.

Effective Date of Rule: Immediately.

January 22, 1992

Edward L. Faker
Assistant Director

NEW SECTION

WAC 458-20-260 OIL SPILL RESPONSE AND ADMINISTRATION TAX (1) **INTRODUCTION.** This section explains and implements the provisions of chapter 200, Laws of 1991. The legislation imposes an oil spill response tax and an oil spill administration tax, effective October 1, 1991. The taxes are imposed upon the

privilege of offloading crude oil or petroleum products at a marine terminal in this state from a waterborne vessel or barge operating through or upon the navigable waters of this state. This section provides applicable definitions, the rate and measure of the tax, the tax payment and reporting procedure, and describes an exemption and a credit against tax.

(2) **DEFINITIONS.** For purposes of this section, the following terms will apply.

(a) "Tax" means the oil spill response and oil spill administration taxes imposed by chapter 200, Laws of 1991.

(b) "Barrel" means a unit of measurement of volume equal to forty-two United States gallons of crude oil or petroleum product.

(c) "Crude oil" means any naturally occurring liquid hydrocarbon at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline.

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

(e) "Marine terminal" means a facility of any kind, other than a waterborne vessel, that is used for transferring crude oil or petroleum products to or from a waterborne vessel or barge.

(f) "Navigable waters" means those waters of the state and their adjoining shorelines, that are subject to the ebb and flow of the tide, including the Columbia and Snake rivers.

(g) "Person" has the meaning provided in RCW 82.04.030.

(h) "Petroleum product" means any liquid hydrocarbons at atmospheric temperature and pressure that are the product of the fractionation, distillation, or other refining or processing of crude oil, and that are used as, useable as, or may be refined as fuel or fuel blendstock, including but not limited to, gasoline, diesel fuel, aviation fuel, bunker fuel, and fuels containing a blend of alcohol and petroleum.

(i) "Taxpayer" means the person owning crude oil or petroleum products immediately before the same are off-loaded at a marine terminal in this state and who is liable for the tax.

(j) "waterborne vessel or barge" means any ship, barge, or other watercraft capable of travelling on the navigable waters of this state and capable of transporting any crude oil or petroleum product in quantities of ten thousand gallons or more for purposes other than providing fuel for its motor or engine.

(k) "Previously taxed product" means any crude oil or petroleum product which has been offloaded in this state in a manner subject to the tax and upon which the tax has been paid.

(l) "Offloading" means the physical act of moving crude oil or petroleum product from a waterborne vessel or barge to a marine terminal. Offloading occurs at the point where the crude oil or petroleum product passes through the dock flange or point of connection between the vessel or barge and the marine terminal.

(3) **TAX RATE AND MEASURE.** The tax is imposed on the privilege of off-loading crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating through or across the

navigable waters of this state. The tax is levied upon the owner of the crude oil or petroleum products immediately before such off-loading occurs.

(a) The oil spill response tax is imposed at the rate of two cents per barrel of crude oil or petroleum product off-loaded.

(b) The oil spill administration tax is imposed at the rate of three cents per barrel of crude oil or petroleum product off-loaded.

(c) The number of barrels offloaded shall be computed as the net barrels received by the marine terminal operator. Net barrels shall be computed by using an industry standard adjustment to gross barrels offloaded to account for variations in temperature and content of water or other nonpetroleum substances.

(4) **TAX COLLECTION BY THE MARINE TERMINAL OPERATOR.** Unless the taxpayer has been issued a direct payment certificate as provided in subsection (5) below, the operator of any marine terminal located in this state where crude oil or petroleum products are offloaded is responsible for the collection of the tax from the taxpayer.

(a) Failure to collect the tax from the taxpayer and remit it to the department will cause the marine terminal operator to become personally liable for the tax, unless the marine terminal operator has billed the taxpayer for the tax or notified the taxpayer in writing of the imposition of the tax. The tax has been billed to a taxpayer when an invoice, statement of account, or notice of imposition of the tax is mailed or delivered to the taxpayer by the terminal operator within the operator's normal billing cycle and separately states the dates of offloading, rate of tax, number of barrels offloaded, and the amount of the tax required to be collected. A taxpayer has been notified of the imposition of the tax when, within ten days from the date of offloading, a notice is mailed or delivered to the taxpayer, or to an agent of the taxpayer authorized to accept notices of this type other than the marine terminal operator, which separately states the dates of offloading, rate of tax, number of barrels offloaded, and the amount of the tax required to be collected. Marine terminal operators shall maintain a record of the names and addresses of taxpayers billed for the tax, or in cases where taxpayers are sent written notification of the imposition of the tax, the names and addresses of the persons to whom notice is sent. Such records shall indicate those persons billed or notified from whom the tax has been collected. Upon request, the records shall be made available for inspection by the department.

(b) The tax collected shall be held in trust by the terminal operator until paid to the department.

(c) The tax collected shall be due from the marine terminal operator, along with reports and returns on forms prescribed by the department, within twenty-five days after the end of the month in which the tax is collected.

(d) A terminal operator who relies in good faith upon a direct payment certificate issued to a taxpayer shall be relieved from any liability for the collection of the tax from the taxpayer. An MTO shall likewise be relieved from liability for collection of the tax from a taxpayer if

the MTO relies in good faith upon a current roster of certificate holders published by the department which bears the name of a taxpayer.

(5) **DIRECT PAYMENT TO THE DEPARTMENT.** Any taxpayer may apply to the department in writing for permission to pay the tax directly to the department. Upon approval of the department, any taxpayer making application for direct payment shall be issued a direct payment certificate entitling the taxpayer to pay the tax directly to the department.

(a) In order to qualify for direct payment, the taxpayer must meet the following requirements:

(i) The taxpayer must be registered with the department.

(ii) The taxpayer must file a bond with the department in an amount equal to two months estimated liability for the tax, but in no event less than \$10,000. The bond shall be executed by the taxpayer as principal, and by a corporation approved by the department and authorized to engage in business as a surety company in this state, as surety. Two months estimated tax liability shall be determined by taking the total number of barrels offloaded in this state by the taxpayer during the two months in the immediately preceding twelve month period with the highest number of barrels offloaded and multiplying this figure by the total tax rate. If the department determines that the result of the foregoing calculation does not represent a fair estimate of the actual tax liability which the taxpayer is expected to incur, it may set the bond requirement at such higher amount as the department determines in its judgement will secure the payment of the tax. The bond requirement may be waived upon proof satisfactory to the department that the taxpayer has sufficient assets located in this state to insure payment of the tax.

(iii) The taxpayer must be current in all of its tax obligations to the state having filed all returns as required by title 82 RCW.

(b) The department may, from time to time, review the amount of any bond filed by a taxpayer possessing a direct payment certificate and may, upon twenty days written notice to the taxpayer, require such higher bond as the department determines to be necessary to secure the payment of the tax. The filing of a substitute bond in such higher amount shall be a condition to the continuation of the right to make direct payment under this section.

(c) A direct payment certificate issued under this section may be revoked by the department if the taxpayer fails to maintain a current registration, fails to file a substitute bond within twenty days from a written request, or becomes delinquent in the payment of the tax.

(d) The department shall maintain a current roster of all taxpayers who have a direct payment certificate. Copies of the roster shall be made available on a monthly basis to any interested person requesting to be placed on the roster subscription list. Requests to be placed on the subscription list should be mailed to the Miscellaneous Tax Division, Department of Revenue, MS: AX-02, Olympia, WA 98504.

(e) Applications for a direct payment certificate shall be in writing and shall include the name and address of

the applicant, the applicant's registration number if currently registered, and the name and phone number of a contact person. The application shall also contain a statement that if the application is approved, the taxpayer consents to the public disclosure that the taxpayer has been granted a direct payment certificate, or if the certificate is later revoked, the taxpayer consents to the public disclosure of the fact of revocation. Applications should be mailed to the Miscellaneous Tax Division, Department of Revenue, MS: AX-02, Olympia, WA 98504.

(6) **EXEMPTION - PREVIOUSLY TAXED OIL OR PETROLEUM PRODUCTS.** The tax applies only to the first offloading of crude oil or petroleum products at a marine terminal in this state. An exemption is available for the subsequent offloading at a marine terminal in this state of previously taxed product. This exemption applies even though the previously taxed product is refined or processed prior to further transportation and subsequent offloading.

(a) Crude oil or petroleum products offloaded for the first time at a marine terminal in this state which have been commingled with previously taxed product present a special problem in determining the amount of tax properly due. In such cases the amount of tax due is equal to the difference between the total number of barrels offloaded and the number of barrels of previously taxed product multiplied by the total tax rates. Due to the difficulty of determining the amount of tax due under such circumstances the following rebuttable presumptions shall apply:

(i) All crude oil or petroleum products loaded on a vessel and shipped from a point within this state will be presumed, subject to rebuttal, to be previously taxed product. The subsequent offloading at a point within this state of such product will be treated as exempt from the tax.

(ii) All crude oil or petroleum products loaded on a vessel and shipped from a point outside this state will be presumed to be crude oil or petroleum products offloaded for the first time in this state. The subsequent offloading at a point within this state of such crude oil or petroleum products will be treated as subject to the tax.

(b) The presumptions in this subsection may be rebutted upon proof of the number of barrels of previously taxed product offloaded in this state.

(c) Example. The presumptions in this subsection (6) can be illustrated by the following example:

(i) A previously taxed petroleum product is loaded on an ocean going barge at a marine terminal located on Puget Sound in Washington. The barge is towed to Portland, Oregon where the petroleum product is offloaded and commingled with a similar product which has not be subjected to the tax. Later, commingled product is loaded onto a barge which is towed up the Columbia River to a marine terminal located in Pasco, Washington and offloaded. The petroleum products loaded onto the barge in Portland would be presumed, subject to rebuttal, to be subject to the tax when offloaded in Pasco.

(7) **EXPORT CREDIT.** A credit is allowed against the tax imposed for any crude oil or petroleum products

previously offloaded in a manner subjected to the tax and subsequently exported or sold for export from the state.

(a) An export credit may be taken by any person exporting or selling for export any previously taxed product who has paid the tax on such product to a marine terminal operator or the department. An export credit may also be taken by any person who has purchased previously taxed product and who subsequently exports the product or sells the product for export, provided that such person has been invoiced for and has paid the tax to its seller. Any such invoice must state the amount of the tax passed on to the purchaser and identify the product to which the tax amount relates by type and quantity.

(b) A person exports previously taxed product when they actually transport the product beyond the borders of this state for purposes of sale, or deliver the product to a common carrier for delivery and subsequent sale or use at a point outside this state.

(c) A person sells previously taxed product for export when as necessary incident to a contract of sale the seller agrees to, and does deliver previously taxed product

(i) to the buyer at a destination outside this state;

(ii) to a carrier consigned to and for transportation to a destination outside this state;

(iii) to the buyer alongside or aboard a vessel or other vehicle of transportation under circumstances where it is clear that the process of exportation of the product has begun; or

(iv) into a pipeline for transportation to a destination outside this state.

In all circumstances there must be a certainty of export evidenced by some overt step taken in the export process. A sale for export will not necessarily be deemed to have occurred if the product is merely in storage awaiting shipment, even though there is reasonable certainty that the product will be exported. The intention to export, as evidenced for example, by financial and contractual relationships does not indicate certainty of export if the product has not commenced its journey outside this state. The product must actually enter the export stream. Sales of petroleum products by delivery into the fuel tank of a vessel or other vehicle in quantities greater than one hundred gallons will be considered placed into the export stream, provided the vessel or vehicle is immediately destined for a point outside this state and the seller obtains and keeps the documentary evidence provided in subsection (7)(d).

(d) A person claiming credit for sales for export under this subsection (7) must document the fact the product was placed into the export process. This fact may be shown by obtaining and keeping any of the following documentary evidence:

(i) A bona fide bill of lading in which the seller is the shipper/consignor and by which the carrier agrees to transport the product to the buyer at a destination outside this state; or

(ii) a written certification in substantially the following form:

Certificate of Export

I hereby certify that the crude oil or petroleum products specified herein, purchased by or transferred to the undersigned from (seller or transferor), have been received into the export stream and are for export for sale or use outside Washington state. I will become liable for any tax credit granted (seller or transferor) pertaining to any crude oil or petroleum products which are not so exported outside Washington state. This certificate is given with full knowledge of, and subject to the legally prescribed penalties for fraud.

Registration No. _____ Type of Business _____
(If applicable)

Firm Name _____ Registered Name _____
(If different)

Authorized Signature _____

Title _____

Identity of Product _____
(Kind and amount by volume)

Date _____

; or

(iii) Documents consisting of:

(aa) Purchase orders or contracts of sale which show that the seller is required to place the product into the export stream, e.g., "f.a.s. vessel;" and

(bb) Local delivery receipts, tripsheets, waybills, warehouse releases, etc., reflecting how and when the product was delivered into the export stream; and

(cc) When available, records showing that the products were packaged, numbered or otherwise handled in a way which is exclusively attributable to products sold for export.

(e) Only the export or sale for export of crude oil or petroleum products will qualify for the export credit. Crude oil or petroleum products will not be eligible for the export credit if, prior to export, they are subject to further processing or used as ingredients in other compounds unless the resulting products are themselves crude oil or petroleum products.

(f) Crude oil or petroleum products delivered to purchasers in other states pursuant to location exchange agreements will not qualify for the export credit unless the crude oil or petroleum products were previously subject to the tax and credit has not yet been taken. A location exchange agreement is any arrangement where crude oil or petroleum products located in this state are exchanged through an accounts crediting system, or any other method, for like substances located in other states. Any person acquiring previously taxed product in this state for which no credit has been taken may claim a credit on any such product subsequently exported or sold for export, provided all of the requirements set forth in this subsection (7) have been met.

(i) Example. An oil company enters into a location exchange agreement with a competitor which provides for the delivery of one thousand barrels of petroleum products to a local storage facility owned by the competitor. In exchange for the petroleum products delivered in Washington the competitor delivers one thousand barrels of like petroleum products to the oil company's

storage facilities in California. The delivery of petroleum products in California would not constitute an export or sale for export of the products delivered in Washington even though the products are of like quality and quantity. If the competitor delivers products which have been previously subject to the tax and no credit has been taken, the delivery of products in California may qualify for the credit. The subsequent export of the petroleum products received by the competitor in Washington would qualify for the credit if the competitor has been invoiced for and has paid the tax to the exchanging oil company.

(f) Persons claiming this credit must maintain records necessary to verify that the credit taking qualifications have been met. For this purpose any person claiming a credit who maintains those records required by WAC 458-20-19301 (multiple activities tax credit), part (9), will be considered to have satisfied the requirements of this subsection.

(8) AMOUNT OF CREDIT. The amount of the credit will be equal to the tax previously paid by the person claiming the credit on the crude oil or petroleum product exported or sold for export.

(a) In the case of a person claiming credit who is not the taxpayer, the credit will be equal to that portion of the tax billed on an invoice which relates to the particular product exported or sold for export. In order to determine the amount of tax reflected on an invoice which relates to a particular product exported or sold for export, it may be necessary to convert the tax paid from a rate per barrel to a rate per gallon or some other unit of measurement. This conversion is computed by taking the total amount of tax paid on an invoice for a particular product and dividing that figure by the total quantity of the product expressed in terms of the unit of measurement used for export. The credit is then computed by multiplying the converted rate times the quantity of product exported or sold for export. In no event will a credit be allowed in excess of the tax paid on the product exported or sold for export.

(b) Due to the fungible nature of crude oil and petroleum products it will sometimes be impossible for a person claiming a credit to determine exactly the rate of tax invoiced for a specific quantity of oil being exported or sold for export. The physical handling of oil or petroleum products requires that products of like kind be stored in bulk. This commingling results in product bearing tax passed on at different rates making it difficult to determine the amount of credit applicable to an export sale. Under such circumstances a person claiming the export credit may compute the tax using one of the following methods:

(i) First-in, first-out method. Under this method the export credit is computed by treating existing inventory as sold before later acquired inventory.

(ii) Average of tax paid method. Under this method the export credit is determined by calculating the average rate of tax paid on all inventory. This method requires computing the tax by making adjustments in the rate of tax paid on all product on hand as it is removed from or added to storage.

(iii) Any other method approved by the department.

(c) The use of one of the methods set forth in this subsection (8) to account for tax paid on commingled crude oil or petroleum products shall constitute an election to continue using the method selected. Once selected, no change in accounting method will be permitted without the prior consent of the department.

(d) Examples. The following are examples of the way in which the credit is to be computed:

(i) A petroleum products distributor purchases 100 barrels each of premium unleaded gasoline and regular unleaded gasoline. The invoice from the refiner separately states that the invoice includes five dollars of tax for each of the two types of products. The distributor pays the invoiced amount and later sells 2,000 gallons of the premium unleaded and 4,000 gallons of the regular unleaded to a retailer located outside Washington. In order to compute the amount of credit on the export sales the distributor must convert the tax paid from barrels to gallons. Since there are forty-two US gallons in a barrel, the tax paid on both products is equal to .119 cents per gallon ($\$5.00 \div 4200$). The distributor would be eligible for credit equal to \$2.38 for the premium unleaded ($2,000 \times \$0.00119$) and \$4.76 for the regular unleaded ($4,000 \times \$0.00119$).

(ii) A petroleum products distributor purchases 100 barrels of unleaded gasoline which it will use to blend with 30 barrels of ethanol to produce gasohol. The invoice for the unleaded separately states that the total price includes four dollars of tax. The distributor pays the invoiced amount and sells 2,940 gallons of gasohol to a retailer for sale outside Washington. The tax paid on the unleaded is equal to .095 cents per gallon ($\$4.00 \div 4200$). Since the exported product has been blended with a component that has not been taxed, only 76.9% of the exported product is eligible for credit ($100 \div 130$). The credit would be \$2.15 ($2,940 \times .769 \times \0.00095).

(iii) A petroleum distributor purchases 100 barrels of unleaded gasoline from refinery A and later purchases 100 barrels from refinery B. The distributor stores all of its unleaded gasoline in a single storage tank. The invoice from refinery A separately states the amount of tax on the gasoline as \$5.00 and the refinery B invoice states the tax as \$4.00. The distributor pays the two invoiced amounts and sells 2,100 gallons of the commingled unleaded to a retailer located outside Washington. The distributor then purchases 100 more barrels of unleaded gasoline from distributor C. Distributor C's invoice separately states the tax as \$3.00. Following payment of the invoice, the distributor exports an additional 2,100 gallons of unleaded. The distributor could choose to calculate the tax using one of the methods of accounting described in subsection (8)(b).

(aa) Under the first-in, first-out method the distributor would treat all 4,200 gallons sold as if it was the unleaded gasoline purchased from refinery A. Under this method, the credit would be equal to .119 cents per gallon ($\$5.00 \div 4,200$) or \$5.00 total ($\$.00119 \times 4,200$).

(bb) Under the average of tax paid method the distributor would recompute the tax paid on average for the

entire commingled amount making adjustments as gasoline is sold or gasoline is added. Prior to the addition of the purchases from refinery B or distributor C, the rate would be .119 cents per gallon ($\$5.00 \div 4,200$). Following the addition of the 100 barrels from refinery B the tank contains 8,400 gallons. The rate of tax would now be .107 cents per gallon ($(\$5.00 + \$4.00) \div 8,400$). Out of this amount 2,100 gallons is exported in the first sale. The credit for this sale would be equal to \$2.25 ($\$.00107 \times 2,100$). After the addition of the 100 barrels from distributor C, the tank contains 10,500 gallons ($8,400 - 2,100 + 4,200$). In order to recompute the tax, the total tax paid on the remaining gasoline after the first sale must be computed. After withdrawal of the 2,100 gallons of unleaded for the first sale, the total tax paid on the remainder would be \$6.74 ($(8,400 - 2,100) \times \$.00107$). The addition of the 100 barrels from distributor C causes the total tax for the stored amount to rise to \$9.74 ($\$6.74 + \3.00). The average rate of tax is now .093 cents per gallon ($\$9.74 \div 10,500$). The credit for the second export sale would be \$1.95 ($\$.00093 \times 2,100$).

(9) HOW AND WHEN TO PAY TAX. The tax must be reported on special return forms prescribed by the department. The tax is due for payment together with the timely filing of the return upon which it is reported, on the twenty-fifth day of the month following the month in which the taxable offloading occurs. In case any offloading commences on the last day of any month and extends past midnight, the offloading will be deemed to have occurred during the following month.

(10) HOW AND WHEN TO CLAIM CREDITS. Persons who pay tax under a direct payment certificate and persons who are both taxpayers and marine terminal operators should claim credits as an offset against tax liability reported on the same return when possible. The tax return form provides a line for reporting the tax and a line and supporting schedule for taking credits as an offset against the tax reported. Persons claiming credit who are not required to file returns reporting liability for the tax may claim credits on forms provided by the department for this purpose. It is not required that any documents or other evidences of entitlement to credits be submitted with the report. Such proofs must be retained in permanent records for the purpose of verification of credits taken.

(11) SALES TO U.S. GOVERNMENT. The tax does not apply to the offloading of crude oil or petroleum products owned by the U.S. government. The U.S. government is also not required to collect the tax as a marine terminal operator when the U.S. government owns the facilities where crude oil or petroleum products are received. However, owners of crude oil or petroleum products offloaded at marine terminals owned by the U.S. government remain liable for the tax. In such instances the taxpayer is required to report the tax on forms supplied by the department. The tax is due for payment along with a completed return on the twenty-fifth day of the month following the month in which the offloading occurred.

WSR 92-04-016**NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—January 27, 1992]

The board of trustees of Bellingham Technical College will hold a study session regarding program review on Wednesday, February 12, 3 p.m., in the Building G Restaurant.

WSR 92-04-017**RULES COORDINATOR
COUNTY ROAD
ADMINISTRATION BOARD**

[Filed January 27, 1992, 2:16 p.m.]

Following is the designated rules coordinator for our agency: Eric Berger, Assistant Director, County Road Administration Board, 2404 Chandler Court S.W., Suite 240, P.O. Box 40913, Olympia, WA 98504-0913.

Vern E. Wagar
Director

WSR 92-04-018**PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD**

[Filed January 27, 1992, 2:20 p.m.]

Date of Adoption: January 22, 1992.

Purpose: Adoption of rules to establish the American Indian endowed scholarship program.

Statutory Authority for Adoption: Chapter 28.108 [28B.108] RCW.

Pursuant to notice filed as WSR 91-22-097 on November 6, 1991.

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

January 24, 1992

Ann Daley

Executive Director

**STATE OF WASHINGTON
AMERICAN INDIAN ENDOWED SCHOLARSHIP
PROGRAM****CHAPTER 28.108 RCW****WAC 250-76**

WAC 250-76-010	Purpose
WAC 250-76-020	Program Definitions
WAC 250-76-030	Eligibility Criteria
WAC 250-76-040	Selection Criteria
WAC 250-76-050	Terms of Award
WAC 250-76-060	Administration
WAC 250-76-070	Management of Funds

Reviser's note: The typographical error in the above caption 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 250-76-010 PURPOSE. American Indians are the most under-represented ethnic minority group in higher education. The purpose of this program is to create an educational opportunity for American Indians who might not be able otherwise to attend and graduate from higher education institutions in the state of Washington. The program forms a partnership with the state's American Indian communities and recognizes that improving the quality of educational conditions supports Indian self-determination.

NEW SECTION

WAC 250-76-020 PROGRAM DEFINITIONS.
(1) "Institution of higher education" or "institution" shall mean any public university, college, community college, or technical college operated by the state of Washington or any 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.

(2) "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.

(3) "Eligible student" or "student" means an American Indian student who meets the eligibility criteria as defined in WAC 250-76-030(1).

(4) "Full-time undergraduate student" is defined as a student who is enrolled for twelve (12) quarter credits or the equivalent.

(5) "Full-time graduate student" is defined as one who is enrolled in at least the minimum credit course load required by the institution for disbursing financial aid to full-time graduate students.

(6) "Private cash donation," "private donation," or "donation" means moneys from non-state sources that include, but are not limited to, federal moneys, tribal moneys, and assessments by commodity commissions authorized to conduct research activities, including but not limited to, research studies authorized under RCW 15.66.030 and 15.65.040.

NEW SECTION

WAC 250-76-030 ELIGIBILITY CRITERIA. (1) Student Eligibility. In order to be eligible to receive a scholarship under this program, the student must:

(a) Be a financially needy student, as defined in RCW 28B.10.802(3);

(b) Be a resident student, as defined by RCW 28B.15.012(2);

(c) Be enrolled as a full-time student at an institution of higher education;

(d) Promise to use his or her education to benefit other American Indians; and

(e) 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.

NEW SECTION

WAC 250-76-040 SELECTION CRITERIA. (1) Program Advisory Committee. The board will establish an advisory committee to assist in program design and to advise the board on matters of program administration including, but not limited to, application procedures, selection criteria, fund raising, and program publicity. The committee shall be comprised of persons involved in helping American Indian students to obtain a higher education. It is the intent of the board that the committee be comprised from members of the state's American Indian community. Membership of the committee may include, but is not limited to, representatives of: Indian tribes, urban Indians, the governor's office of Indian affairs, the Washington state Indian education association, and institutions of higher education.

(2) Screening Committee. The board will establish a screening committee to assist the board in selecting the students to receive American Indian endowed scholarships. The committee shall be composed of representatives of the same groups as the advisory committee described in WAC 250-76-040(1) of these rules.

(3) Selection of Recipients. The board, in consultation with the advisory committee, may annually consider and revise the criteria for selecting recipients. At the minimum, assuming program eligibility criteria are met, selection criteria shall include:

(a) An assessment of the student's social and cultural ties to an American Indian community within the state. Significant social and cultural ties may be assessed through documentation of one, or a combination of several, of the following:

(i) Enrollment in a federally recognized tribe; or

(ii) References supplied by an American Indian organization or agency from within the state and the student's self-statement describing, and attesting to, his or her own social and cultural ties; and

(iii) Additional forms of documentation as recommended each year by the advisory committee.

(b) Priority in awards to students in upper-division or graduate programs who are majoring in program areas in which expertise is needed by the state's American Indians.

NEW SECTION

WAC 250-76-050 TERMS OF AWARD. (1) Scholarship Amounts. (a) The amount of the scholarship for an undergraduate student shall be determined by the higher education coordinating board in consultation with the advisory committee, not to exceed the student's demonstrated financial need.

(b) The amount of the scholarship for a graduate student shall be determined by the higher education coordinating board in consultation with the advisory committee, not to exceed:

(i) The student's demonstrated financial need, or

(ii) The stipend of a teaching assistant, including tuition, at the University of Washington, whichever is higher.

(c) In calculating a student's need, the board shall consider the student's costs for tuition, fees, books, supplies, transportation, room, board, personal expenses, and child care.

(d) The maximum yearly scholarship for any student may not exceed the maximum possible scholarship received for a student attending the University of Washington.

(e) Monetary awards made from this endowment may not replace any other state or federal student financial aid grant which would otherwise be made available to the student. If the recipient of this award is also a recipient of other student aid, it is the intent of this program that the institution presume that the endowment award be used to fill an unmet financial need or replace loans.

(2) Term of Scholarship Award. (a) A student is eligible to receive a scholarship for a maximum of five years. In order to receive the scholarship award beyond the first year, the student must continue to meet eligibility and selection criteria as defined in WAC 250-76-020(3)(4)(5), 250-76-030, and 250-76-040(3) of these rules. The following additional criteria may be employed by the board in determining renewal of a student's scholarship award:

(i) Amount of earnings by the American Indian endowed scholarship trust fund and the American Indian scholarship endowment fund as administered by the state treasurer.

(3) Number of Scholarships Awarded. The maximum number of scholarships awarded or renewed each year shall be limited by the amount of earnings received by the board from the American Indian endowed scholarship trust fund and the American Indian scholarship endowment fund as administered by the state treasurer. Consideration for funding shall be given to those students eligible to renew their scholarship award.

NEW SECTION

WAC 250-76-060 ADMINISTRATION. (1) Administering Agency. The higher education coordinating board shall administer the American Indian endowed scholarship program. The board shall have the following administrative responsibilities:

(a) Publicize the program;

(b) Adopt necessary program guidelines;

(c) Accept and deposit donations into the endowment fund;

(d) Request and accept from the state treasurer moneys earned by the trust fund and the endowment fund for the disbursement of American Indian endowed scholarship awards;

(e) Solicit and accept grants and donations from public and private sources for the program;

(f) Name scholarships in honor of those American Indians from Washington who have acted as role models; and

(g) Select students to receive American Indian endowed scholarship awards, with the assistance of the selection committee created by WAC 250-76-040(2).

(2) Responsibility for Soliciting Contributions. The American Indian community will have primary responsibility for solicitation of contributions. The higher education coordinating board will work in support of individual tribes and organizations who are soliciting contributions.

NEW SECTION

WAC 250-76-070 MANAGEMENT OF FUNDS.

(1) American Indian Endowed Scholarship Trust Fund. Funds appropriated by the legislature for the American Indian endowed scholarship trust fund shall be deposited into the fund and invested by the state treasurer.

(a) As the higher education coordinating board can match \$50,000 of state funds with an equal amount of private cash donations, the board may request that the state treasurer deposit \$50,000 of state matching funds and any earned interest from the trust fund into the American Indian scholarship endowment fund.

(2) American Indian Scholarship Endowment Fund. The American Indian scholarship endowment fund shall be administered by the state treasurer. Moneys received from the higher education coordinating board, private donations, state matching moneys, and funds received from any other source may be deposited into the endowment fund. All moneys deposited in the endowment fund shall be invested by the state treasurer.

(a) Donated monies may not be refunded, or otherwise returned, to the contributor after they have been deposited to the endowment fund.

(b) A donation may not be accepted if such acceptance conditions the awarding of scholarships from the endowment.

(3) Scholarships shall be disbursed from the investment earnings of the trust fund and the endowment fund. The principal of the trust and endowment funds shall not be invaded. No scholarships shall be awarded until sufficient earnings from the combined trust and endowment funds have accumulated.

(4) As sufficient earnings from the combined trust and endowment funds have accumulated, the higher education coordinating board may request that the state treasurer release earnings from the endowment fund to the board for scholarships.

(5) The higher education coordinating board may award scholarships to eligible students from the moneys earned by the American Indian endowed trust fund and the American Indian scholarship endowment fund as administered by the state treasurer, or from funds appropriated to the board for this purpose, or from any private donations, or from any other funds given to the board for this program.

WSR 92-04-019

WITHDRAWAL OF PROPOSED RULES RESCIND OF EMERGENCY RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed January 28, 1992, 9:39 a.m.]

The department is withdrawing a proposal of WSR 91-19-059, WAC 388-80-005 dated September 16, 1991. The department is also rescinding an emergency of WSR 91-19-060, WAC 388-80-005 dated September 16, 1991.

Leslie F. James, Director
Administrative Services

WSR 92-04-020

PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed January 28, 1992, 9:54 a.m.]

Continuance of WSR 92-01-139.

Title of Rule: WAC 388-49-580 Restoration of lost benefits.

Purpose: WAC 388-49-580 is currently interpreted incorrectly and results in inappropriate restoration of lost benefits.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: Categorically eligible households will no longer be a criteria for restoration of lost benefits.

Reasons Supporting Proposal: The original intent was to restore lost benefits to households who did not have their categorical eligibility revised when it became an eligibility factor on December 23, 1985.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mike Arnaud, Division of Income Assistance, 438-8322.

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 March 10, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Olympia, Washington 98504, by March 10, 1992.

Date of Intended Adoption: March 24, 1992.
January 28, 1992
Leslie F. James, Director
Administrative Services
by Rosemary Carr

WSR 92-04-021
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed January 28, 1992, 9:55 a.m.]

Continuance of WSR 92-02-049.
Title of Rule: Chapter 388-11 WAC, Child support—Obligations.

Purpose: To bring the administrative rules governing establishment of support obligations into conformity with statutory changes made during the 1991 legislative session.

Statutory Authority for Adoption: E2SSB 5120 and ESSP [EESB] 5996, Laws of 1992.

Statute Being Implemented: Chapters 74.20A and 26-19 RCW, RCW 74.20A.059, and 26.23.050.

Summary: Amend late hearing request, modification, distribution, eligibility sections of the WAC to conform to recent legislation.

Reasons Supporting Proposal: To implement legislative changes to statutes related to the Office of Support Enforcement.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bill Kellington, Office of Support Enforcement, 586-3426.

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 March 10, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Olympia, Washington 98504, by March 10, 1992.

Date of Intended Adoption: March 24, 1992.

January 28, 1992
Leslie F. James, Director
Administrative Services
by Rosemary Carr

WSR 92-04-022
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed January 28, 1992, 9:56 a.m.]

Continuance of WSR 92-02-101.
Title of Rule: WAC 388-330-030 Application of inquiry findings.

Purpose: To make rule more consistent with revised chapter 43.43 RCW and DSHS Administrative Policy 9.04.

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: Chapters 74.15 and 43.43 RCW.

Summary: Offenses a person would be disqualified from being authorized to care for children; custodial assault; felony indecent exposure; child abandonment; prostitution; child abuse or neglect; violation of child abuse restraining order; 1st or 2nd degree custodial interference.

Reasons Supporting Proposal: Effectively screen individual who the department may license or authorize to care for children or will have access to children in such care.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry Fibel, Division of Family Support, 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: 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 March 10, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Olympia, Washington 98504, by March 10, 1992.

Date of Intended Adoption: March 24, 1992.

January 28, 1992
Leslie F. James, Director
Administrative Services
by Rosemary Carr

WSR 92-04-023
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed January 28, 1992, 9:57 a.m.]

Continuance of WSR 92-02-102.

Title of Rule: WAC 388-37-038 Waiver of medical documentation.

Purpose: Expand the categories of clients who can qualify for general assistance without consideration of medical evidence. There are a few medical conditions which, by their very nature and severity, routinely meet incapacity guidelines. In these cases, there is no need to continue to gather evidence, as client will remain incapacitated.

Statutory Authority for Adoption: RCW 74.04.005.

Statute Being Implemented: RCW 74.04.005.

Summary: Improve the general assistance incapacity determination process, as medical evidence will not continue to be gathered for clients who will continue to remain incapacitated.

Reasons Supporting Proposal: Expands client categories qualifying for general assistance without consideration of medical evidence. Some medical conditions, by their very nature and severity, meet incapacity guidelines. Continued evidence not needed as client remains incapacitated.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barbara Hargrave, Division of Income Assistance, 438-8317.

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 March 10, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Olympia, Washington 98504, by March 10, 1992.

Date of Intended Adoption: March 24, 1992.

January 28, 1992
Leslie F. James, Director
Administrative Services
by Rosemary Carr

WSR 92-04-024
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed January 28, 1992, 9:58 a.m.]

Continuance of WSR 92-02-072.

Title of Rule: WAC 388-24-074 AFDC-E Deprivation due to unemployment of parent.

Purpose: A recent federal clarification of CFR 233.100 (a)(3)(iv) has redefined "quarter of work" to include credit for quarters of work when income was

earned or received. The revision broadens the definition for the AFDC-E program allowing households to qualify when income is earned over a period of time, but not received until a later date.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: This revision broadens definition of "quarter of work" for AFDC-E program which will allow households to qualify when income is earned over a period of time, but not received until a later time.

Reasons Supporting Proposal: A recent federal clarification of CFR 233.100 (a)(3)(iv) has redefined the meaning "quarter of work" to include credit for quarters of work when income was earned, rather than received.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Steve Ebben, DIA-AFDC, Refugee Assistance, 438-8311.

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

Rule is necessary because of federal law, 45 CFR 233.100 (a)(3)(iv).

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 March 10, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Olympia, Washington 98504, by March 10, 1992.

Date of Intended Adoption: March 24, 1992.

January 28, 1992
Leslie F. James, Director
Administrative Services
by Rosemary Carr

WSR 92-04-025
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed January 28, 1992, 9:59 a.m.]

Continuance of WSR 92-02-073.

Title of Rule: WAC 388-92-045 Excluded resources.

Purpose: Add exclusions of payments under the Radiation Exposure Compensation Act and the Austrian General Social Insurance Act as income or resources. Limits Alaska Indian payments to \$2,000 for an exclusion from income and resources. Make technical changes.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: The changes add exclusions of payments under the Radiation Exposure Compensation Act and the Austrian General Social Insurance Act as income or

resources. Limits Alaska Indian payments to \$2,000 for an exclusion from income and resources. Make technical changes.

Reasons Supporting Proposal: Changes correct technical errors, include exclusion of not more than \$2,000 from Alaska Indian payments, include provisions for exclusion of payments under the Radiation Exposure Compensation Act and the Austrian General Insurance Act.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Hornby, Medical Assistance Administration, 753-7462.

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

Rule is necessary because of federal law, P.L. 101-426, Letter # 91-51 and 91-59.

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 March 10, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Olympia, Washington 98504, by March 10, 1992.

Date of Intended Adoption: March 24, 1992.

January 28, 1992
Leslie F. James, Director
Administrative Services
by Rosemary Carr

WSR 92-04-026

PROPOSED RULES

SECRETARY OF STATE

(Division of Archives and Records Management)

[Filed January 28, 1992, 10:00 a.m.]

Original Notice.

Title of Rule: Chapter 434-677 WAC, Security microfilm.

Purpose: Prescribes rules for the storage of security microfilm of essential records and use of the security microfilm storage services of the Division of Archives.

Statutory Authority for Adoption: RCW 40.14.020.

Statute Being Implemented: Chapter 40.10 RCW.

Summary: Explains the purpose of producing security microfilm and establishes rules for its storage, access, inspection, removal and disposal.

Reasons Supporting Proposal: Informs public agencies of the rules and procedures for the storage of essential records on microfilm.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sid McAlpin, 1120 Washington Street S.E., 753-5485.

Name of Proponent: Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Explains the intent of producing security microfilm copies of essential records, and establishes policy for its storage, access, inspection and disposition.

Proposal does not change existing rules.

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

Hearing Location: Archives and Records Center Building, 1120 Washington Street S.E., Olympia, WA, on March 13, 1992, 8:30 a.m.

Submit Written Comments to: Sid McAlpin, Division of Archives, P.O. Box 40238, Olympia, WA 98504-0238, by March 6, 1992.

Date of Intended Adoption: March 20, 1992.

January 28, 1992
Sidney F. McAlpin
State Archivist

NEW SECTION

WAC 434-677-010 SECURITY MICROFILM. Security microfilm is generated to protect records identified as essential to the continuity of state and local government, or as otherwise provided by law. Reference: Chapter 40.10 RCW.

NEW SECTION

WAC 434-677-020 STORAGE OF SECURITY MICROFILM. Security microfilm shall be stored off-site from the original records, working copies of the microfilm, or other media containing the same information or documents. Security microfilm shall be stored in facilities under the public domain. Storage must meet atmospheric, fire, and security criteria established by technical standards for the storage of public records issued by the state archivist. Reference: Chapter 40.14 RCW.

NEW SECTION

WAC 434-677-030 USE OF STATE ARCHIVES SECURITY STORAGE FACILITY. State agencies shall store security microfilm in facilities provided by the division of archives and records management. Local agencies may store security microfilm with the division of archives or at other sites which meet archival microfilm vault storage standards.

NEW SECTION

WAC 434-677-040 RETENTION OF SECURITY MICROFILM. Microfilm accepted for security storage will be retained per records retention schedules approved by the state or local records committee established in accord with chapter 40.14 or per agency-approved essential records schedules established in accord with chapter 40.10 RCW. If the film is determined by the division of archives microfilm quality control examiner to be substandard, and the office of record has refused to take corrective or remedial action, the division reserves the right to return the film prior to the expiration of the scheduled retention.

NEW SECTION

WAC 434-677-050 ACCESS TO SECURITY FILM. Access to security microfilm stored by the state archives is restricted to authorized staff of the state archives for purposes of filing, inventory, inspection maintenance and approved duplication; and to authorize staff of the office of record depositing the film, for purposes of inspection.

NEW SECTION

WAC 434-677-060 USE AND REMOVAL OF SECURITY MICROFILM. Security microfilm is for use only as a master for authorized film duplication. Security microfilm will not be removed from the state archives storage facility except for permanent return to the agency of origin upon a sixty-day notification by the agency or the

division of archives. Any relocation of security microfilm must be to facilities meeting security film storage standards.

NEW SECTION

WAC 434-677-070 INSPECTION AND NOTIFICATION. Security microfilm will be inspected upon receipt for film type, condition, density, and resolution quality. Security microfilm shall be spot checked throughout its storage life for evidence of deterioration. Agencies will be notified of substandard film and advised of recommended remedial actions.

NEW SECTION

WAC 434-677-080 RIGHT TO REFUSE OR RETURN SECURITY FILM. The division reserves the right to refuse or return microfilm sent for security storage under certain conditions including the following:

- (1) The film is not the silver halide camera negative or first copy positive.
- (2) The film does not meet state quality standards for density and resolution.
- (3) The film has microscopic blemishing, mold, or other forms of deterioration or damage, or will not produce a usable work copy.
- (4) The film is not packaged, identified, and transmitted in accord with division guidelines.
- (5) The records being secured on microfilm do not qualify as essential records per chapter 40.10 RCW, or are not appraised as historically valuable.

WSR 92-04-027
PERMANENT RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Division of Banking)

[Filed January 28, 1992, 1:00 p.m.]

Date of Adoption: January 27, 1992.

Purpose: Revise WAC 50-12-116(2) to allow banks to invest in qualifying investment companies organized under the Investment Company Act of 1940 other than Massachusetts Business Trusts.

Citation of Existing Rules Affected by this Order: Amending WAC 50-12-116(2).

Statutory Authority for Adoption: RCW 30.08.140(7).

Pursuant to notice filed as WSR 92-01-092 on December 17, 1991.

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

January 28, 1992

John L. Bley

Supervisor of Banking

AMENDATORY SECTION (Amending Order 70, filed 9/30/87)

WAC 50-12-116 INVESTMENT SECURITIES—INVESTMENT IN INVESTMENT COMPANIES. A bank or trust company may invest in shares of an investment company provided that all of the following conditions are met:

- (1) The investment company must be registered with Securities and Exchange Commission under the Investment Company Act of 1940 and the Securities Act of 1933 or be a privately offered fund sponsored by an affiliated commercial bank.

(2) The shareholder has ((an equitable)) a fair and equal proportionate undivided interest in the underlying assets of the investment company calculated pursuant to the Investment Company Act of 1940.

(3) When an investment company's assets consist solely of and are expressly limited to obligations that are eligible for unlimited investment (Type I) as described in WAC 50-12-100, there is no limit on the bank's investment. However, where the investment companies portfolio contains, or is permitted to contain, securities subject to the bank's investment or lending limitations, investment by the bank shall be subject to a twenty percent of capital and surplus limitation.

(4) The shareholders are protected against personal liability for acts or obligations of the investment company.

(5) The bank's investment policy, as formally approved by its board of directors, specifically provides for such investments; prior approval of the board of directors is obtained for initial investments in specific investment companies and recorded in the official board minutes; and procedures, standards, and controls for managing such investments are implemented prior to acquisition of these investments.

(6) If the investment company makes use of futures, forwards, options, repurchase agreements and securities lending arrangements, their use must be consistent with standards adopted for use of such instruments in the bank's portfolio.

(7) Regulatory reporting of holdings in investment companies is consistent with established standards for "marketable equity securities."

WSR 92-04-028

NOTICE OF PUBLIC MEETINGS **TRANSPORTATION COMMISSION**

[Memorandum—January 27, 1992]

The March 1992 Washington State Transportation Commission meeting will be held on Thursday, March 19, 1992, at 9:00 a.m. in the Transportation Commission Conference Room, 1D2, Transportation Building, Olympia, Washington. There will be subcommittee meetings on Wednesday, March 18.

WSR 92-04-029

PERMANENT RULES **DEPARTMENT OF HEALTH** **(Pharmacy Board)**

[Order 239B—Filed January 28, 1992, 1:20 p.m.]

Date of Adoption: October 24, 1991.

Purpose: This rule implements chapter 69.50 RCW and provides information on compliance with all state and federal controlled substance laws and rules.

Citation of Existing Rules Affected by this Order: Amending WAC 246-887-020, 246-887-040, 246-887-100, 246-887-140, 246-887-160, and 246-887-170.

Statutory Authority for Adoption: RCW 18.64.005.

Pursuant to notice filed as WSR 91-19-027 on September 10, 1991.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-887-020(4), changed inventory retention period from five to two years to be consistent with federal regulations; WAC 246-887-100 (b)(1), correct misspelling of Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); WAC 246-887-100 (b)(31), correct misspelling of 3-Methylfentanyl (N-[3-Methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide); WAC 246-887-100 (b)(44), correct misspelling of Propeptazine; WAC 246-887-100(D), correct grammatical error; WAC 246-887-100 (D)(12), correct misspelling of 7-Ethyl-6,6 beta,7,8,9,10,12,13,-octahydro-2-methoxy-6,9methano-5H-pyrido(1',2':1,2)azepino(5,4-b) indole; WAC 246-887-100 (D)(22), removed "specifically" and replace with sp.; WAC 246-887-100 (D)(22)(i), replace dronabinol with tetrahydrocannabinol; WAC 246-887-100 (D)(23), correct misspelling of N-ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl) ethylamine; WAC 246-887-100(e), remove mecloqualone and replace it with "the following substances"; WAC 246-887-100 (f)(i), correct misspelling of Fenethylamine; WAC 246-887-140(17), correct misspelling of meperidine; WAC 246-887-140 (D)(2), add optical to isomers; WAC 246-887-140 (g)(1), add another name for Nabilone; WAC 246-887-160 (2)(11), correct misspelling of flupyrzapon; and WAC 246-887-170 (c)(4), correct misspelling of Camazepam.

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

October 24, 1991

Joyce Gillie
Chair

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-887-020 UNIFORM CONTROLLED SUBSTANCES ACT. (1) Consistent with the concept of uniformity where possible with the federal regulations for controlled substances (21 CFR), the federal regulations are specifically made applicable to registrants in this state by virtue of RCW 69.50.306. Although those regulations are automatically applicable to registrants in this state, the board is nevertheless adopting as its own regulations the existing regulations of the federal government published in the Code of Federal Regulations revised as of April 1, ((1989)) 1991, and all references made therein to the director or the secretary shall have reference to the board of pharmacy, and the following sections are not applicable: Section 1301.11-.13, section 1301.31, section 1301.43-.57, section 1303, section 1308.41-.48, and section 1316.31-.67. The following specific rules shall take precedence over the federal rules adopted herein by reference, and therefore any inconsistencies shall be resolved in favor of the following specific rules.

(2) Registrations under chapter 69.50 RCW shall be for an annual period with the registration period ending on a date to coincide with those license renewal dates as found in rules promulgated under chapter 18.64 RCW.

(3) A separate registration is required for each place of business (as defined in section 1301.23) where controlled substances are manufactured, distributed or dispensed. Application for registration must be made on forms supplied by the pharmacy board, and all information called for thereon must be supplied unless the information is not applicable, in which case it must be indicated. An applicant for registration must hold the appropriate wholesaler, manufacturer or pharmacy license provided for in chapter 18.64 RCW.

(4) Every registrant shall be required to keep inventory records required by section 1304.04 (of the federal rules which have been adopted by reference by Rule 1) and must maintain said inventory records for a period of ((five)) two years from the date of inventory. Such registrants are further required to keep a record of receipt and distribution of controlled substances. Such record shall include:

(a) Invoices, orders, receipts, etc. showing the date, supplier and quantity of drug received, and the name of the drug;

(b) Distribution records; i.e., invoices, etc. from wholesalers and manufacturers and prescriptions records for dispensers;

(c) In the event of a loss by theft or destruction, two copies of DEA 106 (report of theft or loss of controlled substances) must be transmitted to the federal authorities and a copy must be sent to the board;

(d) For transfers of controlled substances from one dispenser to another, a record of the transfer must be made at the time of transfer indicating the drug, quantity, date of transfer, who it was transferred to and from whom. Said record must be retained by both the transferee and the transferor. These transfers can only be made in emergencies pursuant to section 1307.11 (federal rules).

(5) The records must be maintained separately for Schedule II drugs. The records for Schedule III, IV and V drugs may be maintained either separately or in a form that is readily retrievable from the business records of the registrant. Prescription records will be deemed readily retrievable if the prescription has been stamped in red ink in the lower right hand corner with the letter "C" no less than one inch high, and said prescriptions are filed in a consecutively numbered prescription file which includes prescription and noncontrolled substances.

(6) A federal order form is required for each distribution of a Schedule I or II controlled substance, and said forms along with other records required to be kept must be made readily available to authorized employees of the board.

(7) Schedule II drugs require that a dispenser have a signed prescription in his possession prior to dispensing said drugs. An exception is permitted in an "emergency." An emergency exists when the immediate administration of the drug is necessary for proper treatment and no alternative treatment is available, and further, it is not possible for the physician to provide a written prescription for the drug at that time. If a Schedule II drug is dispensed in an emergency, the practitioner must deliver a signed prescription to the dispenser within 72

hours, and further he must note on the prescription that it was filled on an emergency basis.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-887-040 DESIGNATION OF NON-NARCOTIC STIMULANT DRUGS FOR PURPOSES OF RCW 69.50.402 (A)(3). The board of pharmacy hereby designates, the following Schedule II controlled substances as nonnarcotic stimulants for purposes of RCW 69.50.402 (a)(3):

- (1) Amphetamine sulfate in any of its generic forms ~~((and under the following brand names:))~~:
 - ~~((a)) Benzadrine (SKF);~~
 - ~~((b)) Benzadrine spansules (SKF);~~
- (2) Dextroamphetamine sulfate in any of its generic forms and under the following brand names:
 - ~~((a)) Dexampex (Lemmon);~~
 - ~~((b)) Dexedrine (SKF);~~
 - ~~((c)) Ferndex (Ferndate);~~
 - ~~((d)) (b) Dexedrine spansules (SKF)((;~~
 - ~~((e)) Diphylets (Tutag));~~
- (3) Dextroamphetamine HCL in any of its generic forms ~~((and under the following brand names:))~~:
 - ~~((a)) Daro (Fellows));~~
- (4) Dextroamphetamine tannate in any of its generic forms ~~((and under the following brand names:))~~:
 - ~~((a)) Obotan (Mallinckrodt);~~
 - ~~((b)) Obotan forte (Mallinckrodt));~~
- (5) Methamphetamine HCL (Desoxyephedrine HCL) in any of its generic forms and under the following brand name~~((s))~~:
 - ~~((a)) Desoxyn (Abbott)((;~~
 - ~~((b)) Methampex (Lemmon);~~
 - ~~((c)) Obedrin-LA (Beecham Labs.));~~
- (6) Amphetamine complex in any of its generic forms and under the following brand names:
 - ~~((a)) (Biphphetamine 7 1/2 (Pennwalt);~~
 - ~~((b)) Biphphetamine 12 1/2 (Pennwalt);~~
 - ~~((c)) (b) Biphphetamine 20 (Pennwalt).~~
- (7) Combined amphetamines sold under the following brand names:
 - ~~((a)) Amphaplex-10 and 20 (Palmedico);~~
 - ~~((b)) Obetrol-10 and 20 (Obetrol)((;~~
 - ~~((c)) Delcobese-5, 10, 15, and 20mg. (Delco);~~
 - ~~((d)) Dexamyl (SKF);~~
 - ~~((e)) Eskatrol (SKF));~~
- (8) Phenmetrazine HCL in any of its generic forms and under the following brand name:
 - (a) Preludin (Boehringer-Ingelheim).
- (9) Methylphenidate HCL in any of its generic forms and under the following brand name:
 - (a) Ritalin (Ciba).

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-887-100 SCHEDULE I. The board finds that the following substances have high potential for abuse and have no accepted medical use in treatment in the United States or that they lack accepted safety for use in treatment under medical supervision. The board,

therefore, places each of the following substances in Schedule I.

(a) The controlled substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name, are included in Schedule I.

(b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidyl]-N-phenylacetamide);
- (2) Acetylmethadol;
- ~~((2))~~ (3) Allylprodine;
- ~~((3))~~ (4) Alphacetylmethadol;
- ~~((4))~~ (5) Alphameprodine;
- ~~((5))~~ (6) Alphamethadol;
- ~~((6))~~ (7) Alpha-methylfentanyl (N-[1-alpha-methyl-beta-phenyl ethyl-4-piperidyl] ~~((propionamide))~~ propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
- ~~((7))~~ (8) Benzethidine;
- ~~((8))~~ (9) Betacetylmethadol;
- ~~((9))~~ (10) Betameprodine;
- ~~((10))~~ (11) Betamethadol;
- ~~((11))~~ (12) Betaprodine;
- ~~((12))~~ (13) Clonitazene;
- ~~((13))~~ (14) Dextromoramide;
- ~~((14))~~ (15) Diampromide;
- ~~((15))~~ (16) Diethylthiambutene;
- ~~((16))~~ (17) Difenoxy;
- ~~((17))~~ (18) Dimenoxadol;
- ~~((18))~~ (19) Dimpheptanol;
- ~~((19))~~ (20) Dimethylthiambutene;
- ~~((20))~~ (21) Dioxaphetyl butyrate;
- ~~((21))~~ (22) Dipipanone;
- ~~((22))~~ (23) Ethylmethylthiambutene;
- ~~((23))~~ (24) Etonitazene;
- ~~((24))~~ (25) Etoxadrine;
- ~~((25))~~ (26) Furethidine;
- ~~((26))~~ (27) Hydroxypethidine;
- ~~((27))~~ (28) Ketobemidone;
- ~~((28))~~ (29) Levomoramide;
- ~~((29))~~ (30) Levophenacylmorphan;
- ~~((30))~~ (31) 3-Methylfentanyl (N-[3-Methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
- ~~((31))~~ (32) Morpheridine;
- ~~((32))~~ (33) MPPP (1-Methyl-4-phenyl-4-propionoxypiperidine);
- ~~((33))~~ (34) Noracymethadol;
- ~~((34))~~ (35) Norlevorphanol;
- ~~((35))~~ (36) Normethadone;
- ~~((36))~~ (37) Norpipanone;
- ~~((37))~~ (38) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- ~~((38))~~ (39) Phenadoxone;
- ~~((39))~~ (40) Phenampromide;
- ~~((40))~~ (41) Phenomorphan;
- ~~((41))~~ (42) Phenoperidine;
- ~~((42))~~ (43) Piritramide;

- ((43) Propheptazine) (44) Proheptazine;
 ((44)) (45) Properidine;
 ((45)) (46) Propiram;
 ((46)) (47) Racemoramide;
 ((47)) (48) Tilidine;
 ((48)) (49) Trimeperidine.

(c) Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Acetorphine;
- (2) Acetyldihydrocodeine;
- (3) Benzylmorphine;
- (4) Codeine methylbromide;
- (5) Codeine-N-Oxide;
- (6) Cyrenorphine;
- (7) Desomorphine;
- (8) Dihydromorphine;
- (9) Drotebanol;
- (10) Etorphine (except hydrochloride salt);
- (11) Heroin;
- (12) Hydromorphinol;
- (13) Methyldesorphine;
- (14) Methyldihydromorphine;
- (15) Morphine methylbromide;
- (16) Morphine methylsulfonate;
- (17) Morphine-N-Oxide;
- (18) Myrophine;
- (19) Nicocodeine;
- (20) Nicomorphine;
- (21) Normorphine;
- (22) Pholcodine;
- (23) Thebacon.

(d) Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of paragraph (d) of this section, only, the term "isomer" includes the optical, position, and geometric isomers((:))):

- (1) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA;
- (2) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA;
- (3) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine, PMA;
- (4) 5-methoxy-3,4-methylenedioxy-amphetamine;
- (5) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and "STP";
- (6) 3,4-methylenedioxy amphetamine;
- (7) 3,4-methylenedioxymethamphetamine (MDMA);
- (8) 3,4,5-trimethoxy amphetamine;

(9) Bufotenine: Some trade or other names: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;

(10) Diethyltryptamine: Some trade or other names: N,N-Diethyltryptamine; DET;

(11) Dimethyltryptamine: Some trade or other names: DMT;

(12) Ibogaine: Some trade or other names: 7-Ethyl-6,6 beta,7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyndo (1',2':1,2) azepino (5,4-b) indole; Tabernanthe iboga;

(13) Lysergic acid diethylamide;

(14) Marihuana;

(15) Mescaline;

(16) Parahexyl-7374; some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo[b,d]pyran; synhexyl;

(17) Peyote, meaning all parts of the plant presently classified botanically as *Lophophora Williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds, or extracts; (interprets 21 USC § 812 (c), Schedule I (c)(12))

(18) N-ethyl-3-piperidyl benzilate;

(19) N-methyl-3-piperidyl benzilate;

(20) Psilocybin;

(21) Psilocyn;

(22) Tetrahydrocannabinols, synthetic equivalents of the substances contained in the plant, or in the resinous extractives of *Cannabis*, ((specifically)) sp., and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:

(i) Delta 1 - cis - or trans

tetrahydrocannabinol, and their optical isomers, excluding ((dronabinol)) tetrahydrocannabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the United States Food and Drug Administration;

(ii) Delta 6 - cis - or trans

tetrahydrocannabinol, and their optical isomers;

(iii) Delta 3,4 - cis - or trans

tetrahydrocannabinol, and its optical isomers;

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)

(23) Ethylamine analog of phencyclidine: Some trade or other names: ((N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl))) N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine(;;), N-(1-phenylcyclohexyl)ethylamine(;;), cyclohexamine(;;), PCE;

(24) Pyrrolidine analog of phencyclidine: Some trade or other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;

(25) Thiophene analog of phencyclidine: Some trade or other names: 1-(1-[2-thenyl]-cyclohexyl)-piperidine; 2-thienylanalog of phencyclidine; TPCP; TCP;

(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound,

mixture, or preparation which contains any quantity of ~~((mecloqualone))~~ the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation((-):

- (i) Mecloqualone;
- (ii) Methaqualone.

(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

- (i) ~~((Fenethyline))~~ Fenethylline;
- (ii) N-ethylamphetamine;
- (iii) 4-methylaminorex;
- (iv) N,N-dimethylamphetamine.

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

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-887-140 SCHEDULE II. The board finds that the following substances have a high potential for abuse and have currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions and that the abuse of the following substances may lead to severe psychic or psychological dependence. The board, therefore, places each of the following substances in Schedule II.

(a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule II.

(b) Substances. (Vegetable origin or chemical synthesis.) Unless specifically excepted, any of the following substances, except those listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrophan, nalbuphine, naloxone, and naltrexone, and their respective salts, but including the following:

- (i) Raw opium;
- (ii) Opium extracts;
- (iii) Opium fluid;
- (iv) Powdered opium;
- (v) Granulated opium;
- (vi) Tincture of opium;
- (vii) Codeine;
- (viii) Ethylmorphine;
- (ix) Etorphine hydrochloride;
- (x) Hydrocodone;
- (xi) Hydromorphone;
- (xii) Metopon;
- (xiii) Morphine;

- (xiv) Oxycodone;
- (xv) Oxymorphone; and
- (xvi) Thebaine.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (b)(1) of this section, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

(5) Methylbenzoylcegonine (cocaine—its salts, optical isomers, and salts of optical isomers).

(6) Concentrate of poppy straw (The crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrine alkaloids of the opium poppy.)

(c) Opiates. Unless specifically excepted or unless in another schedule any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrophan and levopropoxyphene excepted:

- (1) Alfentanil;
- (2) Alphaprodine;
- (3) Anileridine;
- (4) Bezitramide;
- (5) Bulk dextropropoxyphene (nondosage forms);
- (6) Carfentanil;
- (7) Dihydrocodeine;
- ~~((7))~~ (8) Diphenoxylate;
- ~~((8))~~ (9) Fentanyl;
- ~~((9))~~ (10) Isomethadone;
- ~~((10))~~ (11) Levomethorphan;
- ~~((11))~~ (12) Levorphanol;
- ~~((12))~~ (13) Metazocine;
- ~~((13))~~ (14) Methadone;
- ~~((14))~~ (15) Methadone—Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
- ~~((15))~~ (16) Moramide—Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;
- ~~((16))~~ (17) Pethidine (~~((meperidene))~~ meperidine);
- ~~((17))~~ (18) Pethidine—Intermediate—A, 4-cyano-1-methyl-4-phenylpiperidine;
- ~~((18))~~ (19) Pethidine—Intermediate—B, ethyl-4-phenylpiperidine-4-carboxylate;
- ~~((19))~~ (20) Pethidine—Intermediate—C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- ~~((20))~~ (21) Phenazocine;
- ~~((21))~~ (22) Piminodine;
- ~~((22))~~ (23) Racemethorphan;
- ~~((23))~~ (24) Racemorphan;
- ~~((24))~~ (25) Sufentanil.

(d) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;

(2) Methamphetamine, its salts, optical isomers, and salts of ~~((its))~~ optical isomers;

(3) Phenmetrazine and its salts;

(4) Methyphenidate.

(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Amobarbital;

(2) Glutethimide;

(3) Pentobarbital;

~~((3))~~ (4) Phencyclidine;

~~((4))~~ (5) Secobarbital.

(f) Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine:

(2) Phenylacetone: Some trade or other names phenyl-2-propanone, P2P, benzyl methyl ketone, methyl benzyl ketone.

(3) Immediate precursors to phencyclidine (PCP):

(i) 1-phenylcyclohexylamine;

(ii) 1-piperidinocyclohexanecarbonitrile (PCC).

(g) Hallucinogenic substances.

(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product. (Some other names for dronabinol [6aR-trans]-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol.)

(2) Nabilone. (Another name for nabilone: (±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one.)

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

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-887-160 SCHEDULE III. The board finds that the following substances have a potential for abuse less than the substances listed in Schedules I and II, and have currently accepted medical use in treatment in the United States and that the abuse of the substances may lead to moderate or low physical dependency or high psychological dependency. The board, therefore, places each of the following substances in Schedule III.

(a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule III.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations are referred to as excepted compounds in Schedule III as published in 21 CFR 1308.13(b)(1) as of April 1, 1984, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;

(2) Benzphetamine;

(3) Chlorphentermine;

(4) Clortermine;

(5) Phendimetrazine.

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture, or preparation containing:

(i) Amobarbital;

(ii) Secobarbital;

(iii) Pentobarbital;

or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule;

(2) Any suppository dosage form containing:

(i) Amobarbital;

(ii) Secobarbital;

(iii) Pentobarbital;

or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository;

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid;

(4) Chlorhexadol;

(5) ~~((Glutethimide;~~

~~((6))~~ Lysergic acid;

~~((7))~~ (6) Lysergic acid amide;

~~((8))~~ (7) Methyprylon;

~~((9))~~ (8) Sulfondiethylmethane;

~~((10))~~ (9) Sulfonethylmethane;

~~((11))~~ (10) Sulfonmethane;

~~((12))~~ (11) Tiletamine and zolazepam or any salt thereof—some trade or other names for a tiletamine-zolazepam combination product: Telazol some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl) cyclohexanone—some trade or other names for zolazepam: 4-(2-~~((fluorophenyl))~~ fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e] [1,4] diazepin 7 (1H)-one (~~((fluprazapon))~~ flupyrazapon).

(d) Nalorphine.

(e) Anabolic steroids. The term "anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

- (1) Boldenone;
- (2) Chlorotestosterone;
- (3) Clostebol;
- (4) Dehydrochlormethyltestosterone;
- (5) Dihydrotestosterone;
- (6) Drostanolone;
- (7) Ethylestrenol;
- (8) Fluoxymesterone;
- (9) Formebolone;
- (10) Mesterolone;
- (11) Methandienone;
- (12) Methandranone;
- (13) Methandriol;
- (14) Methandrostenolone;
- (15) Methenolone;
- (16) Methyltestosterone;
- (17) Mibolerone;
- (18) Nanrolone;
- (19) Norethandrolone;
- (20) Oxandrolone;
- (21) Oxymesterone;
- (22) Oxymetholone;
- (23) Stanolone;
- (24) Stanozolol;
- (25) Testolactone;
- (26) Testosterone;
- (27) Trenbolone; and

(28) Any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth. Except such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the secretary of health and human services for such administration. If any person prescribes, dispenses, or distributes such steroid for human use such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph.

(f) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof calculated as the free anhydrous base or alkaloid, in limited quantities as set forth in paragraph (e) of this section:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than 300 milligrams of dihydrocodeine per 100 milliliters or not more than 15 milligrams

per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than 300 milligrams of dihydrocodeine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

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

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-887-170 SCHEDULE IV. The board finds that the following substances have a low potential for abuse relative to substances in Schedule III and have currently accepted medical use in treatment in the United States and that the abuse of the substances may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III. The board, therefore, places each of the following substances in Schedule IV.

(a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule IV.

(b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(2) Dextropropoxyphene (alpha-(+)-e-dimethylamino-1,2-diphenyl-3-methyl-2 propionoxybutane).

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Alprazolam;
- (2) Barbital;
- (3) Bromazepam;

- (4) (~~(Carmazepam)~~) Camazepam;
- (5) Chloral betaine;
- (6) Chloral hydrate;
- (7) Chlordiazepoxide;
- (8) Clobazam;
- (9) Clonazepam;
- (10) Clorazepate;
- (11) Clotiazepam;
- (12) Cloxazolam;
- (13) Delorazepam;
- (14) Diazepam;
- (15) Estazolam;
- (16) Ethchlorvynol;
- (17) Ethinamate;
- (18) Ethyl loflazepate;
- (19) Fludiazepam;
- (20) Flunitrazepam;
- (21) Flurazepam;
- (22) Halazepam;
- (23) Haloxazolam;
- (24) Ketazolam;
- (25) Loprazolam;
- (26) Lorazepam;
- (27) Lormetazepam;
- (28) Mebutamate;
- (29) Medazepam;
- (30) Meprobamate;
- (31) Methohexital;
- (32) Methylphenobarbital (mephobarbital);
- (33) Midazolam;
- (34) Nimetazepam;
- (35) Nitrazepam;
- (36) Nordiazepam;
- (37) Oxazepam;
- (38) Oxazolam;
- (39) Paraldehyde;
- (40) Petrichloral;
- (41) Phenobarbital;
- (42) Pinazepam;
- (43) Prazepam;
- (44) Quazepam;
- (45) Temazepam;
- (46) Tetrazepam;
- (47) Triazolam.

(d) Fenfluramine. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position or geometric), and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible.

(e) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Cathine;
- (2) Diethylpropion;
- (~~(2))~~) (3) Fencamfamin;

- (4) Fenproporex;
- (5) Mazindol;
- (~~(3))~~) (6) Mefenorex;
- (7) Pemoline (including organometallic complexes and chelates thereof);
- (~~(4))~~) (8) Phentermine;
- (~~(5))~~) (9) Pipradrol;
- (~~(6))~~) (10) SPA ((-)-1-dimethylamino-1, 2-dephenylethane.

(f) Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts:

- (1) Pentazocine.

WSR 92-04-030
PERMANENT RULES
SOUTHWEST AIR
POLLUTION CONTROL AUTHORITY

[Filed January 28, 1992, 3:54 p.m.]

Date of Adoption: January 21, 1992.

Purpose: Provide an increase in fees commensurate with the cost of administering the registration program (Section 400-100); and provide for civil fee assessment (Section 400-200) in line with the 1991 amendments to chapter 70.94 RCW.

Citation of Existing Rules Affected by this Order: Amending Sections 400-100 and 400-200 of the general regulations for air pollution sources.

Statutory Authority for Adoption: RCW 70.94.151, 70.94.152, 70.94.430, and 70.94.431.

Pursuant to notice filed as WSR 91-22-054 on October 31, 1991.

Changes Other than Editing from Proposed to Adopted Version: Exception under Section 400-100 (4)(a) keeping registration at \$50.00 for gasoline transport tanks.

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

January 22, 1992

Thomas C. Tabor

Acting Executive Director

AMENDATORY SECTION

**GENERAL REGULATIONS SECTION 400-100
REGISTRATION REQUIRED**

(1) All air contaminant emission units and related control apparatus within the jurisdiction of the Authority, shall be registered with the Authority upon request.

(2) General requirements for registration.

(a) Registration of an air contaminant emission unit and related control apparatus shall be made by the owner or lessee of the source, or his agent, on forms furnished by the Authority.

(b) A separate registration shall be required for each air contaminant emission unit; provided that, an owner has the option to register a process with a detailed inventory of air contaminant sources and emissions related to the process; provided further that, an owner need not

make a separate registration for identical facilities on the same premises.

(c) Each registration shall be signed by the owner or lessee, or his agent. The owner of the source shall be responsible for the registration and the correctness of the information submitted.

(3) Air contaminant sources excluded.

The following air contaminant sources are excluded from the requirements of this section, but are not excluded from meeting the emission requirements of these regulations:

(a) Internal combustion engines unless excluded by Section 400-020.

(b) Equipment used exclusively for space heating other than boilers.

(4) Before the Control Officer may register any emission unit, the use of which may emit contaminants to the atmosphere, an annual registration fee of ~~(((\$50.00))~~ \$100.00 for each emission unit shall be paid. ~~((The registration fee for a small operation may be waived by administrative action:))~~

(a) Exceptions:

(i) Annual registration fee of \$50.00 will be charged to each gasoline transport tank.

(ii) The registration fee for a small operation may be waived by administrative action.

AMENDATORY SECTION

GENERAL REGULATION SECTION 400-200 REGULATORY ACTIONS

Section 400-200 REGULATORY ACTIONS

The Control Officer may take any of the following regulatory actions to enforce this chapter.

(1) Notice of violation. Whenever the Control Officer has reason to believe that any provision of this regulation has been violated, he may cause written notice to be served on the alleged violator or violators. The notice shall specify the provision of this regulation alleged to be violated and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time.

(2) Civil penalty. Whenever any person violates any of the provisions of this regulation, he shall be subject to a penalty in the form of a fine in an amount not to exceed ~~((one))~~ ten thousand dollars per day for each violation. Each such violation shall be separate and distinct and, in case of a continuing violation, each day's continuance shall be a separate and distinct violation/ Notwithstanding any other provision of this chapter, ~~((no penalty may be levied for the violation of any opacity standard in an amount exceeding four hundred dollars per day:))~~ The penalty shall be imposed by a notice in writing from the Control Officer describing the violation with reasonable particularity.

(3) Assurance of discontinuance. The Control Officer may accept an assurance of discontinuance of any act or practice deemed in violation of this regulation. Any such assurance shall specify a time limit during which discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this regulation which make

the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the superior court.

(4) Restraining orders, injunctions. Whenever any person has engaged in, or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this regulation, the Control Officer, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(5) Emergency episodes. The Authority may issue orders as authorized by chapter 194, Laws of 1971 ex. sess., whenever an air pollution episode forecast is declared.

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

AMENDATORY SECTION

GENERAL REGULATION SECTION 400-210 CRIMINAL PENALTIES

Persons in violation of this regulation may be subject to the provision of RCW 70.94.430.

WSR 92-04-031

NOTICE OF PUBLIC MEETINGS DEPARTMENT OF AGRICULTURE (Blueberry Commission)

[Memorandum—January 24, 1992]

At our January 17th commission meeting the following dates were set for our upcoming commission meetings.

March 30, 1992	1:00 p.m.	WWREC	Puyallup
June 8, 1992	1:00 p.m.	WWREC	Puyallup
October 2, 1992	1:00 p.m.	WWREC	Puyallup

WSR 92-04-032

EMERGENCY RULES DEPARTMENT OF AGRICULTURE

[Filed January 29, 1992, 9:35 a.m., effective February 1, 1992]

Date of Adoption: January 28, 1992.

Purpose: To generate funds for Washington state's 1992 apple maggot survey and detection program through a temporary assessment on fresh apple shipments.

Citation of Existing Rules Affected by this Order: Amending WAC 16-400-210.

Statutory Authority for Adoption: Chapters 15.17 and 17.24 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: Due to state budget reductions, general funds are not available for Washington State Department of Agriculture's apple maggot survey and detection program. In consultation with the Washington State Horticultural Association it was decided that Washington State Department of Agriculture should continue current levels of trapping and detection for the 1992 growing season funded through the temporary assessment on fresh apple shipments. The continued detection program would allow both foreign and domestic market access for Washington grown apples.

Effective Date of Rule: February 1, 1992.

January 28, 1992

Michael V. Schwisow

Deputy Director

for C. Alan Pettibone

Director

AMENDATORY SECTION (Amending Order 2031, filed 4/11/90, effective 5/12/90)

WAC 16-400-210 OTHER CHARGES. Other miscellaneous charges are listed below:

(1) Charges for platform inspection shall be:

(a) Platform inspections, time taking samples, extra time, phytosanitary and/or quarantine inspection, and all other services, shall be charged at the hourly rate of twenty dollars.

(b) Time allowance - Where a platform inspector is working full time at one house and also doing certification inspection, the inspector shall allow credit for the time according to limits outlined in the schedule for such certification at the hourly rate of twenty dollars.

Should the certificate charges divided by the respective hourly rates equal or exceed the number of hours worked, no platform charge shall be assessed. Should the certificate charges divided by the respective hourly rates be less than the number of hours worked, the platform charge shall be made to bring the total to the appropriate charge.

(2) Fumigation charges—The minimum charge for supervision of fumigation shall be eighteen dollars. Additional or unnecessary stand-by time shall be charged as specified in subsection (1)(a) of this section. In temporary, nonpermanent facilities or those lacking adequate devices for maintenance of acceptable treatment temperatures, no fumigations shall be started after 3:00 p.m. from October 1 to May 31, nor after 10:00 p.m. from June 1 to September 30.

(3) Field or orchard inspections made at the applicant's request for determination of presence or absence of disease or insect infestation, or for other reason, shall be at the rate of two dollars fifty cents per acre or fraction thereof or at the rate specified in subsection (1)(a) of this section except as otherwise provided in subsection (13) of this section.

(4) Seed sampling fees shall be arranged with the (~~chemical and~~) plant services division for services performed.

(5) Extra charges on services provided shall be assessed according to provisions listed below.

(a) The minimum inspection charge for each commodity and requested form shall be at the rate specified in subsection (1)(a) of this section.

(b) If, through no fault of the inspection service, time over the maximum allowance as supported by unit rates for each commodity and requested form is required, such excess time shall be at the rate as specified in subsection (1)(a) of this section.

(c) For all inspection services performed beyond a regularly scheduled eight-hour week day shift or on Saturdays, or Sundays, or state legal holidays, an hourly charge shall be made equivalent to twenty-seven dollars.

These charges shall be made for actual hours spent in performance of duties. This shall include unit charges, plus, if necessary, overtime charges to equal the respective overtime hourly rates.

The following are state legal holidays: New Year's Day, Veteran's Day, Memorial Day (the last Monday of May), Independence Day, Labor Day (the first Monday in September), Thanksgiving Day (the fourth Thursday in November) and the day following Thanksgiving Day, Christmas Day, Martin Luther King, Jr. Day (third Monday in January), and Presidents' Day (third Monday in February).

(d) When the per unit charge for inspection in any one day equals or exceeds the basic hourly and/or overtime charge, no additional hourly or overtime charges shall be assessed.

(6) Mileage—Whenever necessary, mileage shall be charged at the rate established by the state office of financial management.

(7) Electronic transmission of documents—Telegrams, facsimile, or electronic transmission of inspection documents shall be charged at the rate of four dollars per transmission in addition to Western Union charges made directly to the applicant.

(8) Services provided to other agencies—Services provided to other agencies, commissions, and organizations shall be charged at the rate specified in subsection (1)(a) of this section.

(9) Timely payment—Payment of fees and charges is due within thirty days after date of statement, provided:

(a) If payment is not received within thirty days, service may be withheld until the delinquent account is paid; or

(b) In the case of such delinquent accounts, cash payment for subsequent service may be required; and

(c) A penalty of twelve percent per annum shall be assessed on the delinquent account balance.

(10) USDA positive lot identification—Certification utilizing positive lot identification shall be charged at the rates specified in this section and WAC 16-400-010, 16-400-040, and 16-400-100 with an additional charge of ten percent. The minimum shall be twelve dollars per inspection. Service will be provided first in those instances in which positive lot identification is a mandatory condition of the sales transaction. Other requests for positive lot identification will be serviced upon adequate notification to the inspection service and availability of inspection personnel.

(11) Controlled atmosphere license fee—The application for an annual license to engage in the business of

operating a controlled atmosphere storage warehouse or warehouses shall be accompanied by an annual license fee of five dollars per room, with a minimum fee established at twenty-five dollars for five rooms or less.

(12) Inspection fees may be waived on inspections of fruits and vegetables when donated to bona fide non-profit organizations: **PROVIDED**, That shipping containers shall be conspicuously labeled or marked as "not for resale."

(13) For apple pest certification by survey method, one cent per cwt. or fraction thereof, on all fresh apples produced in the state of Washington or marketed under Washington state grades and standards. Such fee shall terminate on August 14, 1992.

WSR 92-04-033
RULES COORDINATOR
POLLUTION LIABILITY
INSURANCE AGENCY
 [Filed January 29, 1992, 5:00 p.m.]

In accordance with RCW 34.05.310, the rules coordinator for the Pollution Liability Insurance Agency is Deanna Bourgault, 1015 10th Avenue S.E., P.O. Box 40930, Olympia, WA 98504-0930, (206) 586-5997.

James M. Sims
 Director

WSR 92-04-034
PROPOSED RULES
PERSONNEL BOARD
 [Filed January 29, 1992, 5:00 p.m.]

Original Notice.

Title of Rule: WAC 356-05-355 Reinstatement; and 356-34-060 Unauthorized absence—Presumption of abandonment—Procedure.

Purpose: These rules authorize returning an employee to employment following an appeal and the procedures for dismissing an employee after an employee has been presumed to have abandoned his position.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This amendment clarifies the Personnel Appeals Board's ability to return an employee to full employment rights following an appeal. It also deletes the need to send a copy of the notification dismissing an employee after the employee has been presumed to have abandoned his/her position.

Reasons Supporting Proposal: This amendment is considered housekeeping and clarifying in nature.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, 586-1770; Implementation and Enforcement: Department of Personnel.

Name of Proponent: State Personnel Appeals Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Two rules are affected by this proposal. The first rule is WAC 356-05-355 provides the Personnel Board the authority to return an employee to full employment rights following an appeal hearing. The second rule is WAC 356-34-060 which allows an agency to dismiss an employee, and the procedure to do so, following a presumed abandonment of position. These changes clarify the intent that the Personnel Appeals Board also has the authority to return an employee to employment status following an appeal. Also, deleting the necessity to send a copy of the notice to dismiss an employee to the Personnel Appeals Board reduces unnecessary paper flow thereby allowing the Personnel Appeals Board to focus on documentation germane to filed appeals.

Proposal Changes the Following Existing Rules: In WAC 356-05-355 the proposal adds the Personnel Appeals Board to have authority to reinstate an employee following an appeal hearing. In WAC 356-34-060 the proposal deletes the portion that an agency needs to send a copy of the notice dismissing the employee, after that employee has been presumed to have abandoned his/her position.

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 March 12, 1992, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by March 10, 1992.

Date of Intended Adoption: March 12, 1992.

January 24, 1992
 Dee W. Henderson
 Secretary

AMENDATORY SECTION (Amending Order 209, filed 8/10/84)

WAC 356-05-355 REINSTATEMENT. Return of an employee to full employment rights by board or personnel appeals board action following appeal hearing.

AMENDATORY SECTION (Amending Order 186, filed 6/17/83)

WAC 356-34-060 UNAUTHORIZED ABSENCE—PRESUMPTION OF ABANDONMENT—PROCEDURE. An employee who is absent from his position for three consecutive working days without notice to the appointing authority may be presumed to have abandoned his position. Notice of dismissal upon the grounds of abandonment of position shall be sent by certified mail to the last known address of the employee within seven calendar days after the three consecutive days of absence ((with a copy submitted to the personnel appeals board within one calendar day of the action)). The dismissal may be made effective one day after mailing of the notice.

WSR 92-04-035
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed January 30, 1992, 10:11 a.m.]

Continuance of WSR 91-21-069.

Title of Rule: Chapter 388-73 WAC, Child care agencies—Adult family homes minimum licensing/certification requirements.

Purpose: Incorporate recommendations of DSHS provider/DCFS work group which reviewed residential and placement agency requirements. Deletes requirements related to child day care centers and day care home, which are now in separate Washington Administrative Code chapters.

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: RCW 74.15.030.

Summary: The more significant changes would amend child placing agency requirement to clarify that additional requirements must be met to provide adoption services; adoptive parents are to be given birth parents' health history and statement of fees, and specifies type of financial assistance which agencies may give birth parents. Requires preservice training for foster parents. Alter crisis residential center requirements to be consistent with contracts with crisis residential centers (CRC). The language of the chapter is also changed to make it more readable and clarify who the actor is in each section and subsection.

Reasons Supporting Proposal: Comply with chapter 74.15 RCW which requires periodic review of the child care agency licensing requirements and to update them consistent with current practice.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry Fibel, 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: 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.

Date of Intended Adoption: February 28, 1992.

January 30, 1992
Leslie F. James, Director
Administrative Services
by Rosemary Carr

WSR 92-04-036
PERMANENT RULES
DEPARTMENT OF
GENERAL ADMINISTRATION

[Filed January 30, 1992, 11:14 a.m., effective March 1, 1992]

Date of Adoption: January 28, 1992.

Purpose: To increase the agency's ability to control parking of motor vehicles on the state capitol grounds by establishing parking enforcement regulations, which include parking fees, barrelling and towing of vehicles. This will assist the agency in its management, control and monitoring of parkers on the state capitol grounds and in its issuance of permits to state and nonstate

parkers. This also will assist the Department of General Administration in its implementation of a comprehensive parking plan for the capitol campus, including zone parking.

Citation of Existing Rules Affected by this Order: Repealing WAC 236-12-010, 236-12-011, 236-12-012, 236-12-013, 236-12-014, 236-12-040, 236-12-050, 236-12-060, 236-12-061, 236-12-120, 236-12-130, 236-12-131, 236-12-132, 236-12-133, 236-12-225 and 236-12-340; and amending WAC 236-12-001, 236-12-200, 236-12-220, and 236-12-230.

Statutory Authority for Adoption: Chapters 46.08, 43.19, 46.55, and 79.24 RCW.

Pursuant to notice filed as WSR 92-01-142 on December 19, 1991.

Changes Other than Editing from Proposed to Adopted Version: Corrected post office box number and added zip plus 4 code to Office of Parking Service address in WAC 236-12-362 and 236-12-370.

Effective Date of Rule: March 1, 1992.

January 30, 1992
Gary C. Alexander
Assistant Director

AMENDATORY SECTION (Amending Order 78-3, filed 4/7/78)

WAC 236-12-001 PROMULGATION. Pursuant to the authority granted by chapters 43.19, 46.08, 46.55, and 79.24 RCW, the director of the department of general administration hereby establishes the following regulations to govern pedestrian and vehicular traffic and parking upon state lands which are a part of the state capitol grounds. These regulations apply to vehicles owned by the state and any other governmental unit or agency as well as to privately-owned vehicles.

DEFINITIONS

NEW SECTION

WAC 236-12-015 DEFINITIONS. As used in this chapter, the following terms shall mean:

(1) "Barrel"/"barrelling" defined. A large cylindrical container that is attached to a motor vehicle in order to prevent movement of that motor vehicle.

(2) "Campus security patrol" defined. The Washington state patrol as provided under chapter 43.43 RCW.

(3) "Director" defined. The director of the department of general administration.

(4) "Impound"/"impoundment" defined. To take and hold an unauthorized vehicle in legal custody at the direction of the director or designee, subject to the procedures outlined in this chapter and in chapter 46.55 RCW. Such definition includes towing of an unauthorized vehicle.

(5) "Presiding officer" defined. Pursuant to RCW 34.05.485, a "presiding officer" is an individual(s) who is appointed by the director to preside over administrative hearings and render a decision regarding the imposition of parking fees, barrelling of vehicles, suspension or revocation of parking privileges and removal, suspension,

or revocation from parking waiting list under this chapter.

(6) "Reviewing officer" defined. Pursuant to RCW 34.05.491, a "reviewing officer" is an individual(s) who is appointed by the director to review the decisions by the presiding officer and is authorized to grant appropriate administrative relief upon review.

(7) "State capitol grounds" defined. Those grounds owned by the state and otherwise designated as state capitol grounds, including the west capitol campus, the east capitol campus, Sylvester Park, the Old Capitol Building and Capitol Lake, ways open to the public and specified adjoining lands and roadways.

(8) "Unauthorized vehicle defined." An "unauthorized vehicle" is a vehicle which is parked on state capitol grounds and:

(a) Does not display the permit required for that area; and/or

(b) Is not otherwise authorized to park in that area; and/or

(c) Is parked in a metered parking area for a consecutive period longer than the time permitted for parking in that area; and/or

(d) Is parked in a metered parking area with insufficient payment to use the space it occupies; and/or

(e) Is parked in a parking space designated for disabled individuals and such vehicle does not display the required vehicle license identification authorizing parking in such spaces; and/or

(f) Is parked in a parking space reserved for use by another vehicle; and/or

(g) Is parked in an area not designated for parking.

(9) "Vehicle" defined. All mechanical transportation devices defined as vehicles in the motor vehicle laws and of the state of Washington including motorcycles and motor-driven cycles.

(10) "Way open to the public defined." Any road, alley, lane, parking area, parking structure, path, or any place private or otherwise adapted to and fitted for travel that is in common use by the public with the consent expressed or implied of the owner or owners, and further shall mean public play grounds, school grounds, recreation grounds, parks, park ways, park drives, park paths.

TRAFFIC REGULATIONS

PARKING REGULATIONS—GENERAL

NEW SECTION

WAC 236-12-185 KNOWLEDGE OF PARKING REGULATIONS. It is the responsibility of all persons and entities parking on state capitol grounds to read and fully understand these regulations. Lack of knowledge of these regulations will not be accepted as grounds for noncompliance.

NEW SECTION

WAC 236-12-186 PARKING TIME LIMITS IN METERED AREAS. On normal working days between 7:00 a.m. and 5:00 p.m., no person or entity shall park any vehicle on the state capitol grounds or in any area

designated as metered parking for a consecutive period of time longer than that period of time for which parking is permitted in such areas, irrespective of the amount of time for which parking has been paid. Vehicles moved from one parking space to another or from one lot to another shall be assumed to have been parked continuously from the time they are initially parked in any metered area. A showing that the time period between when a vehicle is twice found parked in any metered area(s) on the same day is more than the time allowed for parking in metered areas shall constitute a prima facie presumption that the vehicle has been parked in violation of this section.

NEW SECTION

WAC 236-12-187 PARKING SPACES. The director shall formulate plans for the marking and numbering of parking areas and spaces and shall designate parking spaces for visitors, service vehicles, employees, and others as well as areas in which parking is prohibited. The director may designate and set aside specific parking and travel areas for motorcycles, motor-driven cycles, and/or bicycles, and they may be operated or parked only in those specified areas.

NEW SECTION

WAC 236-12-188 TOURISTS AND VISITORS. Tourists and visitors may park vehicles without fee in areas designated for their use, subject to the traffic and control regulations, or in metered parking areas on the state capitol grounds provided, however, that the prescribed parking fee shall be paid prior to parking. Employees of the state of Washington who are employed on the state capitol grounds may not park in spaces set aside and marked for visitors, tourists, and other special purposes between the hours of 7:00 a.m. and 5:00 p.m. on normal working days, unless authorized to do so by the director.

NEW SECTION

WAC 236-12-189 SERVICE AND DELIVERY VEHICLES. Service or delivery vehicles may park in specifically designated areas on the state capitol grounds, provided, a parking permit is obtained before parking in such areas.

NEW SECTION

WAC 236-12-190 PARKING WITHIN DESIGNATED SPACES. No vehicle shall be parked so as to occupy any portion of more than one parking space as designated in the parking area, or so as to occupy any portion of a fire lane or other area in which parking is prohibited. No parking space shall be occupied by more than one vehicle at any given time, except as authorized by the director.

NEW SECTION

WAC 236-12-191 LIABILITY OF STATE. The state assumes no liability for vehicles parked on the state

capitol grounds or in state parking facilities. Only a license, not a bailment, is created by the rental of parking spaces or issuance of a permit to park on state property.

PARKING REGULATIONS—PERMITS

AMENDATORY SECTION (Amending Order 85-02, filed 9/5/85)

WAC 236-12-200 AUTHORIZATION FOR ISSUANCE OF PERMITS. (~~The director may issue parking permits in the parking areas of the capitol grounds designated by him~~) All parking on state capitol grounds excluding parking in metered areas shall be authorized through the issuance of valid parking permits. These permits shall be issued by the director to state officials, state employees, state agencies for official cars and to such other individuals as (~~he may determine~~) determined by the director to require parking (~~facilities~~) to aid in carrying out state business. (~~The purpose for which parking permits are issued is to facilitate the conduct of government by providing state employees and visitors convenient parking while on the capitol campus for official purposes.~~) These permits shall not be transferred from one vehicle to another except as authorized by the director. All parking on state capitol grounds shall be for official purposes only. Parking spaces may not be used for other purposes such as the conduct of private business or the storage of personal property. (~~Repeated use of assigned parking spaces for such purposes may result in the cancellation of parking privilege.~~)

AMENDATORY SECTION (Amending Order 78-3, filed 4/7/78)

WAC 236-12-220 ALLOCATION OF (~~RENTED PARKING SPACE AND PRIORITIES OF APPLICANTS~~) PARKING PERMITS. (~~The rented parking spaces available on the state capitol grounds~~) Parking permits shall be allocated by the director (~~among applicants for parking spaces~~) in such manner as will best effectuate the objectives of these regulations. Unless in (~~his~~) the director's opinion the objectives of these regulations would otherwise be better served, the director shall observe the following priorities in the issuance of permits (~~to applicants~~):

(1) (~~Physically handicapped~~) Disabled state employees and officials;

(2) Car pools consisting of three or more persons per vehicle;

(3) Other state employees (~~and~~), state officials, (~~in order of date of application, except where the director determines that accomplishment of official duties requires assignment of space~~) state agencies, and nonstate parkers.

AMENDATORY SECTION (Amending Order 78-3, filed 4/7/78)

WAC 236-12-320 RESPONSIBILITY OF PERSON TO WHOM (~~RENTAL PARKING SPACE OR~~) PERMIT IS ISSUED. (~~The~~) Any person or any

governmental or private entity to whom a (~~rental parking space or~~) permit is issued pursuant to these regulations shall be responsible for all violations of these regulations involving (~~the vehicle for which the rental parking space or permit was issued~~) that person's or entity's vehicle or permit: PROVIDED, HOWEVER, That such responsibility shall not relieve other persons or entities who violate these regulations.

PARKING REGULATIONS—ENFORCEMENT

NEW SECTION

WAC 236-12-350 GENERAL. Parking regulations on state capitol grounds are subject to enforcement between 6:00 a.m. and 6:00 p.m., Monday through Friday, excluding holidays.

NEW SECTION

WAC 236-12-351 IMPOUNDMENT WITHOUT PRIOR NOTICE. A vehicle may be impounded without prior notice having been made to notify the owner of the possibility of this action in the following circumstances:

(1) When in the judgment of the campus security patrol the vehicle is obstructing or may impede the flow of traffic; or

(2) When in the judgment of the campus security patrol the vehicle poses an immediate threat to public safety.

NEW SECTION

WAC 236-12-360 PARKING FEES, BARRELLING, AND/OR TOWING. Any unauthorized vehicle, as defined in this chapter, shall be subject to parking fees, barrelling, and/or towing, as described below:

First occurrence	\$8.00 parking fee
Second occurrence within a 12-month period	\$8.00 parking fee
Third occurrence within a 12-month period	Vehicle barrelled with \$50.00 removal charge and payment of all outstanding parking fees.
Fourth and subsequent occurrences within a 12-month period	Vehicle immediately towed. Registered owner or authorized person must pay towing costs and all outstanding parking fees.

NEW SECTION

WAC 236-12-361 SUSPENSION AND/OR REVOCATION OF PARKING PRIVILEGES. Repeated use of assigned parking spaces for nonofficial purposes or for the storage of personal property and/or the repeated transfer of parking permits from one vehicle to another may result in the suspension or revocation of parking privileges. Fees for parking shall be paid within twenty days of notice or within ten days of final disposition of any appeals. Failure to pay within these periods may result in suspension and/or revocation of any permits issued to the violator and/or removal, suspension, and/or

revocation from the parking waiting list for parking on state capitol grounds.

NEW SECTION

WAC 236-12-362 PARKING FEE AND BARREL REMOVAL PAYMENTS—METHOD OF PAYMENT. Parking fees and barrel removal payments shall be made to the Office of Parking Services, Department of General Administration, P.O. Box 41025, Olympia, Washington 98504-1025. Payment shall be required regardless of whether a contested hearing is requested. Payment may be made in cash, by check, or through payroll deduction. Checks returned for insufficiency of funds shall be subject to a ten-dollar charge. The office of parking services may deny payment by check if prior checks are returned because of insufficiency of funds or stop payment.

NEW SECTION

WAC 236-12-365 NOTICE OF REDEMPTION OF TOWED VEHICLES. (1) Not more than twenty-four hours after impoundment of any vehicle, the impounding towing operator shall mail a notice by first-class mail to the last known registered and legal owners of the vehicle. The notice shall contain the identity of the person or agency authorizing the tow, the name of the impounding tow company, its address and telephone number and the location and time of the tow. The notice also shall include the written notice of the right of redemption and of the opportunity for a hearing to contest the validity of the tow pursuant to RCW 46.55.120. If a vehicle is redeemed prior to the mailing of notice, the notice need not be mailed.

(2) Redemption of towed vehicles shall be in accordance with chapter 46.55 RCW.

NEW SECTION

WAC 236-12-370 HEARING RIGHTS—PARKING FEES, BARRELLING, SUSPENSION, AND/OR REVOCATION OF PARKING PRIVILEGES OR REMOVAL, SUSPENSION, OR REVOCATION FROM PARKING WAITING LIST. Any person or entity seeking to contest an assessment of parking fees, barrelling, suspension, and/or revocation of parking privileges or removal, suspension, or revocation from parking waiting list has a right to a hearing to contest the validity of those fees or actions. Such request must be made in writing and received in the office of parking services within twenty days of the date of parking fee notice or effective date of action or such right to a hearing is forfeited. Hearing requests must be submitted to:

Parking Enforcement
Office of Parking Services
Department of General Administration
P.O. Box 41025
Olympia, WA 98504-1025

NEW SECTION

WAC 236-12-371 HEARING PROCEDURE—PARKING FEES, BARRELLING, SUSPENSION, AND/OR REVOCATION OF PARKING PRIVILEGES AND REMOVAL, SUSPENSION, OR REVOCATION FROM PARKING WAITING LIST. (1) Contested hearings held pursuant to WAC 236-12-370 shall be conducted as brief adjudicative proceedings according to RCW 34.05.482, 34.05.485, 34.05.488, 34.05.491 and 34.05.494.

(2) Upon receipt of a written request for a hearing, the presiding officer shall provide the contesting party an opportunity to be informed of the agency's view of the matter and an opportunity to explain the contesting party's view of the matter.

(3) Within ten days of this opportunity, the presiding officer shall serve upon the contesting party and the agency, a brief written statement of the reasons for the decision. Such statement shall include notice that the contesting party may request an agency administrative review of that decision. The contesting party must request such review either orally or in writing within twenty-one days of service of the written statement. Service is deemed to be completed upon deposit in the United States mail as evidenced by the postmark.

(4) If no agency review is so requested by the contesting party, the agency may, on its own motion, review the brief written statement of the presiding officer. Action less favorable to the contesting party may not be taken by the reviewing officer without notice to that party and an opportunity to explain that party's view of the matter.

(5) If no review is taken by the agency or by the contesting party, then the brief written statement of the presiding officer becomes the final order and no further administrative or judicial review is available.

(6) If review is requested, the reviewing officer shall give the contesting party and the agency an opportunity to present their respective views of the matter. Within twenty-one days of receipt of the request for review, the reviewing officer shall issue a final order which includes a brief statement of the reasons for the decision. The final order shall include notice of any judicial review available under the Administrative Procedure Act, chapter 34.05 RCW.

(7) Any of the time limits set forth in this hearing process may be waived by the contesting party.

NEW SECTION

WAC 236-12-372 HEARING RIGHTS—TOWING. (1) Any person or entity whose vehicle has been towed pursuant to this chapter, may request a hearing in the district court for the jurisdiction in which the vehicle was towed to contest the validity of the tow or the amount of the tow and storage charges. The tow truck operator shall provide forms for requesting such hearings. All requests for hearings shall be made in writing and on the form provided and must be received by the district court within ten days of the date of redemption of the vehicle. The request for hearing also must be

served upon and received by the office of parking within the above ten-day period.

(2) If the request for a hearing is not received by the district court within the ten-day period, then the right to a hearing is waived and the registered owner is liable for any towing, storage, or other tow charges permitted pursuant to chapter 46.55 RCW.

(3) The district court hearing procedure shall be as set out in RCW 46.55.120(3).

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 236-12-010 "DIRECTOR" DEFINED.
- WAC 236-12-011 "STATE CAPITOL GROUNDS" DEFINED.
- WAC 236-12-012 "VEHICLE" DEFINED.
- WAC 236-12-013 "CAMPUS SECURITY PATROL" DEFINED.
- WAC 236-12-014 "WAY OPEN TO PUBLIC."
- WAC 236-12-040 PARKING SPACES.
- WAC 236-12-050 RENTED AND RESERVED PARKING SPACES.
- WAC 236-12-060 TOURISTS AND VISITORS.
- WAC 236-12-061 SERVICE AND DELIVERY VEHICLES.
- WAC 236-12-120 PARKING WITHIN DESIGNATED SPACES.
- WAC 236-12-130 IMPOUNDMENT OF VEHICLES.
- WAC 236-12-131 IMPOUNDMENT WITHOUT PRIOR NOTICE.
- WAC 236-12-132 IMPOUNDMENT OF ABANDONED VEHICLES.
- WAC 236-12-133 NOTICE AND REDEMPTION OF IMPOUNDED VEHICLES, HEARING.
- WAC 236-12-225 LIABILITY OF STATE.
- WAC 236-12-340 VIOLATION, FINES.

**WSR 92-04-037
PERMANENT RULES
DEPARTMENT OF
GENERAL ADMINISTRATION**

[Filed January 30, 1992, 11:18 a.m., effective March 1, 1992]

Date of Adoption: January 28, 1992.

Purpose: To increase revenues generated from parking facilities on the state capitol grounds, to encourage employee commutes in high occupancy vehicles, and to amend the authority of the Department of General Administration in the management of parking on the state capitol grounds.

Citation of Existing Rules Affected by this Order: Amending WAC 236-12-290 and 236-12-300.

Statutory Authority for Adoption: RCW 46.08.150 and 46.08.172.

Pursuant to notice filed as WSR 92-01-143 on December 19, 1991.

Changes Other than Editing from Proposed to Adopted Version: Deleted mailstop number; added post office

box number and zip plus 4 code to addresses in WAC 236-12-290 and 236-12-300. Corrected name of office from "Parking Office" to "Office of Parking Services" in WAC 236-12-300.

Effective Date of Rule: March 1, 1992.

January 29, 1992
Gary C. Alexander
Assistant Director

AMENDATORY SECTION (Amending Order 85-02, filed 9/5/85)

WAC 236-12-290 PARKING FEES. (1) The fees for rental parking shall be as follows:

PARKING FEES	AUTOMOBILE	((MOTOR- CYCLE/ MOTOR- DRIVEN CYCLE
(a) Covered space (garage)	\$ 10.00/month	\$5.00/month
(b) Open space (lots/streets)	\$ 5.00/month	\$3.00/month
(c) Parking by the day	\$ 1.00 per day maximum	

(d) No charge for visitors or tourists except where mechanical devices or meters are installed for general or specific area use.))

PARKING USES	PARKING FEES
(a) Agency assigned uses (visitor, off-campus staff, state cars, etc.)	\$30.00
(b) Employee uses	
(i) general, "zoned"	\$15.00
(ii) leased/reserved areas and/or stalls	\$20.00
(iii) disabled employees	\$15.00
(c) Motorcycle, motor-driven cycle/moped uses	\$10.00
(d) Nonstate personnel uses (concession vendors, lobbyists, daycare providers, press corps, etc.)	\$30.00
(e) Disabled visitor use	no charge
(f) Metered parking for visitor use	\$.50 per hour

((e)) (g) No charge for carpools/vanpools to which permits have been issued in accordance with WAC 236-12-295.

(h) In addition to the permits issued under (a), (b), (c), (d), (e), (f), and (g) of this subsection, the department may issue other permits including but not limited to agency prepaid monthly, service/delivery and temporary/daily permits; the department will establish a fee schedule for such permits other than permits issued under (a), (b), (c), (d), (e), (f), and (g) of this subsection, and will keep such fee schedule on file at 218 General Administration Building, P.O. Box 41000, Olympia, Washington 98504-1000 and will make it available to any person upon request.

(i) The director has authority to create reserved parking spaces/areas and to determine the rates for such parking; the director will establish a fee schedule for reserved parking spaces/areas and will keep such fee schedule on file at 218 General Administration Building, P.O. Box 41000, Olympia, Washington 98504-1000 and will make it available to any person upon request.

(2) In determining whether to adjust rental parking fees, the director will consider one or more of the following factors:

- (a) Parking facility costs;
- (b) Available commuting alternatives;
- (c) Change in the demand for parking facilities;
- (d) Transportation demand management requirements;
- (e) Market rates of comparable privately owned or leased property; and
- (f) Other circumstances as determined by the director, whereby a change in parking fees is necessary.

AMENDATORY SECTION (Amending Order 78-3, filed 4/7/78)

~~WAC 236-12-300 MONTHLY PARKING FEE PAYMENTS. ((Fees are payable in advance. Payments may be made by cash or check or by payroll deduction plan. For the payroll deduction plan, monthly payments should be accomplished by the initiation of a form to be designated by the director. Since retroactive deductions are not authorized, cash or check payments must be made for any month in which a payroll deduction has not been withheld. Checks should be made payable to the department of general administration and forwarded)) Agencies and nonstate personnel will be billed by the parking office. Employee rental parking fees and any and all employee parking permit fees shall be by payroll deduction. The director will designate a form which will be completed and submitted to the Office of Parking ((Office)) Services, ((218 General Administration Building, Mail Stop EF-13. Payment must be received not later than the tenth day of each month)) P.O. Box 41025, Olympia, Washington 98504-1025. The person to whom the ((parking space is rented)) permit is issued, upon termination of use of ((his parking space)) such permit, shall ((personally)) notify the parking office prior to such termination of use.~~

WSR 92-04-038
NOTICE OF PUBLIC MEETINGS
RULES COORDINATOR
CLOVER PARK
TECHNICAL COLLEGE
 [Filed January 30, 1992, 1:55 p.m.]

Please be advised that the board of trustees of Clover Park Technical College has met and identified the following dates for their monthly meetings in compliance with RCW 42.30.075:

- February 18, 1992
- March 17, 1992
- April 21, 1992
- May 19, 1992
- June 16, 1992

All meetings will begin at 3:00 p.m. in the board room located in Building 15 on the Clover Park Technical College Campus at 4500 Steilacoom Boulevard S.W., Tacoma, WA 98499.

In accordance with RCW 34.05.310, please be advised that Mr. James Capelli, Senior Vice-President, will serve as the agency rules coordinator for Clover Park

Technical College. His mailing address and phone number are: Mr. James Capelli, Senior Vice-President, Clover Park Technical College, 4500 Steilacoom Boulevard S.W., Tacoma, WA 98499, phone (206) 589-5552 or 221-5552 scan.

Alson E. Green, Jr.
 President

WSR 92-04-039
NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE
 [Memorandum—January 27, 1992]

The board of trustees of Whatcom Community College, District Number Twenty-One, has changed its regularly scheduled meeting in March. The meeting will be held on March 19, 1992, instead of on March 10, 1992, as scheduled. The meeting will begin at 1:30 p.m. instead of at 2:00 p.m.

WSR 92-04-040
PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Pharmacy)
 [Filed January 30, 1992, 2:40 p.m.]

Original Notice.

Title of Rule: Pharmacist's professional duties.
 Purpose: Specifies professional responsibilities a pharmacist cannot delegate to nonpharmacist personnel.
 Statutory Authority for Adoption: RCW 18.64.005.
 Statute Being Implemented: RCW 18.64.005.
 Summary: Proposed amendments revises the professional responsibilities a pharmacist cannot delegate to nonpharmacist personnel.

Reasons Supporting Proposal: Amend rule to be current with practice of pharmacy.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: D. H. Williams, 1300 Quince Street S.E., Box 47863, Olympia, 98504-7863, 753-6834.

Name of Proponent: Pharmacy Board, governmental.
 Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule specifies professional responsibilities that a pharmacist cannot delegate to nonpharmacist personnel. The amendments will keep the rule current with practice of pharmacy.

Proposal Changes the Following Existing Rules: Allows pharmacy assistants to provide information where no professional judgment is necessary to the patient or the patient's health care giver. Allows pharmacy assistants to perform bulk compounding from a formula and prepare IV admixtures in accordance with chapter 246-871 WAC when supervised by a pharmacist. Clarifies that the pharmacist is ultimately responsible for all aspects of the completed prescription. Updates references

to RCWs and WACs. Clarifies that the rule does not preclude delegation to an intern or extern.

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

Hearing Location: Holiday Inn – Renton, 800 Rainier Avenue South, Renton, WA 98057, on March 19, 1992, at 10:00.

Submit Written Comments to: D. H. Williams, 1300 Quince Street S.E., P.O. Box 47863, Olympia, WA 98504-7863, by March 12, 1992.

Date of Intended Adoption: March 19, 1992.

January 6, 1992
Donald H. Williams
Executive Director

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-869-240 PHARMACIST'S PROFESSIONAL RESPONSIBILITIES. (1) A pharmacist ~~((cannot))~~ shall not delegate the following professional responsibilities:

(a) Receipt of a verbal prescription other than refill authorization from a prescriber.

(b) Consultation with the patient regarding the prescription, both prior to and after the prescription filling and/or regarding any information contained in a patient medication record system provided that this shall not preclude a pharmacy assistant from providing to the patient or the patient's health care giver certain information where no professional judgment is required such as dates of refills or prescription price information.

~~((c))~~ ~~((Interpretation and identification of the contents of the prescription:~~

~~((d)))~~ Consultation with the prescriber regarding the patient and ~~((his))~~ the patient's prescription.

~~((e))~~ ~~Determination of the product required for the prescription:~~

~~((f)))~~ (d) Extemporaneous compounding of the prescription provided that bulk compounding from a formula and IV admixture products prepared in accordance with chapter 246-871 WAC may be performed by a level A pharmacy assistant when supervised by a pharmacist.

~~((g)))~~ (e) Interpretation of data in a patient medication record system.

~~((h))~~ ~~Final check on all:~~ (f) Ultimate responsibility for all aspects of the completed prescription and assumption of the responsibility for the filled prescription, ((including but not limited to)) such as: Accuracy of drug, strength, labeling, proper container and other requirements.

~~((i)))~~ (g) Dispense prescriptions to patient with proper patient information as required by WAC ((360-16-250)) 246-869-220.

~~((j)))~~ (h) Signing of the poison register and the Schedule V controlled substance registry book at the time of sale in accordance with RCW ((18-64-243)) 69.38.030 and WAC ((360-36-020)) 246-887-030 and any other item required by law, rule or regulation to be signed or initialed by a pharmacist.

~~((k)))~~ (i) Professional communications with physicians, dentists, nurses and other health care practitioners.

~~((l))~~ ~~Any duty required by law, court order in Thurston County Cause No. 53812, rule or regulation to be performed only by a registered pharmacist:))~~

(2) Utilizing personnel to assist the pharmacist.

(a) The responsible pharmacist manager shall retain all professional and personal responsibility for any assisted tasks performed by personnel under his or her responsibility, as shall the pharmacy employing such personnel. The responsible pharmacist manager shall determine the extent to which personnel may be utilized to assist the pharmacist and shall assure that the pharmacist is fulfilling his or her supervisory and professional responsibilities.

(b) ((Pharmacy interns and externs are excluded from provisions of this regulation:)) This does not preclude delegation to an intern or extern.

WSR 92-04-041
PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Pharmacy)
[Filed January 30, 1992, 2:45 p.m.]

Original Notice.

Title of Rule: Legend drug samples—Introductory trade or stock packages.

Purpose: To allow for the distribution of introductory trade or stock packages from drug manufacturers to licensed pharmacies under certain conditions.

Statutory Authority for Adoption: RCW 18.64.005.

Statute Being Implemented: RCW 18.64.005.

Summary: This rule establishes conditions under which introductory trade or stock packages may be distributed from drug manufacturers to pharmacies.

Reasons Supporting Proposal: To allow drug manufacturers to distribute introductory trade packages to pharmacies in order to familiarize the pharmacy with manufacturer's new product.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: D. H. Williams, 1300 Quince Street S.E., Box 47863, Olympia, 98504-7863, 753-6834.

Name of Proponent: Pharmacy Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Establishes conditions under which a drug manufacturer can distribute an introductory trade or stock package to pharmacies. This will assure that a company's new product will be available in pharmacies and to familiarize pharmacies with the new product.

Proposal does not change existing rules.

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

Hearing Location: Holiday Inn – Renton, 800 Rainier Avenue South, Renton, WA 98057, on March 19, 1992, at 10:00.

Submit Written Comments to: D. H. Williams, 1300 Quince Street S.E., P.O. Box 47863, Olympia, WA 98504-7863, by March 12, 1992.

Date of Intended Adoption: March 19, 1992.

January 6, 1992
Donald H. Williams
Executive Director

NEW SECTION

WAC 246-883-025 LEGEND DRUG SAMPLES—INTRODUCTORY TRADE OR STOCK PACKAGES. Introductory trade or stock packages may be distributed by registered drug manufacturers to licensed pharmacies under the following conditions:

(1) The package shall be invoiced by the drug manufacturer as a no charge sale.

(2) The product shall be distributed by the manufacturer to the pharmacy by mail or common carrier.

(3) The drug's package shall not be marked as a sample or with any other labeling that is inconsistent with the claim that the manufacturer intended the package for sale.

(4) The manufacturer shall be limited to distributing one introductory package of each dosage strength of a product on a one-time basis to a pharmacy in order to familiarize and assure that a company's new product will be available in pharmacies. The quantity shall not be larger than one hundred solid dosage units or sixteen liquid ounces.

WSR 92-04-042
PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Pharmacy)
[Filed January 30, 1992, 2:48 p.m.]

Original Notice.

Title of Rule: Standards for transmission of controlled substances sample distribution reports.

Purpose: To see format standards for the reporting of controlled substance sample distribution.

Statutory Authority for Adoption: RCW 18.64.005.

Statute Being Implemented: RCW 18.64.005.

Summary: This rule sets standards for the reporting of controlled substance sample distribution by drug manufacturers or distributors.

Reasons Supporting Proposal: To receive uniform information to assist the board in analyzing data.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: D. H. Williams, 1300 Quince Street S.E., Box 47863, Olympia, 98504-7863, 753-6834.

Name of Proponent: Pharmacy Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Drug manufacturers are required to submit distribution records for controlled substance samples distributed to licensed practitioners. This rule will require all manufacturers to submit information in a uniform manner to allow for data analysis.

Proposal does not change existing rules.

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

Hearing Location: Holiday Inn - Renton, 800 Rainier Avenue South, Renton, WA 98057, on March 19, 1992, at 10:00.

Submit Written Comments to: D. H. Williams, 1300 Quince Street S.E., P.O. Box 47863, Olympia, WA 98504-7863, by March 12, 1992.

Date of Intended Adoption: March 19, 1992.

January 6, 1992
Donald H. Williams
Executive Director

NEW SECTION

WAC 246-887-210 STANDARDS FOR TRANSMISSION OF CONTROLLED SUBSTANCES SAMPLE DISTRIBUTION REPORTS. These standards describe the format for transmission of data regarding distribution of controlled substance samples by manufacturers or distributors to licensed practitioners in the state of Washington.

(1) Each report shall contain the following information regarding the firm distributing controlled substance samples:

- (a) Name of firm.
- (b) DEA number of firm.
- (c) Complete address of firm including zip code.
- (d) Name and phone number of contact person.

(2) Each report shall contain the following information regarding the licensed practitioner to whom samples are distributed:

- (a) First and last name of practitioner.
- (b) DEA number of practitioner.
- (c) Professional designation of practitioner. (e.g., MD, DO, DDS, etc.)

(d) Complete address of practitioner including zip code.

(3) Each report shall contain the following information regarding the controlled substance(s) distributed:

- (a) Name of controlled substance(s) distributed.
- (b) Dosage units of controlled substance(s) distributed.
- (c) Quantity distributed.
- (d) Date distributed.
- (4) Each report shall be submitted in alphabetical order by practitioner's last name.
- (5) Each report shall be submitted quarterly.

WSR 92-04-043
PERMANENT RULES
STATE BOARD
OF EDUCATION

[Filed January 31, 1992, 10:43 a.m.]

Date of Adoption: January 24, 1992.

Purpose: To provide state reimbursement to school districts for direct expenses related to special study activities for the State Board of Education.

Statutory Authority for Adoption: RCW 28A.525.020.

Pursuant to notice filed as WSR 92-01-123 on December 19, 1991.

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

January 29, 1992
Dr. Monica Schmidt
Executive Director
Secretary

NEW SECTION

WAC 180-25-031 SPECIAL STATE STUDY AND SURVEYS—ADDITIONAL STATE ASSISTANCE. Each school district that has participated subsequent to October 5, 1991, or hereafter participates, at the request of the state board of education or superintendent of public instruction, in a special state study and survey by developing and providing data above and beyond the data called for by WAC 180-25-025 shall be eligible for state assistance in addition to such state assistance as the school district may be eligible for under WAC 180-25-030. Such additional state assistance shall be based upon the direct costs incurred by a school district for the development of such additional data and shall not exceed ten thousand dollars per school district per special state study and survey.

WSR 92-04-044
PERMANENT RULES
STATE BOARD
OF EDUCATION

[Filed January 31, 1992, 10:52 a.m.]

Date of Adoption: January 24, 1992.

Purpose: Changes for editorial clarification; additions due to new RCW mandates; and new sections to implement new provisions of certification requirements.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-75-080, 180-79-129 and 180-79-310; and amending WAC 180-16-222, 180-16-223, 180-75-055, 180-75-065, 180-75-085, 180-75-087, 180-75-090, 180-79-047, 180-79-049, 180-79-075,

180-79-080, 180-79-086, 180-79-115, 180-79-120, 180-79-131, 180-79-136, 180-79-230, 180-85-045, and 180-85-115.

Statutory Authority for Adoption: RCW 28A.410.010.

Pursuant to notice filed as WSR 92-01-126 on December 19, 1991.

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

January 29, 1992

Dr. Monica Schmidt
Executive Director
Secretary

AMENDATORY SECTION (Amending Order 5-86, filed 6/10/86)

WAC 180-16-222 EXCEPTIONS TO CLASSROOM TEACHER ASSIGNMENT POLICY. Exceptions to the classroom teacher assignment specified in WAC 180-16-221 shall be limited to the following:

(1) Any certificated teacher may be assigned to serve as a substitute classroom teacher at any grade level or in any subject area for a period not to exceed thirty consecutive school days in any one assignment.

(2) Any certificated person holding a limited certificate as specified in WAC 180-79-230 or a vocational education certificate as specified in chapter 180-77 WAC or any person holding a nonimmigrant alien permit issued pursuant to WAC 392-193-055, may be assigned as per the provisions of such section or chapter.

(3) Any certificated teacher may be assigned to courses offered in basic education subject areas not included within the list of endorsements specified in WAC 180-79-080.

(4) Any certificated teacher may be assigned temporarily to an out-of-endorsement grade level or subject area if such assignment complies with WAC 180-16-223.

(5) Any certificated teacher may be assigned to a middle school or junior high school block program, which for the purpose of this section shall be defined as the same teacher assigned to teach two or more subject areas to the same group of students, if the teacher has an endorsement in one of the subject areas and has completed or will complete within one year nine quarter hours in each of the other subject areas.

(6) Any certificated teacher who holds one of the specific subject area endorsements (i.e., drama, English, journalism, and/or speech) related to the broad area of English/Language Arts, may be assigned at the junior high school/middle school level to teach any other related course in that respective broad subject area endorsement if the teacher has completed or will complete at least nine quarter hours (six semester hours) of study within one year in the assigned endorsement area. Only coursework which received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the required minimum number of credit hours.

(7) Any certificated teacher who holds one of the specific subject area endorsements (i.e., biology, chemistry, earth science, and/or physics) related to the broad area of science, may be assigned at the junior high school/

middle school level to teach any other related course in that respective broad subject area endorsement if the teacher has completed or will complete at least nine quarter hours (six semester hours) of study within one year in the assigned endorsement area. Only coursework which received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the required minimum number of credit hours.

(8) Any certificated teacher who holds one of the specific subject area endorsements (i.e., anthropology, economics, geography, history, political science, psychology, and/or sociology) related to the broad area of social studies, may be assigned at the junior high school/middle school level to teach any other related course in that respective broad subject area endorsement if the teacher has completed or will complete at least nine quarter hours (six semester hours) of study within one year in the assigned endorsement area. Only coursework which received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the required minimum number of credit hours.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-16-223 TEMPORARY OUT-OF-ENDORSEMENT ASSIGNMENT CRITERIA. In order for a temporary out-of-endorsement assignment for a classroom teacher to comply with the basic education approval standards, the board of directors of the district must comply with the following:

(1) The board of directors of the district must make one or more of the following factual determinations:

(a) The district was unable to recruit a teacher with the proper endorsement who was the best qualified of candidates for the position.

(b) The need for a teacher with such an endorsement could not have been reasonably anticipated and the recruitment of such a classroom teacher at the time of assignment was not reasonably practicable.

(c) The reassignment of another teacher within the district with the appropriate endorsement to such assignment would be unreasonably disruptive to the current assignments of other classroom teachers or would have an adverse effect on the educational program of the students assigned such other classroom teachers.

(d) The district has a surplus of teachers with endorsements in specified grade levels or subject areas and it is necessary to reassign such teachers in whole or part in order to avoid adversely affecting such teachers' contract status.

(2) The teacher assigned to the out-of-endorsement grade level or subject area must meet the following requirements:

(a) The teacher so assigned must have at least two full school years of classroom teaching experience and must not have been placed on probation pursuant to RCW 28A.405.100 during the last two school years.

(b) The teacher so assigned must have completed six semester hours or nine quarter hours of course work which are applicable to an endorsement in the out-of-endorsement grade level or subject area.

(3) The board of directors of the district shall comply with the following conditions:

(a) Prior to the assignment of the out-of-endorsement grade level or subject area, or as soon as reasonably practicable thereafter, but in no event beyond twenty school days after the commencement of the assignment, if the assignment was not reasonably foreseeable, a designated representative of the district and the classroom teacher so assigned shall mutually develop a written plan which provides necessary assistance to the teacher so assigned and which provides for a reasonable amount of planning and study time associated specifically with the out-of-endorsement classroom assignment.

(b) No classroom teacher shall be assigned in any one semester or trimester to more than one preparation in one out-of-endorsement grade level or subject area and for no more than two periods of not more than sixty minutes each per day (~~unless the school building in which such teacher is assigned has a preexisting policy of assigning classroom teachers to "block programs," which for the purpose of this section shall be defined as the same teacher assigned to teach two or more subject areas to the same group of students. However, in order to be eligible for assignment to block programs, the teacher so assigned must be endorsed in one of the subject areas within the block program and must meet the criterion in subsection (2)(b) of this section in each of the additional subject areas within the block program~~)).

(c) Any observation conducted in the out-of-endorsement grade level or subject area will not be utilized by the district as evidence to support probation of the teacher so assigned pursuant to RCW 28A.405.100 or nonrenewal of such teacher pursuant to RCW 28A.405.210.

(d) A second or third year assignment to an out-of-endorsement grade level or subject area will be made only pursuant to WAC 180-16-224 and in no case will the teacher be assigned to the same out-of-endorsement grade level or subject area during more than three school years at any time in which the teacher serves within the same school district; hence, this provision applies to assignments in consecutive or nonconsecutive school years.

(4) The board of directors shall submit to the office of superintendent of public instruction as part of its annual report required by WAC 180-16-195, a list which indicates all assignments for the previous school year in out-of-endorsement grade levels or subject areas. Such list shall include:

(a) The name and certification number of each teacher so assigned, the out-of-endorsement grade levels or subject areas and the number of such periods taught by such teacher, and the dates upon which such assignment(s) commenced and concluded.

(b) The reason for each such assignment.

(c) The reason why the particular teacher was selected for the out-of-endorsement grade level or subject area.

(d) A dated copy of each plan of assistance required pursuant to WAC 180-16-223 (3)(a). Such copy shall not contain any personal information the disclosure of

which would violate the named teacher's right to privacy pursuant to RCW 42.17.310(b).

(e) An assurance that each such assignment was made in compliance with WAC 180-16-221 through 180-16-224.

(5) PROVIDED, That the provisions of subsections (2)(a) and (b) and (3)(b) of this section shall be waived for a period of three consecutive school years for each proposed out-of-endorsement assignment by the state board of education if:

(a) The board of directors of the school district adopts a resolution for each proposed out-of-endorsement assignment which states that the district has made a good faith effort to comply with the provision(s) for which it is requesting a waiver. Such resolution must recite the actions that the school district has taken to comply. Upon adoption and transmission of such resolution to the superintendent of public instruction, the district shall be authorized to assign each such classroom teacher affected to the proposed out-of-endorsement assignment until the state board of education makes its determination under (c) of this subsection.

(b) The superintendent of public instruction presents the resolution at a meeting of the state board of education and documents to the board the stated efforts of the district.

(c) The state board of education determines, based on the evidence received, that a good faith effort to comply has been made.

NEW SECTION

WAC 180-75-016 EQUIVALENCY OF STANDARDS. Reasonable flexibility in interpretation of the requirements contained in this chapter and in chapters 180-78 and 180-79 WAC may be applied consistent with the intent and spirit of the requirements of the appropriate chapter. For example, advanced degrees in the same or related fields may be substituted for required lesser degrees. An annual report of the use of this rule shall be submitted to the state board of education by the superintendent of public instruction.

AMENDATORY SECTION (Amending WSR 89-22-010, filed 10/20/89, effective 11/20/89)

WAC 180-75-055 TYPES OF CERTIFICATES. Four types of certificates shall be issued:

(1) Teacher. The teacher certificate, including ~~((alien))~~ teacher exchange permits as provided in ~~((chapter 392-193))~~ WAC 180-75-089, authorizes service as a classroom teacher.

(2) Administrator.

(a) The administrator certificate endorsed "principal" authorizes services as a building administrator or vice principal.

(b) The administrator certificates endorsed "superintendent" or "program administrator" will be issued to persons who meet state board of education certification standards for service in the roles of superintendent or program administrator.

(3) Educational staff associate. The educational staff associate certificate authorizes service in endorsed roles

of communication disorders specialists, counselors, school nurses, occupational therapists, physical therapists, psychologists, social workers, and reading resource specialists: PROVIDED, That nothing within chapter 180-79 WAC authorizes professional practice by an educational staff associate which is otherwise prohibited or restricted by any other law, including licensure statutes and rules and regulations promulgated by the appropriate licensure board or agency.

(4) Vocational. The vocational certificate authorizes service in vocational instruction in accordance with the provisions of chapter 180-77 WAC.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-75-065 FEE FOR CERTIFICATION.

(1) In accordance with provisions of RCW 28A.410.060 and 28A.415.010, the fee for certificates which are valid for more than one year, issued by authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be as follows:

(a) The continuing certificate is seventy dollars;

(b) The reinstatement, additional endorsement on the teaching certificate, duplicate certificates, substitute certificates, and certificates issued for the purpose of showing a name change is fifteen dollars; and

(c) Any other certificate or credential or any renewal thereof shall be five dollars for each year of validity:

(d) PROVIDED, That the fee for all vocational certificates shall be one dollar.

(2) The fee for any other certificate/credential, or for any renewal thereof, issued by the authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be five dollars.

(3) Officials authorized to collect certification fees are educational service district superintendents, local school district superintendents, deans and directors of education at colleges and universities, and designees of program units. The fee must accompany the application for a certificate and shall be transmitted by the receiving district, college or university, or program unit designee at least quarterly to the educational service district within which the application is filed for disposition in accordance with provisions of RCW 28A.410.060. The fee shall not be refunded unless the application is withdrawn before it is finally considered (i.e., the issuance of a certificate or a written communication denying such issuance) by the superintendent of public instruction or his or her designee. Fees not refunded shall apply as a credit to a reapplication for the same or one or more other certificates if such applicant reapplies within twenty-four months of the date of denial. Moneys accrued from certification fees within the boundaries of an educational service district shall be divided in the following manner:

(a) Local school districts employing more than one hundred teachers and other professional staff and collecting certification fees may retain one dollar of each fee in order to hold a professional training institute. If such district does not hold an institute all such moneys shall be placed to the credit of the educational service district.

(b) No less than fifty percent of the funds accruing within the boundaries of an educational service district shall be used to support program activities related to state-wide precertification professional preparation and evaluation.

(c) The remaining funds shall be used to support professional inservice training programs and evaluations thereof.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-75-085 GENERAL REQUIREMENTS—TEACHERS, ADMINISTRATORS, EDUCATIONAL STAFF ASSOCIATES. The following requirements are to be met by candidates for certification as teachers, administrators, or educational staff associates:

(1) Age. No person who is less than eighteen years of age shall receive a certificate to serve in the public or nonpublic schools of Washington state.

(2) Character. Applicants for certificates in Washington state who are not holders of a valid Washington state teacher's, administrator's, educational staff associate's, or vocational certificate must give evidence of good moral character and personal fitness as specified in WAC 180-75-082 and must make arrangements with the Washington state patrol for a background check as required by RCW 28A.410.010: PROVIDED, That applicants for vocational teaching certificates who do not make such an arrangement with the state patrol shall have placed on such certificates by the superintendent of public instruction a provision which restricts the certificate holder to the teaching of vocational technical institute students who are sixteen years of age or older.

(3) Academic. A candidate for certification shall have successfully completed ~~((an))~~ a state approved college/university professional preparation program ~~((within the state of Washington))~~ and hold appropriate degrees, licenses, and additional course work as prescribed in chapter 180-79 WAC or have qualified under WAC 180-79-245: PROVIDED, That this section shall not apply to vocational, limited, internship, or instructional specialists certificates.

~~((4))~~ Program completion. A candidate for an initial or continuing certificate shall provide verification that he or she has completed an approved professional preparation program.

~~Subsections (3) and (4) of this section shall not apply to vocational or limited certificates. Vocational certificates are issued under academic and experience requirements set forth in chapter 180-77 WAC. Limited certificates are issued pursuant to WAC 180-79-230.)~~

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-75-087 REINSTATEMENT OF CERTIFICATES. Only a continuing certificate may be reinstated. A holder of a lapsed, surrendered, or revoked

continuing professional certificate at the time of application for reinstatement of such certificate must submit the following:

(1) Character evidence as required by WAC 180-75-085(2) for candidates for certification.

~~(2) ((An affidavit that he or she has not intentionally and knowingly practiced with an expired, lapsed, surrendered, or revoked certificate in a professional position for which certification is required under the rules of the state board of education or the submission of a statement why such practice, if conducted, should not reflect on such applicant's good moral character or personal fitness at the time of application.~~

~~(3))~~ In accordance with RCW 28A.410.110, a revoked certificate may not be reinstated within one calendar year from the date of revocation.

~~((4))~~ (3) PROVIDED, That no certificate may be reinstated if more than five calendar years has passed since the date of lapsing, surrender, or revocation; however, such applicants may apply pursuant to WAC 180-75-061 for a new certificate under standards in effect at the time of application.

~~((5) PROVIDED FURTHER, That notwithstanding any regulation to the contrary, any person whose Washington state initial or provisional certificate has expired for any reason may apply prior to August 31, 1990, and be issued an initial certificate under the rules in effect at the time of application upon submission of the following:~~

~~(a) The character evidence required in subsection (1) of this section.~~

~~(b) The affidavit or statement required in subsection (2) of this section.~~

~~(c) Evidence of completion of fifteen quarter hours (ten semester hours) of course work at an accredited college or university within the seven years prior to the application for reinstatement.)~~

NEW SECTION

WAC 180-75-089 TEACHER EXCHANGE PERMITS. Teacher exchange permits may be issued by the superintendent of public instruction to an individual admitted to the United States for the purpose of serving as an exchange teacher. Such teacher exchange permit shall be valid for one year and may be renewed once.

AMENDATORY SECTION (Amending WSR 90-12-121, filed 6/6/90, effective 7/7/90)

WAC 180-75-090 TEMPORARY PERMITS. Temporary permits may be issued by the superintendent of public instruction and designated agents under the following conditions:

(1) Temporary permits may be issued under this section to those persons who have filed an application for a certificate; who, based on available documentation, including affidavits or other evidence that appears reliable which substantiates the existence of missing documentation, appear to have completed all requirements for certification; and who do not disclose any information which indicates that such applicant fails to meet the character requirement of WAC 180-75-085(2).

(2) An individual may apply for a permit directly to the superintendent of public instruction or designated agents—i.e., educational service districts or Washington state institutions of higher education.

(3) A permit entitles the holder to serve as a teacher, educational staff associate or administrator consistent with the endorsement(s) on his/her permit.

(4) A permit is valid for one hundred twenty consecutive calendar days ((commencing with the date following the date of issuance)) unless prior to ((such)) the expiration date the superintendent of public instruction determines the applicant is ineligible to receive a valid certificate or endorsement. In such cases, the temporary permit shall expire on the date notice of cancellation is received by the applicant and/or the employer. ((The temporary permit may be reissued only upon demonstration that the applicant has made a good faith effort to secure the missing documentation.))

(5) The temporary permit may be reissued only upon demonstration that the applicant has made a good faith effort to secure the missing documentation.

(6) Issuing authority. The superintendent of public instruction either directly or through a designated agent shall issue all permits and shall provide institutions of higher education and educational service districts with forms and instructions relevant to application for a permit.

NEW SECTION

WAC 180-75-110 STUDY OF EDUCATIONAL STAFF ASSOCIATE CERTIFICATION. Recognizing that the educational staff associate endorsements, established approximately twenty years ago, need to be reviewed to determine if they continue to meet the emerging needs of today's children, the state board of education and the superintendent of public instruction will establish an advisory committee to study ESA certification. The advisory committee, described below, shall have the responsibility to study the roles, responsibilities, and professional standards for existing and potential education staff associate endorsements. The advisory committee shall recognize the ultimate responsibility of school districts to provide for the very best service to children and to meet their needs. A progress report and preliminary recommendations for changes shall be submitted to the state board of education no later than December 1993. The advisory committee shall seek broad involvement of the state's professional staff in the development of these recommendations.

Between December 1991 and the completion of this study in 1994, the admission to practice examination shall be waived for existing ESAs. Also, any existing educational staff associate professional education advisory board may request a waiver of an existing state standard for program approval. The waiver may be approved by the state board of education if the requesting educational staff associate professional education advisory board can show how the intent of the standard can be met in another manner.

The advisory committee shall consist of one ESA from each of the existing eight endorsement categories to be recommended by their professional association, two

teachers to be recommended by their professional association, two school administrators to be recommended by their professional association, two school superintendents to be recommended by their professional association, two parents, who are not school district employees, to be recommended by the special education coalition, one school director to be recommended by his/her professional association, the state special education director or his designee, one university training representative from each ESA category cooperatively selected through the respective institutions, and two representatives from "related and interested" organizations to be recommended by the WEA-ESA commission.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-75-080 CITIZENSHIP REQUIREMENTS—EXCEPTIONS.

AMENDATORY SECTION (Amending Order 27-88, filed 12/14/88)

WAC 180-79-047 CONVERSION TO NEW STANDARDS. Notwithstanding any provision of WAC 180-79-045 to the contrary, any person who holds a provisional or initial certificate issued under previous standards of the state board of education shall be eligible to ~~((apply for and receive a))~~ convert to an initial or continuing certificate ((under standards in effect at the time of application)) by meeting requirements for that certificate pursuant to chapters 180-75 and 180-79 WAC.

AMENDATORY SECTION (Amending WSR 90-12-075, filed 6/1/90, effective 7/2/90)

WAC 180-79-049 PROFESSIONAL PREPARATION PROGRAM REQUIREMENT FOR CERTIFICATION. All applicants for certification, except as otherwise provided in WAC 180-79-230 and 180-79-245, in order to be certified within the state of Washington shall have completed a state approved college/university preparation program in the professional field for which certification is to be issued. In addition, candidates for principal's certificates must have completed a state approved college/university preparation program for certification as a teacher and candidates for superintendent's certificates must have completed a state approved college/university preparation program for certification as a teacher or educational staff associate.

AMENDATORY SECTION (Amending WSR 90-12-075, filed 6/1/90, effective 7/2/90)

WAC 180-79-075 CERTIFICATE ENDORSEMENT. Professional education certificates shall be endorsed as follows:

(1) Teacher certificates shall specify endorsements in subject area(s) and grade level(s).

(2) Educational staff associate certificates shall identify the field of specialization by endorsement.

(3) Administrator certificates shall identify the field of specialization (principal, program administrator, superintendent) by endorsement.

Principals' initial certificates shall be endorsed for grades preschool-9, 4-12, or preschool-12 based on recommendations from the college or university in which the candidate completed an approved preparation program.

(4) In order to change or add an endorsement to any teaching certificate, the candidate must complete an application, pay the certification fee specified in WAC 180-75-065, and submit verification of completion of the necessary requirements specified in this chapter.

AMENDATORY SECTION (Amending WSR 91-04-016, filed 1/28/91, effective 2/28/91)

WAC 180-79-080 AUTHORIZED ENDORSEMENTS FOR TEACHERS. Endorsements for grade levels and subject areas within such grade levels for certificated teachers receiving endorsements shall be limited to the following:

(1) Preschool through grade three endorsements shall be granted in the subject area of:

- (a) Early childhood special education.
- (b) Early childhood education.

(2) Grade kindergarten through grade eight endorsements shall be granted in the subject area of elementary education which shall include all subject areas taught in such grades.

(3) Grade kindergarten through grade twelve endorsements shall be granted in:

- (a) Art
- (b) Music (broad subject area endorsement) and the specialized subject areas of:

- (i) Choral music
- (ii) Instrumental music
- (c) Physical education
- (d) Reading
- (e) Designated foreign language
- (f) Special education
- (g) Learning resources
- (h) English as a second language
- (i) Bilingual education.

(4) Grade four through grade twelve endorsements shall be granted in:

(a) English/language arts (broad subject area endorsement) and the specialized English/language arts subject areas of:

- (i) Drama
- (ii) English
- (iii) Journalism
- (iv) Speech.

(b) Science (broad subject area endorsement) and the specialized science subject areas of:

- (i) Biology
- (ii) Chemistry
- (iii) Earth science
- (iv) Physics.

(c) Social studies (broad subject area endorsement) and the specialized social studies subject areas of:

- (i) Anthropology
- (ii) Economics

- (iii) Geography
- (iv) History
- (v) Political science
- (vi) Psychology
- (vii) Sociology.

(d) The specialized subject areas of:

- (i) Agriculture
- (ii) Business education
- (iii) Comparative religion
- (iv) Computer science

~~((iv))~~ (v) Health

~~((v))~~ (vi) Home and family life education (formerly home economics)

~~((vi))~~ (vii) Technology education (formerly industrial arts)

~~((vii))~~ (viii) Mathematics

~~((viii))~~ (ix) Marketing education.

(x) Philosophy.

(5) Traffic safety endorsements may be noted on certificates issued under this chapter if the candidate meets the requirements of the regulations promulgated by the superintendent of public instruction pursuant to RCW 28A.220.020(3).

AMENDATORY SECTION (Amending Order 27-88, filed 12/14/88)

WAC 180-79-086 MINIMUM PREPARATION FOR ENDORSEMENTS FOR TEACHERS. Endorsements granted teachers shall comply with the following:

(1) Endorsements—with the exception of the broad subject area endorsements of English/language arts, music, science, and social studies, which shall require the satisfactory completion of a minimum of forty-five quarter hours (thirty semester hours) of course work—shall require the satisfactory completion of a minimum of twenty-four quarter hours (sixteen semester hours) of course work (~~—not including any practice teaching, internship, or other clinical or field laboratory experience courses—~~) in the subject area in a regionally accredited institution of higher education or in a college or university with a professional preparation program approved by the state board of education pursuant to chapter 180-79 WAC.

(2) Reasonable flexibility shall be permitted in establishing equivalencies for specified subject area course work. The test for substitution of an equivalent course for a stated subject area course is a factual determination that the subject matter content of the equivalent course, or combination of courses, substantially complies with the generally recognized course content of the subject area course.

(3) Course work used to meet endorsement requirements must be completed through a regionally accredited college/university and may not include student teaching credits.

(4) Only course work in which an individual received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the required minimum number of credit hours as defined in WAC 180-79-086.

AMENDATORY SECTION (Amending WSR 90-22-002, filed 10/25/90, effective 11/25/90)

WAC 180-79-115 ACADEMIC REQUIREMENTS FOR CERTIFICATION—TEACHERS. Candidates for teachers' certificates shall complete the following requirements in addition to those set forth in WAC 180-75-080 and 180-75-085.

(1) Initial.

(a) Candidates for the initial certificate who apply for such certificate on or before August 31, 1992, shall hold a baccalaureate degree from a regionally accredited college or university and shall have completed the degree major in an academic field or in the teaching specialization of early childhood, elementary, reading, or special education.

(b) Candidates for the initial certificate who apply for such certificate after August 31, 1992, shall hold an approved baccalaureate degree from a regionally accredited college or university: PROVIDED, That if the approved baccalaureate degree is in early childhood education, elementary education, or special education, the candidate also must have at least thirty quarter hours (twenty semester hours) in one of the academic fields listed in WAC 180-79-080 (3)(a) through (e) and (4).

(2) Continuing.

(a) Candidates who apply for a continuing certificate on or before August 31, 1992, shall have (~~completed~~) at least forty-five quarter hours (thirty semester hours) of upper division and/or graduate work completed subsequent to the conferral of the baccalaureate degree: PROVIDED, That if the individual is pursuing study in a new subject matter area or specialization, lower division courses in that subject area or specialization shall be accepted toward continuing certification upon completion of the requirements for an endorsement in that subject area or specialization.

(b) Candidates who apply for a continuing certificate after August 31, 1992, shall have completed an approved masters degree.

(c) Candidates for a continuing certificate shall have been granted (~~or have completed the requirements for~~) at least two subject area endorsements.

(d) Candidates who apply for a continuing certificate after August 31, 1992, who have not successfully completed course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse, must complete such course work or in-service program as a condition for the issuance of a continuing certificate. The content of the course work or in-service program shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

AMENDATORY SECTION (Amending Order 27-88, filed 12/14/88)

WAC 180-79-120 ACADEMIC REQUIREMENTS FOR CERTIFICATION—ADMINISTRATORS. Candidates for the respective administrative certificate shall complete the following requirements in addition to those set forth in WAC 180-75-085.

(1) Superintendent.

(a) Initial.

(i) The candidate who applies for an initial certificate on or before August 31, 1992, shall hold a master's degree and complete at least fifteen quarter hours (ten semester hours) of graduate study beyond the master's degree in education-related course work and shall hold or be eligible to hold a valid initial or continuing teacher or ESA certificate at the time he or she applies for the initial superintendent's certificate.

(ii) The candidate who applies for an initial certificate after August 31, 1992, shall hold an approved masters degree and have completed subsequent to the baccalaureate degree at least forty-five quarter hours (thirty semester hours) of graduate level course work in education.

(iii) The candidate must meet requirements for a superintendent's certificate pursuant to WAC 180-79-049.

(b) Continuing.

(i) The candidate who applies for a continuing certificate on or before August 31, 1992, shall have completed at least thirty quarter hours (twenty semester hours) of graduate work beyond the master's degree.

(ii) The candidate who applies after August 31, 1992, shall hold an approved masters degree and have completed subsequent to the baccalaureate degree at least sixty quarter hours (forty semester hours) of graduate level course work in education or shall hold a doctorate in education.

(iii) The candidate must meet requirements for a superintendent's certificate pursuant to WAC 180-79-049.

(2) Principal.

(a) Initial.

(i) The candidate who applies on or before August 31, 1992, shall hold or have held a ((valid)) Washington initial ((or)), continuing ((teacher)) or comparable teaching certificate from another state at the time he or she applies for the initial principal's certificate and shall have completed ((at least thirty quarter hours (twenty semester hours) of work applicable to a graduate degree subsequent to receipt of a baccalaureate degree in)) an approved program for the preparation of principals.

(ii) The candidate who applies after August 31, 1992, shall hold ((an approved)) a masters degree and have completed ((subsequent to the baccalaureate degree at least thirty quarter hours (twenty semester hours) of graduate level course work in education)) an approved program for the preparation of principals.

(b) Continuing.

(i) The candidate who applies on or before August 31, 1992, shall hold a master's degree.

(ii) The candidate who applies after August 31, 1992, shall hold an approved masters degree and completed subsequent to the baccalaureate degree at least forty-

five hours (thirty semester hours) of graduate level course work in education or shall hold a doctorate in education.

(iii) The candidate must meet requirements for a principal's certificate pursuant to WAC 180-79-049.

(3) Program administrator.

(a) Initial.

(i) The candidate who applies on or before August 31, 1992, shall hold a valid initial or continuing teacher or educational staff associate certificate at the time he or she applies for the program administrator's initial certificate and shall hold a master's degree.

(ii) The candidate who applies after August 31, 1992, shall hold an approved masters degree, a masters degree required for an educational staff associate certificate, a masters degree in school nursing, occupational therapy or physical therapy, or a masters degree in public, education, or business administration and have completed subsequent to the baccalaureate degree at least twenty-four quarter hours (sixteen semester hours) of graduate level course work in education.

(b) Continuing.

(i) The candidate who applies on or before August 31, 1992, shall have completed at least fifteen quarter hours (ten semester hours) of graduate work subsequent to the master's degree relevant to educational administration or his or her subject matter field(s) or specialization(s).

(ii) The candidate who applies after August 31, 1992, shall hold an approved masters degree, a masters degree required for an educational staff associate certificate, a masters degree in school nursing, occupational therapy, physical therapy, or a masters degree in public, education, or business administration and have completed subsequent to the baccalaureate degree at least thirty quarter hours (twenty semester hours) of graduate level course work in education or shall hold a doctorate in education.

NEW SECTION

WAC 180-79-123 EXPERIENCE REQUIREMENT FOR CONTINUING CERTIFICATION—ADMINISTRATORS. In addition to the academic requirements specified in WAC 180-79-120, candidates for continuing administrator certificates shall provide, as a condition for issuance of a continuing certificate, documentation of one hundred eighty days or full time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer. The requirements set forth in this section shall expire August 31, 1992.

AMENDATORY SECTION (Amending Order 3-88, filed 2/17/88)

WAC 180-79-131 GENERAL KNOWLEDGE REQUIRED OF ALL CANDIDATES FOR CERTIFICATION. General knowledge required of all candidates for certification includes the following:

(1) **SCHOOLS AND SOCIETY.** Topics to be included consist of the following:

(a) Development of education in public and private schools in the United States.

(b) The nature and foundation of the educational system, including the evolution of school curriculum in grades P-12.

(c) Public policy issues related to the role of schools in a democratic society, with particular emphasis on:

(i) Equity issues related to various populations—e.g., race, sex, handicapping conditions, gifted, migrant, poverty, aliens, etc.

(ii) Study of values in public schools.

(iii) Issues related to the funding of public and private schools.

(iv) Compulsory attendance, compulsory education, and parental rights and responsibilities.

(v) Federal, state, and community control of schools.

(vi) Resource personnel and public and private agencies, including professional associations, which offer services to teachers, children, parents, and schools.

(2) **HUMAN GROWTH, DEVELOPMENT, AND LEARNING.** Topics included consist of the following:

(a) Physical, psychomotor, cognitive, social, and emotional development of the normal and exceptional child, including those who are victims of abuse, children with handicapping conditions and the highly capable from birth to age twenty-one.

(b) Theories of learning, including:

(i) Behaviorism.

(ii) Social learning.

(iii) Information processing.

(iv) Cognitive development.

(c) Educational processes appropriate to normal and exceptional children, including those with handicapping conditions and the highly capable from birth through age twenty-one as to:

(i) Collection and interpretation of data.

(ii) Identification and assessment of individual students.

(iii) Impact of teaching and learning techniques on behavior.

(3) **AMERICAN SCHOOL LAW.** Topics include legal matters common to all education systems within the United States and consist of the following:

(a) Educational structure and governance, including the role of the courts.

(b) Students and the law, including First Amendment and due process rights, corporal punishment, grading, expulsion, suspension, discipline, and search and seizure and privacy rights.

(c) School professionals and the law, including nonrenewal, discharge, revocation, academic freedom, collective bargaining, professional ethics and legal responsibilities, and child abuse and other reporting requirements.

(d) Professional and school district liability, including negligence and tort liability.

(e) Federal law respecting the rights of the handicapped.

AMENDATORY SECTION (Amending Order 3-88, filed 2/17/88)

WAC 180-79-136 **GENERAL KNOWLEDGE REQUIRED OF ALL CANDIDATES FOR TEACHER CERTIFICATES.** General knowledge of all candidates for teacher certificates include the following:

(1) **CLASSROOM MANAGEMENT AND DISCIPLINE.** Topics to be included consist of the following:

(a) Research and theoretical models used to design instructional programs that manage the physical environment and the human dynamics of the classroom.

(b) Alternative forms of corrective action and application of such to classroom behavior.

(c) Designing instructional units, including alternative approaches to development, implementation, and evaluation of such units.

(2) **INSTRUCTION METHODOLOGY.** Topics to be included consist of the following:

(a) Instructional theory and strategies (i.e., Informational Processing, Personal, Social, Behavioral Systems), including the strengths and weaknesses of alternative models.

(b) The needs of exceptional students including those who are victims of abuse requiring special instruction, the assessment of learning abilities, the appropriate methods and materials, and the ways of adapting the regular curriculum for these students.

(c) The instructional uses of audio-visual materials, the computer, and other technological developments.

(d) Techniques for assessing students' reading and writing levels in content areas, making appropriate referrals, and, if necessary, prescribing appropriate remedial action.

(3) **STUDENT TESTING, ASSESSMENT, AND EVALUATION.** Topics to be included consist of the following:

(a) Developing and using classroom formative and summative procedures including planning, developing, administering and returning, essay, true/false, matching, and multiple choice items.

(b) Observing and rating student achievement and behavior.

(c) Student marking or grading systems.

(d) Social, legal, and ethical issues in student testing.

(4) **PROGRAM ASSESSMENT.** Topics to be included consist of the following:

(a) Interpreting norm and criterion referenced tests.

(b) Reliability and validity of classroom and standardized tests.

(c) Basic measurement and statistical concept.

(d) Ethnographic approaches.

(5) **TEACHER EVALUATION AND PROFESSIONAL GROWTH.** Topics to be included consist of the following:

(a) State evaluation laws, including contract renewal procedures.

(b) Procedures for obtaining feedback on professional effectiveness.

(c) Developing personal inservice plans for professional improvement.

AMENDATORY SECTION (Amending WSR 91-05-056, filed 2/15/91, effective 3/18/91)

WAC 180-79-230 LIMITED CERTIFICATES. Notwithstanding other requirements prescribed in this chapter for eligibility for certification in the state of Washington, the following certificates shall be issued under specific circumstances set forth below for limited service:

(1) Conditional certificate.

(a) Such certificates are issued upon application by the local school district or educational service district superintendent to persons:

(i) Who meet the age, good moral character, and personal fitness requirements of WAC 180-75-085 (1) and (2); and

(ii) Who are highly qualified and experienced in subject matter to be taught in the common or nonpublic schools; or

(iii) Who qualify to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020 (2) and (3); or

(iv) Who are assigned instructional responsibility for intramural/interscholastic activities which are part of the district approved program; or

(v) Who possess a baccalaureate or higher degree or otherwise required in WAC 180-79-125 and who possess a state of Washington license for a nurse, occupational therapist, or physical therapist: **PROVIDED**, That ~~((this exception to other certification requirements shall terminate as of midnight August 31, 1991))~~ the district will be responsible for orienting and preparing individuals for their assignment as described in (c)(ii) of this subsection.

(b) The educational service district or local district superintendent will verify that the following criteria have been met when requesting the conditional certificate:

(i) No person with regular certification in the field is available as verified by the district or educational service district superintendent;

(ii) The district or educational service district superintendent will indicate the basis on which he/she has determined that the individual is competent for the assignment;

(iii) The individual is being certificated for a limited assignment and responsibility in a specified activity/field.

(c) When requesting the conditional certificate for persons who are highly qualified and experienced in fields of knowledge to be taught in the common or nonpublic schools, the educational service district superintendent or local district superintendent will verify that the following additional criteria will be met:

(i) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities with the direct assistance of a school district mentor and will not be serving in a paraprofessional role which would not require certification;

(ii) Personnel so certificated will be oriented and prepared for the specific assignment by the employing district. A written plan of assistance will be developed, in cooperation with the person to be employed within

twenty working days from the commencement of the assignment. In addition, prior to ~~((teaching))~~ service the person will be apprised of any legal liability, the responsibilities of a professional educator, the lines of authority, and the duration of the assignment;

(iii) Within the first sixty working days, personnel so certificated will complete sixty clock hours (six quarter hours or four semester hours) of course work in pedagogy and child/adolescent development appropriate to the assigned grade level(s) as approved by the employing school district.

(d) The certificate is valid for two years or less and only for the activity specified. The certificate may be reissued for two years and for two year intervals thereafter upon completion of sixty clock hours (six quarter hours or four semester hours) of course work since the issuance of the most recent certificate as approved by the employing school district.

(2) Substitute certificate.

(a) The substitute certificate entitles the holder to act as substitute during the absence of the regularly certificated staff member for a period not to exceed thirty consecutive school days during the school year in any one assignment. This certificate may be issued to:

(i) Teachers, educational staff associates or administrators whose state of Washington certificates have expired, or

(ii) Persons who have completed state approved preparation programs at regionally accredited colleges and universities for certificates.

(b) The substitute certificate is valid for life:

(c) **PROVIDED**, That if the district has exhausted or reasonably anticipates it will exhaust its list of qualified substitutes who are willing to serve as substitutes, the superintendent of public instruction may issue emergency substitute certificates to persons not fully qualified under this subsection for use in a particular school district once the list of otherwise qualified substitutes has been exhausted. Such emergency substitute certificates shall be valid for three years.

(3) Emergency certification.

(a) Emergency certification for specific positions may be issued upon the recommendation of school district and educational service district superintendents to persons who hold the appropriate degree and have substantially completed a program of preparation in accordance with Washington requirements for certification: **PROVIDED**, That a qualified person who holds regular certification is not available or that the position is essential and circumstances warrant consideration of issuance of an emergency certificate.

(b) The emergency certificate is valid for one year.

(4) Nonimmigrant alien exchange teacher. Applicants for certification as a nonimmigrant alien exchange teacher must qualify pursuant to WAC ~~((392-193-055(1)))~~ 180-75-089 and be eligible to serve as a teacher in the elementary or secondary schools of the country of residence.

~~((5) Nonimmigrant alien foreign language teacher. Applicants for certification as a nonimmigrant alien foreign language teacher must qualify pursuant to WAC 392-193-055(2) and possess a baccalaureate degree or~~

~~establish equivalency to a baccalaureate degree by having his or her college or university transcripts evaluated as equivalent by any accredited college or university within the state of Washington.))~~

NEW SECTION

WAC 180-79-311 SPECIALTY AREAS OF STUDY. (1) Specialty areas of study in middle grades, gifted, and at-risk students shall be recognized by the state board of education on the basis of the following:

(a) Completion of twelve quarter hours (eight semester hours) of academic study from a regionally accredited college or university directly addressing knowledge and skills relevant to the respective specialty area as recommended by the respective college/university PEAB; and

(b) Recommendation of the individual by the college/university that has offered the specialty area of study.

(2) Specialty areas of study are not endorsements and shall have no bearing on assignment policies as outlined in chapter 180-18 WAC.

(3) The recognition of specialty areas of study shall in no way impact the requirements for obtaining or maintaining an initial or continuing certificate.

(4) The recognition of specialty areas of study shall be reviewed by PEAC with recommendations to the state board of education by June 30, 1995.

NEW SECTION

WAC 180-79-333 COMPARATIVE RELIGION—SUBJECT AREA ENDORSEMENT. In order to receive an endorsement in comparative religion, the candidate shall have completed the minimum course work credit hours in the subject area of comparative religion, including but not limited to, credit hours in each of the essential areas of, History and/or development of comparative religious thought, and Issues and trends in modern religions, plus two other essential areas of study:

(1) History and/or development of comparative religious thought.

(2) Issues and trends in modern religions.

(3) Ethics.

(4) Aesthetics.

(5) Epistemology.

(6) Metaphysics.

(7) Logic.

(8) History of philosophy.

NEW SECTION

WAC 180-79-379 PHILOSOPHY—SUBJECT AREA ENDORSEMENT. In order to receive an endorsement in philosophy, the candidate shall have completed the minimum course work credit hours in the subject area of philosophy, including but not limited to, credit hours in a minimum of four of the following areas of essential study:

(1) Ethics.

(2) Aesthetics.

(3) Epistemology.

(4) Metaphysics.

(5) Logic.

(6) History of philosophy.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-79-129 IMPLEMENTATION OF GENERAL KNOWLEDGE REQUIREMENT FOR CERTIFICATION.

WAC 180-79-310 MINIMUM COURSE WORK CREDIT HOURS—DEFINITION.

AMENDATORY SECTION (Amending WSR 91-04-016, filed 1/28/91, effective 2/28/91)

WAC 180-85-045 APPROVED IN-SERVICE EDUCATION AGENCY—DEFINITION. As used in this chapter, the term "approved in-service education agency" shall mean an agency approved by the state board of education to provide in-service education programs and to grant continuing education credit hours to all or a selective group of educators. Such agency must demonstrate the following characteristics:

(1) The agency is one of the following entities or a department or section within such entities:

(a) A college or university referenced in WAC 180-85-025(1);

(b) ~~((A professional))~~ An organization which for the purpose of this chapter shall mean any local, state, regional, or national nonprofit organization ~~((composed primarily of))~~ which offers in-service education programs to teachers, administrators, and/or educational staff associates;

(c) A school district, an educational service district, ~~((and))~~ the superintendent of public instruction, or any state or national agency; or

(d) An approved private school which for the purpose of this chapter shall mean the same as provided in WAC 180-90-112.

(2) The agency has either a committee or board of directors which provides prior approval to proposed in-service education programs on the basis that the proposed programs are designed to meet the program standards set forth in WAC 180-85-200. In the case of school districts or educational service districts the committee shall be composed of the same representatives as required by RCW 28A.415.040—i.e., "representatives from the ranks of administrators, building principals, teachers, classified and support personnel . . . , . . . the public ((:)), and . . . institution(s) of higher education, . . ."

NEW SECTION

WAC 180-85-077 CONTINUING EDUCATION CREDIT—ESAS. Educational staff associates may use credits or clock hours that satisfy the continuing education requirements for their professional licensure, if any, toward fulfilling the continuing education certification requirements.

AMENDATORY SECTION (Amending WSR 90-12-076, filed 6/1/90, effective 7/2/90)

WAC 180-85-115 SPI NOTICE OF LAPSED CERTIFICATE. On or before October 1 of each year, the superintendent of public instruction shall make reasonable attempts to notify each affected certificate holder whose certificate has lapsed the preceding August 31 of such status. The notice shall include procedures for reinstatement and procedures for disputing the lapsed status. ~~((In addition, on or before October 1 of each year, the superintendent of public instruction shall notify by bulletin each school district, approved private school, and educational service district of the name and certificate number of each holder of an affected certificate whose certificate has lapsed the preceding August 31.))~~

WSR 92-04-045
PROPOSED RULES
SPOKANE COUNTY AIR
POLLUTION CONTROL AUTHORITY

[Filed January 31, 1992, 11:03 a.m.]

Original Notice.

Title of Rule: Section 1.01, Policy; Article; Spokane County Air Pollution Control Authority regulation.

Purpose: To make the authority's policy more consistent with chapter 70.94 RCW, the Clean Air Act of Washington.

Statutory Authority for Adoption: RCW 70.94.211.

Statute Being Implemented: Chapter 70.94 RCW.

Summary: This rule implements RCW 70.94.011.

Reasons Supporting Proposal: The changes are needed to make it consistent with RCW 70.94.011.

Name of Agency Personnel Responsible for Drafting: Fred O. Gray, West 1101 College Avenue, Room 230, Spokane, WA 99201, (509) 456-4727; Implementation and Enforcement: Eric P. Skelton, West 1101 College Avenue, Room 230, Spokane, WA 99201, (509) 456-4727.

Name of Proponent: Spokane County Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The section implements RCW 70.94.011 which is the policy section of the Clean Air Act of Washington.

Proposal Changes the Following Existing Rules: Essentially, the rule isn't changed. A new paragraph is added to clarify the fact that, if other sections of our authority's regulations are worded differently than the Clean Air Act of Washington, the intent is to follow the requirements of the act.

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

This rule change does not impose any new compliance, reporting or timetables on businesses, industries, individuals or persons.

Hearing Location: Commissioner's Assembly Room, Spokane County Courthouse, West 1116 Broadway, Spokane, WA 99260, on March 12, 1992, at 8:30 a.m.

Submit Written Comments to: Fred O. Gray, Spokane County Air Pollution Control Authority, West 1101 College Avenue, Room 230, Spokane, WA 99201, by March 12, 1992.

Date of Intended Adoption: March 12, 1992.

January 30, 1992

Fred O. Gray

Environmental Engineer

Section 1.01 POLICY

The Spokane County Air Pollution Control Authority, co-extensive with the boundaries of Spokane County, having been activated by the Washington Clean Air Act, ~~((RCW))~~ Chapter 70.94 RCW as amended, adopts the following Regulation(s) to control the emissions of air contaminants from all sources within the jurisdiction of the Authority; to provide for the uniform administration and enforcement of this Regulation; and to carry out the requirements and purposes of the Washington Clean Air Act.

It is hereby declared to be the public policy of the Spokane County Air Pollution Control Authority to secure and maintain such levels of air quality ~~((as with))~~ that protect human health and safety, ~~((and))~~ including the most sensitive members of the population, to comply with ~~the requirements of the federal clean air act, to ((the greatest degree practicable.))~~ prevent injury to plant and animal life and to property, to foster the comfort and convenience of its inhabitants, to promote the economic and ~~((industrial))~~ social development of the County and ~~((enhance the recreational potential within))~~ to facilitate the enjoyment of the natural attractions of the County.

It is further the intent of this Regulation to protect the public welfare, to preserve visibility, to protect scenic, aesthetic, historic, and cultural values, and to prevent air pollution problems that interfere with the enjoyment of life, property, or natural attractions.

Wherever this Regulation Constitutes a restatement of the requirements and purposes of Chapter 70.94 RCW it is the intent of the Authority that the Regulation be interpreted in the same manner as the statute adopted by the Legislature. Any deviation from the statute, except where the statute allows an Authority to be more stringent, is intended for purposes of clarity.

WSR 92-04-046
PROPOSED RULES
SPOKANE COUNTY AIR
POLLUTION CONTROL AUTHORITY

[Filed January 31, 1992, 11:05 a.m.]

Original Notice.

Title of Rule: Section 2.03, Confidential Information; Article II; Spokane County Air Pollution Control Authority Regulation I.

Purpose: To correctly define what information about air pollution sources can be classified as confidential.

Statutory Authority for Adoption: RCW 70.94.205.

Statute Being Implemented: Chapter 70.94 RCW.

Summary: This rule implements RCW 70.94.205.

Reasons Supporting Proposal: The changes are needed to make it consistent with RCW 70.94.205.

Name of Agency Personnel Responsible for Drafting: Fred O. Gray, West 1101 College Avenue, Room 230, Spokane, WA 99201, (509) 456-4727; Implementation and Enforcement: Kelle Vigeland, West 1101 College Avenue, Room 230, Spokane, WA 99201, (509) 456-4727.

Name of Proponent: Spokane County Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose, Summary, and Reasons Supporting Proposal above. There should be no future effects as this is a minor housekeeping change.

Proposal does not change existing rules.

Essentially, the rule isn't changed. The wording change is very minor.

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

This rule change does not impose any new compliance, reporting or timetables on businesses, industries, individuals or persons.

Hearing Location: Commissioner's Assembly Room, Spokane County Courthouse, West 1116 Broadway, Spokane, WA 99260, on March 12, 1992, at 8:30 a.m.

Submit Written Comments to: Fred O. Gray, Spokane County Air Pollution Control Authority, West 1101 College Avenue, Room 230, Spokane, WA 99201, by March 12, 1992.

Date of Intended Adoption: March 12, 1992.

January 30, 1992

Fred O. Gray

Environmental Engineer

SECTION 2.03 CONFIDENTIAL INFORMATION

Whenever any records or other information, other than ambient air quality data or emission data, furnished to or obtained by the Authority, pursuant to ~~((any sections in RCW))~~ Chapter 70.94 RCW, relate to processes or production unique to the owner or operator, or is likely to adversely affect ~~((adversely))~~ the competitive position of such owner or operator if released to the public or to a competitor and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the Department of Ecology or the Authority. (RCW 70.94.205)

SECTION 2.04 VIOLATIONS

A. ~~((Whenever the Board or Control Officer has reason to believe that any provision of the State Law or any ordinance, regulation, rule or order relating to the control or prevention of air pollution has been violated, he may))~~ At least thirty days prior to the commencement of any formal enforcement action under Chapter 70.94.430 RCW or Chapter 70.94.431 RCW the Authority shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of the State Law or of this Regulation alleged to be violated and the facts alleged to constitute a violation thereof, and may include an order directing that necessary corrective action be taken within a reasonable time. In lieu of an order the Board or the Control Officer may require that the alleged violator or violators appear before the Hearings Board ~~((as provided for in Chapter 43.21B RCW))~~ for a hearing. ~~((pursuant to the provisions of Chapter 34.04 RCW as now or hereafter amended, or in addition to or in place of an order or hearing, the Hearings Board, the local Board or the Control Officer may initiate action pursuant to RCW 70.94.425, RCW 70.94.430, and RCW 70.94.435. (RCW 70.94.211))~~ Every Notice of Violation shall offer to the alleged violator an opportunity to meet with the Authority prior to the commencement of enforcement action.

B. The Control Officer may, in place of an order or hearing after service of a notice of violation and expiration of reasonable and/or required period of time without correction, request the County Prosecutor to prosecute a criminal action against the violator.

WSR 92-04-047

PROPOSED RULES

SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY

[Filed January 31, 1992, 11:07 a.m.]

Original Notice.

Title of Rule: Section 2.04, Violations; Article II; Spokane County Air Pollution Control Authority Regulation I.

Purpose: To define the requirements for notifying a person of a violation of applicable air pollution control requirement.

Statutory Authority for Adoption: RCW 70.94.211.

Statute Being Implemented: Chapter 70.94 RCW.

Summary: This rule implements RCW 70.94.211.

Reasons Supporting Proposal: The changes are needed to make it consistent with RCW 70.94.211.

Name of Agency Personnel Responsible for Drafting: Fred O. Gray, West 1101 College Avenue, Room 230, Spokane, WA 99201, (509) 456-4727; Implementation and Enforcement: Mabel Caine, West 1101 College Avenue, Room 230, Spokane, WA 99201, (509) 456-4727.

Name of Proponent: Spokane County Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose, Summary, and Reasons Supporting Proposal above. These rule changes will benefit alleged violators by allowing the opportunity for discussion of the alleged violation with the enforcement agency prior to any enforcement action being taken.

Proposal Changes the Following Existing Rules: See above.

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

This rule change does not impose any new compliance, reporting or timetables on businesses, industries, individuals or persons.

Hearing Location: Commissioner's Assembly Room, Spokane County Courthouse, West 1116 Broadway, Spokane, WA 99260, on March 12, 1992, at 8:30 a.m.

Submit Written Comments to: Fred O. Gray, West 1101 College Avenue, Room 230, Spokane, WA 99201, by March 12, 1992.

Date of Intended Adoption: March 12, 1992.

January 30, 1992

Fred O. Gray

Environmental Engineer

SECTION 2.03 CONFIDENTIAL INFORMATION

Whenever any records or other information, other than ambient air quality data or emission data, furnished to or obtained by the Authority, pursuant to ~~((any sections in RCW))~~ Chapter 70.94 RCW, relate to processes or production unique to the owner or operator, or is likely to adversely affect ~~((adversely))~~ the competitive position of such owner or operator if released to the public or to a competitor and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the Department of Ecology or the Authority. (RCW 70.94.205)

SECTION 2.04 VIOLATIONS

A. ~~((Whenever the Board or Control Officer has reason to believe that any provision of the State Law or any ordinance, regulation, rule or order relating to the control or prevention of air pollution has been violated, he may))~~ At least thirty days prior to the commencement of any formal enforcement action under Chapter 70.94.430 RCW or Chapter 70.94.431 RCW the Authority shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of the State Law or of this Regulation alleged to be violated and the facts alleged to constitute a violation thereof, and may include an order directing that necessary corrective action be taken within a reasonable time. In lieu of an order the Board or the Control Officer may require that the alleged violator or violators appear before the Hearings Board ((as provided for in Chapter 43.21B RCW)) for a hearing, ((pursuant to the provisions of Chapter 34.04 RCW as now or hereafter amended, or in addition to or in place of an order or hearing, the Hearings Board, the local Board or the Control Officer may initiate action pursuant to RCW 70.94.425, RCW 70.94.430, and RCW 70.94.435. (RCW 70.94.211)) Every Notice of Violation shall offer to the alleged violator an opportunity to meet with the Authority prior to the commencement of enforcement action.

B. The Control Officer may, in place of an order or hearing after service of a notice of violation and expiration of reasonable and/or required period of time without correction, request the County Prosecutor to prosecute a criminal action against the violator.

WSR 92-04-048
PROPOSED RULES
SPOKANE COUNTY AIR
POLLUTION CONTROL AUTHORITY

[Filed January 31, 1992, 11:10 a.m.]

Original Notice.

Title of Rule: Section 2.11, Penalties; Article II; Spokane County Air Pollution Control Authority Regulation I.

Purpose: To correctly delineate the authority's power regarding criminal and civil penalties for violations of applicable air pollution control regulations, statutes and orders.

Statutory Authority for Adoption: RCW 70.94.430 and [70.94].431.

Statute Being Implemented: Chapter 70.94 RCW.

Summary: This rule implements RCW 70.94.430 and 70.94.431. Modifications to the existing rule are proposed to make it consistent with the recently amended statute.

Reasons Supporting Proposal: To effectuate the requirements of the Washington Clean Air Act, chapter 70.94 RCW, as amended on May 15, 1991.

Name of Agency Personnel Responsible for Drafting: Fred O. Gray, West 1101 College Avenue, Room 230, Spokane, WA 99201, (509) 456-4727; Implementation and Enforcement: Mabel Caine, West 1101 College Avenue, Room 230, Spokane, WA 99201, (509) 456-4727.

Name of Proponent: Spokane County Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule change will bring our present rule into compliance with the recently amended Washington Clean Air Act. Almost all penalties assessed will not increase but the higher limit will allow the agency to assess proper penalties for the few significant violations.

Proposal Changes the Following Existing Rules: It increases the maximum allowable criminal and civil penalties to that allowed by the Washington Clean Air Act. Also, it will now allow interest to be charged for overdue payment of penalties.

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

This rule change does not impose any new compliance, reporting or timetables on businesses, industries or individuals.

Hearing Location: Commissioner's Assembly Room, Spokane County Courthouse, West 1116 Broadway, Spokane, WA 99260, on March 12, 1992, at 8:30 a.m.

Submit Written Comments to: Fred O. Gray, West 1101 College Avenue, Room 230, Spokane, WA 99201, by March 12, 1992.

Date of Intended Adoption: March 12, 1992.

January 30, 1992

Fred O. Gray

Environmental Engineer

SECTION 2.11 PENALTIES

A. Criminal Penalties

1. Any person who knowingly violates any of the provisions of Chapter 70.94 RCW or any regulation, ordinance, or resolution (~~((rate or order))~~) in force pursuant thereto, ~~((shall be))~~ is guilty of a ~~((misdemeanor))~~ crime and upon conviction ~~((thereof shall be punished))~~ is subject to punishment by a fine ~~((of not more than one thousand dollars,))~~ or by imprisonment in the county jail ~~((for not more than ninety days,))~~ or by both fine and imprisonment as provided by Chapter 70.94 RCW for each separate violation.

~~((2.))~~ ~~((Any person who willfully violates any of the provisions of Chapter 70.94 RCW or any regulation, ordinance, resolution, or order in force pursuant thereto shall be guilty of a gross misdemeanor. Upon conviction the offender shall be punished by a fine of not less than one hundred dollars for each offense, or by imprisonment for a term of not more than one year or by both fine and imprisonment.))~~

~~((3.))~~ ~~((In case of a continuing violation, whether or not willfully committed, each day's continuance shall be separate and distinct violation.))~~

2. Any person who negligently releases into the ambient air any substance listed by the Department of Ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who at the time negligently places another person in imminent danger of death or substantial bodily harm is guilty of a crime and upon conviction is subject to punishment by a fine or by imprisonment or both as provided by Chapter 70.94 RCW.

3. Any person who knowingly releases into the ambient air any substance listed by the Department of Ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who knows at the time that he or she thereby places another person in imminent danger of death or substantial bodily harm, is guilty of a crime and upon conviction is subject to punishment by a fine or by imprisonment or both as provided by Chapter 70.94 RCW.

4. Any person who knowingly fails to disclose a potential conflict of interest under Chapter 70.94.100 RCW is guilty of a gross misdemeanor, and upon conviction thereof, is subject to a fine as provided by Chapter 70.94 RCW.

B. Other Penalties

1. a. In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of Chapter 70.94 RCW or any of the rules and regulations of the Department of Ecology or this ~~((Board))~~ Authority ~~((shall))~~ in force under this chapter may incur a civil penalty ~~((in the form of a fine))~~ in an amount not to exceed ~~((one thousand dollars per day))~~ that provided by Chapter 70.94 RCW for each violation. Each such violation is ~~((shall be))~~ a separate and distinct offense, and in case of a continuing violation, each day's continuance is ~~((shall be))~~ a separate and distinct violation. ~~((For the purposes of this paragraph, the maximum daily fine imposed by the Board for violations of standards by a specific emissions unit is one thousand dollars.))~~

b. Any person who fails to take action as specified by an order issued pursuant to Chapter 70.94 RCW or this Regulation is liable for a civil penalty in an amount not to exceed the penalty authorized by Chapter 70.94 RCW for each day of continued noncompliance.

2. Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by 19.52.020 RCW on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

((2. a.)) ((Further, the person is subject to a fine of up to five thousand dollars to be levied by the Director of the Department of Ecology if requested by the Board or if the Director of the Department of Ecology determines that the penalty is needed for effective enforcement of Chapter 70.94 RCW. The Board shall not make such a request until notice of violation and compliance order procedures have been exhausted, if such procedures are applicable. For the purposes of this paragraph the maximum daily fine imposed by the Department of Ecology for violation of standards by a specific emissions unit is five thousand dollars.))

((b.)) ((If a penalty is levied under this paragraph 2 of subsection B, the Director of the Department of Ecology or said Director's authorized delegate may, upon written application therefor received by the person incurring the penalty, and when deemed in the best interest to carry out the purposes of Chapter 70.94 RCW, remit or mitigate any penalty provided in this section upon such terms as the Director of the Department of Ecology deems proper, and may ascertain the facts upon all such applications in such manner and under such regulations as the Director of the Department of Ecology deems proper. The mitigation shall not affect or reduce the penalty imposed by the Authority. The appeal procedure for penalties imposed under this paragraph 2 shall be as set forth in subsection (4) of Chapter 70.94.431 RCW.))

((c.)) ((If a prior penalty for the same violation has been paid to the Authority, the penalty imposed under paragraph 2 of Subsection B shall be reduced by the amount of the payment.))

3. Each act of commission or omission which procures, aids, or abets in the violation is ((shall be considered)) a violation under the provisions of this section and subject to the same penalty.

4. ((Except as provided in paragraph 2.b. of subsection B, the)) The penalty ((shall become)) is due and payable when the person incurring the same receives a notice in writing from the Control Officer of the Authority or his designee describing the violation with reasonable particularity and advising such person that the penalty is due unless a request is made for a hearing to the Pollution Control Hearings Board as provided in Chapter 43.21 B RCW. When a request is made for a hearing, the penalty ((shall become)) is due and payable only upon completion of all review proceedings and the issuance of a final order affirming the penalty in whole or part. If the amount of such penalty is not paid within thirty days after it becomes due and payable, and a request for a hearing has not been made, the ((attorney for the local authority, upon request of the)) Board or Control Officer, shall bring an action to recover such penalty. ((in the Superior Court of the county in which the violation occurred.)) The penalties provided by Chapter 70.94 RCW and this section are imposed pursuant to Chapter 43.21B.300 RCW.

5. All penalties recovered under this section by the Authority ((under subsection B shall be paid into)) are payable to the treasury of the Authority and credited to its funds. ((Notwithstanding any other provisions of this regulation, no penalty may be levied for the violation of any opacity standard in an amount exceeding four hundred dollars per day.))

((4)) ((In all actions brought in the Superior Court for the recovery of penalties hereunder, the procedure and rules of evidence shall be the same as in an ordinary civil action.))

6. ((5)) To secure the penalty incurred under this section, the State or the Authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in Chapter 60.36.050 RCW.

7. In addition to other penalties provided by this section, persons falsifying emission data or other information used to set fees, or persons required to pay emission, registration, permit, or any other fee payable to the Authority who are more than ninety days late with such payments are subject to a penalty equal to three times the amount of the original fee owed.

WSR 92-04-049

NOTICE OF PUBLIC MEETINGS DEPARTMENT OF HEALTH (Chiropractic Peer Review Committee) [Memorandum—January 31, 1992]

The following future meeting dates have been scheduled for the Washington State Peer Review Committee for the year 1992.

February 27, 1992
March 26, 1992
May 28, 1992
July 30, 1992
September 24, 1992
November 19, 1992

WSR 92-04-050

EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 92-03—Filed January 31, 1992, 4:05 p.m., effective February 3, 1992, 12:01 a.m.]

Date of Adoption: January 31, 1992.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-57-160.

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: This regulation is necessary to protect upriver spring chinook stocks in the Snake River.

Effective Date of Rule: 12:01 a.m., February 3, 1992.

January 31, 1992

Judith Freeman
for Joseph R. Blum
Director

NEW SECTION

WAC 220-57-16000L COLUMBIA RIVER. *Notwithstanding the provisions of WAC 220-57-160, effective 12:01 a.m. February 3, 1992 until further notice, it is unlawful to take, fish for or possess salmon in those waters downstream of the Highway 395 Bridge at Pasco to the I-5 Bridge at Vancouver.*

WSR 92-04-051

EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 92-04—Filed January 31, 1992, 4:08 p.m., effective February 1, 1992, 12:01 a.m.]

Date of Adoption: January 31, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-32-05100K and 220-32-057.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Harvestable numbers of salmon and sturgeon are available and these rules are adopted to conform with regulations adopted by the treaty tribes to harvest their allotment of available salmon and sturgeon.

Effective Date of Rule: 12:01 a.m., February 1, 1992.

January 31, 1992

Judith Freeman

for Joseph R. Blum

Director

NEW SECTION

WAC 220-32-05100K COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (1) Notwithstanding the provisions of WAC 220-32-051 and 220-32-052, 220-32-053, 220-32-056, 220-32-057, and 220-32-058, effective immediately it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch reporting Areas 1F, 1G, and 1H except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish from 12:01 a.m. February 1 through March 21, 1992.

(a) Gear: Set Gillnets - No mesh restriction

(2) Notwithstanding the provisions of WAC 220-32-058, closed area at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon river is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker

located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2-mile upstream from the east bank.

(g) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1 1/8 miles downstream from the west bank.

(h) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) shall include those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G shall include those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H shall include those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100J COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (91-125)

NEW SECTION

WAC 220-32-05700J COLUMBIA RIVER STURGEON SEASONS ABOVE BONNEVILLE. (1) Notwithstanding the provision of WAC 220-32-057, effective immediately until further notice, it is unlawful for a person to take sturgeon with set line gear or to possess sturgeon taken with set line gear for commercial purposes from Columbia river Salmon Management Catch Reporting Areas 1F, 1G, and 1H, except that those individuals possessing treaty rights under the

Yakima, Warm Springs, Umatilla and Nez Perce treaties may:

(a) Fish for sturgeon using set line gear effective 12:00 noon January 31 through April 30, 1992.

(2) During the season specified in subsection 1, it is unlawful:

(a) To retain for commercial purposes sturgeon less than 48 inches or greater than 72 inches in length.

(b) To remove the head or tail from a sturgeon prior to its sale to a wholesale dealer licensed under RCW 75.28.300.

(c) To sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of the sturgeon prior to the time the sturgeon is sold to a wholesale dealer licensed under rcw 75.28.300.

(3) During the season specified in subsection 1, it shall be unlawful to use set line gear:

(a) With more than 100 hooks per set line.

(b) With hooks less than the minimum size of 9/0.

(c) With treble hooks.

(d) Without visible buoys attached and with buoys that do not specify operator and tribal identification.

(4) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection 1:

(a) Area 1F (Bonneville Pool) shall include those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids.

(b) Area 1G shall include those waters of the Columbia River upstream from a line drawn between a point one mile above the fishway exit on the Washington shore and a point one mile above the fishway exit on the Oregon shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H shall include those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, to a fishing boundary marker on the Washington shore and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

WSR 92-04-052

**NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE FOR
OUTDOOR RECREATION**

[Memorandum—January 31, 1992]

The Interagency Committee for Outdoor Recreation has adopted the following meeting schedule for 1992:

- March 19-20, 1992 Regular business meeting including funding of: Firearms range projects, ORV education and enforcement projects, and ORV maintenance and operations projects.
- July 23-24, 1992 Regular business meeting. No funding.

September 24-25, 1992 Regular business meeting including funding of Washington wildlife and recreation projects.

November 19-20, 1992 Regular business meeting including funding of: Boating facilities projects, nonhighway NOVA projects, and off-road vehicle NOVA projects.

WSR 92-04-053

**NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE FOR
OUTDOOR RECREATION**

[Memorandum—January 31, 1992]

The Interagency Committee for Outdoor Recreation will meet on March 19-20, 1992, beginning at 9:00 a.m. at the Tyee Motor Inn, Tumwater, Washington.

The meeting is a funding session of the IAC for the firearms range project, ORV education and enforcement projects, and ORV maintenance and operations projects.

WSR 92-04-054

**RULES COORDINATOR
EASTERN WASHINGTON UNIVERSITY**

[Filed February 3, 1992, 4:10 p.m.]

The rules coordinator for Eastern Washington University is: Leonard H. Klatt, Assistant to the Vice-President for Administration, Eastern Washington University, Mailstop 114, Cheney, Washington 99004, (509) 359-6299.

WSR 92-04-055

**PROPOSED RULES
SHORELINE COMMUNITY COLLEGE**

[Filed February 3, 1992, 4:14 p.m.]

Original Notice.

Title of Rule: WAC 132G-152-040 Immunization for health occupations students.

Purpose: Protect students in health occupations programs.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: No applicable statute.

Summary: Require Hepatitis B immunization prior to admittance in certain health occupation programs.

Reasons Supporting Proposal: Supported by the Centers for Disease Control guidelines and legal opinion of the college attorney. The potential for accidental exposure to body fluids (e.g. saliva and blood) is significant in dental hygiene.

Name of Agency Personnel Responsible for Drafting: Tom Curtis, Room 2112, (206) 546-4561; Implementation: Karen Demetre, Room 1819A, (206) 546-4709; and Enforcement: Chuck Fields, Room 2100, (206) 546-4641.

Name of Proponent: Shoreline Community College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule requires immunization for Hepatitis B for all individuals applying for admittance into specific health occupation courses. Dental hygiene is the specific field under consideration at this time. The purpose is to take preventative measures to protect the health and safety of the students because of the potential for accidental exposure to body fluids (e.g. saliva and blood).

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, Shoreline Community College, 16101 Greenwood Avenue North, Seattle, WA 98133, on March 19, 1992, at 4:00 p.m.

Submit Written Comments to: Dr. Charles R. Fields, Vice-President for Student Services, by March 19, 1992.

Date of Intended Adoption: March 20, 1992.

January 31, 1992
Charles R. Fields
Vice-President for
Student Services

NEW SECTION

WAC 132G-152-040 IMMUNIZATION FOR HEPATITIS B. All individuals applying for admittance into the following program(s):

DENTAL HYGIENE

are required to have received an immunization for Hepatitis B. No individual shall be admitted or enrolled until they produce proof of immunization for Hepatitis B.

WSR 92-04-056
PROPOSED RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY
[Filed February 3, 1992, 4:18 p.m.]

Original Notice.

Title of Rule: Amend Article 8 of Puget Sound Air Pollution Control Agency Regulation I.

Purpose: To reduce air pollution caused by open burning.

Other Identifying Information: Article 8 pertains to outdoor fires.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141.

Summary: State Clean Air Act provisions prohibiting outdoor burning in carbon monoxide nonattainment areas and urban growth areas would be added to Regulation I. Puget Sound Air Pollution Control Agency rules for conducting outdoor fires would be repealed. Outdoor burning in King County Fire Districts #25, 34, and 37 and Snohomish County Fire District #11 would be prohibited.

Reasons Supporting Proposal: Incorporation of the new statutory requirements and removal of nonstatutory

requirements that have been ineffective in controlling air pollution will simplify enforcement and help reduce air pollution.

Name of Agency Personnel Responsible for Drafting: Gerry Pade, 200 West Mercer, Room 205, Seattle, WA 98119, 296-7468; Implementation: Jim Nolan, 200 West Mercer, Room 205, Seattle, WA 98119, 296-7426; and Enforcement: Harry Twomey, 200 West Mercer, Room 205, Seattle, WA 98119, 296-7427.

Name of Proponent: Puget Sound Air Pollution Control Agency, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: As of May 15, 1992, outdoor burning will be prohibited in the Department of Transportation's federal aid urban area in Snohomish, King, and Pierce counties as well as in four fire districts that requested to be fully included within this no burn zone. This zone will be superseded by the urban growth areas as soon as they are adopted by the counties. Rules for conducting fire, a small area in Bremerton where land clearing burning is currently prohibited, and a November 1 through February 15 period when land clearing fires are prohibited will all be repealed.

Proposal Changes the Following Existing Rules: The proposal would amend Section 8.01, Policy; Section 8.02, Prohibited outdoor fires; Section 8.03, Exemptions; and Section 8.04, General conditions. The proposal would repeal Section 8.05, Emission standard exemptions.

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

Hearing Location: Port of Seattle, Commissioner's Chambers, Terminal 66 Bell Street Terminal, Alaskan Way, Seattle, on March 12, 1992, at 9:00 a.m.

Submit Written Comments to: Anita J. Frankel, Puget Sound Air Pollution Control Agency, 200 West Mercer Street, #205, Seattle, WA 98119, by February 27, 1992.

Date of Intended Adoption: March 12, 1992.

January 31, 1992
Gerald S. Pade
Air Pollution Engineer

AMENDATORY SECTION

SECTION 8.01 POLICY

It is the policy of the Puget Sound Air Pollution Control Agency to achieve and maintain high levels of air quality and to this end minimize to the greatest extent reasonably possible the burning of outdoor fires. Consistent with this policy, the Board of Directors does hereby declare that such fires should be allowed only on a limited basis under strict regulation and close control, such program to be implemented by a one-permit system. It is the further policy of the Board to encourage the fostering and development of an alternate technology or method of disposing of wastes which is reasonably economical and less harmful to the environment. ~~((It is also the policy of the Puget Sound Air Pollution Control Agency that the best available burning practices be employed for land clearing burning to minimize air contaminant emissions so as to prevent injury to human health, plant or animal life, or property, or to prevent unreasonable interference with enjoyment of life and property:))~~

AMENDATORY SECTION**SECTION 8.02 PROHIBITED OUTDOOR FIRES**

((~~(a)~~)) It shall be unlawful for any person to cause or allow any outdoor fire:

~~(a) ((~~(1)~~)) During any stage of an air pollution episode or ((during any)) period of impaired air quality; or~~

~~(b) ((~~(2)~~)) Containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics or any substance other than natural vegetation which normally emits dense smoke or obnoxious odors; or~~

~~(c) Within the Urban Growth Areas as soon as adopted by the counties pursuant to the Washington Growth Management Act; or~~

~~(d) Within the Department of Transportation's Federal Aid Urban Areas of Snohomish, King, and Pierce Counties until such time as an Urban Growth Area is adopted by the county; or~~

~~(e) Within Snohomish County Fire District #11 and King County Fire Districts #25, #34, and #37 until such time as an Urban Growth Area is adopted by the county.~~

~~((~~(3)~~) For the purpose of demolition, salvage or reclamation of materials; or~~

~~(4) Other than land clearing burning or residential burning.~~

~~(b) It shall be unlawful for any person to cause or allow any outdoor fire for land clearing burning in any area where the Board has prohibited burning in the delineated No-Burn Zone as set forth in addenda to Regulation I in Article 8.~~

~~(c) It shall be unlawful for any person to cause or allow any outdoor fire for residential burning in any area where the Board has prohibited residential burning.~~

~~(d) It shall be unlawful for any person to cause or allow any outdoor fire for residential burning in a non-prohibited area except under the following conditions:~~

~~(1) Fires are conducted only during daylight hours, and~~

~~(2) Fires are no larger than four feet in diameter and three feet in height; and~~

~~(3) Fires are burned one at a time and each fire is extinguished before another is lighted.~~

~~(c) It shall be unlawful for any person to cause or allow any outdoor fire for land clearing burning in a non-prohibited area without using best available burning practices, which include, but are not limited to:~~

~~(1) That any land clearing fire in a non-prohibited area is no larger than fifty (50) feet in diameter and is located either one hundred fifty (150) feet from any occupied building or four times the diameter of the fire, whichever is greater.~~

~~(2) That no land clearing fire be conducted during the period of 12:01 a.m., November 1 through 11:59 p.m., February 15.~~

~~(3) That no land clearing fire be commenced on a Saturday, Sunday or holiday during the period 12:01 a.m., July 1 - 11:59 p.m., February 15.~~

~~(4) That no material shall be added to any land clearing fire after 4:00 p.m. and that no land clearing fire be commenced before 6:00 a.m. each day, except that, during the period of July 1 - November 1, material may be added to a land clearing fire up until 7:00 p.m. each day.~~

~~(5) That at least one fan rated and operable at 6,000 cubic feet per minute must be on site for each twenty-five (25) feet of fire diameter and must be used to facilitate ignition and burning unless comparable winds make a fan unnecessary. Fire igniters approved by local fire districts and the Puget Sound Air Pollution Control Agency, and fans, shall be used for all fires in excess of ten (10) feet in diameter.~~

~~(6) That material for a fire with a diameter of ten (10) feet or less must be free of excess dirt prior to stacking which may be done by hand. The ratio of stack height to burn pile diameter shall be no less than 1:2.~~

~~(7) That material for a fire over 10 feet in diameter must be free of excess dirt and machine stacked by an excavator or equivalent machine which must be on site and employed until all visible emissions cease. The ratio of stack height to burn pile diameter shall be as high as possible but no less than 1:2.~~

~~(8) That a person, at least 18 years of age, who is qualified to operate stacking or equivalent machinery, as required under (c)(7) above, must be present at the immediate fire site during burning. Such person must remain at the burn site until all visible emissions cease.~~

~~(9) That the number of fires per parcel, defined as a single, integrated, land area that is being cleared by a party, shall be:~~

~~(a) No more than one fire per acre; and~~

~~(b) No more than three fires per parcel, which must be set in sequence, with each fire fully engaged prior to setting another; and~~

~~Provided that in all cases, fires must, nonetheless, meet set-back requirements as indicated in (c)(1) above.~~

~~(10) That fires may not be ignited during heavy rainfall that would substantially interfere with efficient combustion and, therefore, create air contamination which otherwise would be avoided by not burning.~~

~~(11) That stumps and tree trunks must be split so that no material exceeding three feet in diameter is burned.~~

~~(12) That any outdoor fire for land clearing burning in a non-prohibited area shall comply with Sections 9.04, 9.11(a), and 9.15 of Regulation I.~~

~~The above best burning practices are examples of the obligations placed on land clearers to minimize air contamination and to avoid interference with enjoyment of property adjacent to land clearing fires and to reduce injury to human health. In all cases, land clearers must take any and all steps which may include refraining from burning so as to avoid adverse effects on human health or the enjoyment of life and personal property. To this end, land developers should remain cognizant of local weather and meteorological conditions and air impairments which may be declared by the Agency.)~~

AMENDATORY SECTION**SECTION 8.03 EXEMPTIONS**

The following outdoor fires are exempt from Sections 8.02(c), 8.02(d), and 8.02(e) ~~((8.02(a)(4))):~~

~~(a) Fires no larger than four feet in diameter and three feet in height for residential backyard barbecues or for campfires at designated federal, state, county, or city areas ((pleasure, religious, ceremonial, cooking, or like social purposes));~~

~~(b) Fires for Indian ceremonies or for the sending of smoke signals if part of a religious ritual ((Fires from torches, incense burners, insect pots, flares and smokeless waste gas burners)); and~~

~~((c) Fires for abating a forest fire hazard, to prevent a hazard, for instruction of public officials in methods of forest fire fighting, and any silvicultural operation to improve forest lands where and when permitted by the State Department of Natural Resources;~~

~~(d) Agricultural burning for disease control, pest control and weed abatement provided written confirmation has been furnished by a designated county extension agent or agricultural specialist designated by the Cooperative Extension Service that burning is a recommended practice for the control or prevention of the disease, pest or weed;))~~

~~(c) ~~((e))~~ Fires for instruction in the method of fighting fires, ((provided:~~

~~(1) Prior written approval has been issued by the Control Officer; and~~

~~(2) Such fires are conducted at such times and under such conditions as may be established by the Control Officer.))~~

AMENDATORY SECTION**SECTION 8.04 GENERAL CONDITIONS**

~~(a) It shall be prima facie evidence that the person who owns or controls property on which an outdoor fire occurs has caused or allowed said outdoor fire.~~

~~(b) Nothing contained in Article 8 shall be construed to allow outdoor fires in those areas in which open burning is prohibited by laws, ordinances or regulations of the state or any city, county or fire district.~~

~~(c) Nothing contained in Article 8 shall relieve the applicant from obtaining permits required by any state or local fire protection agency or from compliance with Section 11.101 of the Uniform Fire Code.~~

~~(d) Agricultural burning for disease control, pest control, and weed abatement must obtain prior written approval of the Control Officer. Such burning will be allowed only if written confirmation has been furnished by a designated county extension agent or agricultural specialist designated by the Cooperative Extension Service that burning is the best management practice for the control or prevention of the disease, pest, or weed.~~

~~(e) Fires for instruction in the method of fighting fires must obtain prior written approval of the Control Officer.~~

REPEALER

SECTION 8.05 EMISSION STANDARD EXEMPTIONS

WSR 92-04-057**PROPOSED RULES****LOWER COLUMBIA COLLEGE**

[Filed February 4, 1992, 1:15 p.m.]

Original Notice.

Title of Rule: Chapter 132M-110 WAC, Public records disclosure policy.

Purpose: Amends rule on records indexing as required by RCW 34.05.220.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 34.05.220.

Summary: Amendment clarifies records which are indexed as required by RCW 34.05.220 and provides information on how records will be referenced and how the college's revision/update schedule may be obtained.

Reasons Supporting Proposal: Compliance with chapter 34.05 RCW.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th Street, Suite 110, Vancouver, 98660, 696-6471; Implementation and Enforcement: Dr. Vernon R. Pickett, President, 1600 Maple Street, Longview, 98632, 577-2320.

Name of Proponent: Lower Columbia College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment brings the rules into compliance with chapter 34.05 RCW.

Proposal does not change existing rules.

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

Hearing Location: Student Services Building, Room 201, Lower Columbia College, 1600 Maple Street, Longview, WA, on March 18, 1992, at 5:00 p.m.

Submit Written Comments to: Ginny Koken, Rules Coordinator, 1600 Maple Street, Longview, WA 98632, by March 17, 1992.

Date of Intended Adoption: March 18, 1992.

January 31, 1992
Dr. Vernon R. Pickett
President

AMENDATORY SECTION (Amending Order 1-75, filed 11/10/75)

WAC 132M-110-130 RECORDS INDEX. (1) ~~((INDEX:))~~ The ~~((agency))~~ records officer and/or his or her designee~~((s-have))~~ has available to all persons a current index which provides identifying information as to those records promulgated and indexed since June 30, 1972, pursuant to RCW 42.17.260. The records officer shall be located in the Personnel Office, Lower Columbia College, 1600 Maple Street, Longview, WA 98632. The college's schedule for revising and updating the index may be obtained by contacting the records officer.

(2) The index shall reference records by one or more of the following classifications: Date of implementation, subject matter, or organizational unit.

~~((2) AVAILABILITY:))~~ (3) The current index promulgated by the district 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 92-04-058**PROPOSED RULES****LOWER COLUMBIA COLLEGE**

[Filed February 4, 1992, 1:17 p.m.]

Original Notice.

Title of Rule: Chapter 132M-108 WAC, Procedure.

Purpose: To adopt a new chapter on procedural rules pursuant to RCW 34.05.220 and to adopt the model rules of procedure pursuant to RCW 34.05.250.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: Chapter 34.05 RCW.

Summary: These rules describe the institutional organization pursuant to RCW 34.05.220 (1)(b); describe formal and informal hearings at the college; adopt procedural rules to be applied in hearings; and adopt the brief adjudicative proceeding pursuant to RCW 34.05.482 and the model rules of procedure pursuant to RCW 34.05.250.

Reasons Supporting Proposal: Compliance with chapter 34.05 RCW.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, 500 West 8th Street, Suite 110, Vancouver, 98660, 696-6471; Implementation and Enforcement: Dr. Vernon R. Pickett, President, 1600 Maple Street, Longview, 98632, 577-2320.

Name of Proponent: Lower Columbia College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 34.05 RCW, the Administrative Procedure Act requires that the college adopt rules governing formal and informal procedures and rules of practice before the college. Chapter 34.05 RCW also requires the college to adopt as rule a description of its organization to assist the public in dealing with it. The college's use of the brief adjudicative proceeding requires the adoption of certain rules pursuant to RCW 34.05.482.

Proposal does not change existing rules.

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

Hearing Location: Student Services Building, Room 201, Lower Columbia College, 1600 Maple Street, Longview, WA, on March 18, 1992, at 5:00 p.m.

Submit Written Comments to: Ginny Koken, Rules Coordinator, 1600 Maple Street, Longview, WA 98632, by March 17, 1992.

Date of Intended Adoption: March 18, 1992.

January 31, 1992
Dr. Vernon R. Pickett
President

Chapter 132M-108 WAC
PROCEDURENEW SECTION

WAC 132M-108-010 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 this institution. Those rules may be found at 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 this institution shall govern.

NEW SECTION

WAC 132M-108-020 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) Appeals from residency classifications made pursuant to RCW 28B.15.013;
- (2) Appeals from parking infractions;
- (3) Student conduct or disciplinary proceedings;
- (4) Outstanding debts of college employees or students;
- (5) Loss of eligibility to participate in athletic events;
- (6) Challenges to the contents of education records pursuant to WAC 132M-113-055(2).

NEW SECTION

WAC 132M-108-030 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 thereof in writing within twenty days of receiving the request.

NEW SECTION

WAC 132M-108-040 APPOINTMENT OF PRESIDING OFFICERS. The president or his/her 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 Bar Association, a panel of individuals, the president or his/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 president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 132M-108-050 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for an adjudicative proceeding shall be in writing and should be submitted to the following address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule: President's Office, 1600 Maple Street, Longview, Washington 98632.

NEW SECTION

WAC 132M-108-060 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 132M-108-070 RECORDING DEVICES. No camera or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132M-108-030, except for the method of official recording selected by the institution.

NEW SECTION

WAC 132M-108-080 PETITIONS FOR STAY OF EFFECTIVENESS. Disposition of a petition for stay of effectiveness of a final order shall be made by the official, officer, or body of officers who entered the final order.

WSR 92-04-059**PROPOSED RULES****LOWER COLUMBIA COLLEGE**

[Filed February 4, 1992, 1:27 p.m.]

Original Notice.

Title of Rule: RCW 28B.50.140(13) and chapter 132M-120 WAC, Student rights and responsibilities.

Purpose: To amend rules governing student conduct and disciplinary action, and to adopt rules on grievance procedures.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 28B.50.140(13) and chapter 34.05 RCW.

Summary: The amendments add language clarifying the scope of the rules; clarify definitions, enumerate student rights; clarify rules governing access to college facilities; add language defining prohibited conduct subject to disciplinary action; enumerate possible range of disciplinary sanctions; delegate disciplinary authority to the dean and define procedures; add appeal provisions and describe the student hearing committee; define admissible evidence; reword and clarify summary suspension procedures and appeals; and add and describe grievance procedures and appeal process.

Reasons Supporting Proposal: Compliance with chapter 34.05 RCW and WAC 131-12-050.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th Street, Suite 110, Vancouver, 98660, (206) 696-6471; Implementation and Enforcement: Dr. Vernon R. Pickett, President, 1600 Maple Street, Longview, 98632, 577-2320.

Name of Proponent: Lower Columbia College, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Amendments list prohibited conduct which may be subject to entire range of disciplinary sanctions. Final agency appeal will be at presidential level of review.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The student conduct code provides notice to students and others involved in student misconduct that certain conduct is prohibited by the college, notwithstanding any criminal liability for the same actions. The code also sets forth procedures that will be applied in determining whether an individual or group has violated the conduct code. Compliance with these procedures will offer an accused student a fair procedure and appropriate outcome. This chapter also sets forth procedures which students should follow in addressing grievances on other matters outside of disciplinary actions.

Proposal Changes the Following Existing Rules: The amendments and additions further define and consolidate prohibited student conduct; enumerate student rights; rename the "demonstration policy" to "access to college facilities," and clarify rules intended to ensure orderly conduct for all events, for students and nonstudents, on college facilities; set forth the range of possible disciplinary sanctions and describe each; delegate authority for initiating disciplinary action to the dean and procedures to be followed; define the student hearing body and set forth procedures to be followed in proceedings before such body; "interim" suspension is renamed "summary" suspension and procedures are clarified, including appeals from such actions; and student grievance procedures and limitations are set forth.

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

Hearing Location: Student Services Building, Room 201, Lower Columbia College, 1600 Maple Street, Longview, WA, on March 18, 1992, at 5:00 p.m.

Submit Written Comments to: Ginny Koken, Rules Coordinator, 1600 Maple Street, Longview, WA 98632, by March 17, 1992.

Date of Intended Adoption: March 18, 1992.

January 31, 1992
Dr. Vernon R. Pickett
President

Chapter 132M-120 WAC
STUDENT ~~(CONDUCT CODE)~~ RIGHTS AND RESPONSIBILITIES

STUDENT CONDUCT CODE

AMENDATORY SECTION (Amending Order 15, filed 12/20/72)

WAC 132M-120-010 GENERAL POLICY. (1) The college is dedicated not only to learning and the advancement of knowledge but also to the development of ethically sensitive and responsible persons. It seeks to achieve these goals through a sound educational program and policies concerning conduct ~~((that))~~ which encourage independence and maturity while strengthening the spirit of mutual cooperation and responsibility shared by all members of the college community.

(2) In keeping with these objectives the college, to the extent appropriate and feasible, shall pursue the same policies with regard to maintaining standards of behavior for students.

(3) The college distinguishes its responsibility for student conduct from the control functions of the wider community. When a student has been apprehended for the violation of a law of the local community, the state, or the nation, the college will not request or agree to special consideration for the student because of his/her status as a student. Where the violation occurred on college facilities or at a college-sponsored event, the student apprehended shall be held accountable to the provisions of this ~~((section))~~ chapter and the proceedings of the appropriate law enforcement agencies shall have no bearing on the outcome of the college proceedings. The college will cooperate fully, however, with law enforcement agencies, and with other agencies on any program for the rehabilitation of the student.

(4) The college may apply sanctions or take other appropriate action ~~((only))~~ when student conduct materially and substantially interferes with ~~((the college's primary educational responsibility of ensuring the opportunity of all students of the college community to attain their educational objectives, or subsidiary responsibilities of protecting the health and safety of persons in the college community, maintaining and protecting property, keeping records, other services, and sponsoring nonclassroom activities such as lectures, concerts, athletic events, and social functions))~~ teaching, freedom of movement, or other lawful activities of the college campus.

(5) ~~((Procedure fairness))~~ Procedural due process is basic to the proper enforcement of all college rules.

(6) In particular, no disciplinary sanction ~~((as serious as dismissal, or entry of an adverse notation on any permanent record available to persons outside the college))~~ shall be imposed ~~((unless the student (a) Has been notified in writing of the charges against him, and~~

~~((b) Has had an opportunity to appear alone or with any other person to advise and assist him before an appropriate committee, court, or official, to know the nature and source of the evidence against him and to present evidence in his own behalf, and~~

~~((c) Has his case reviewed by the president))~~ without notice to the accused of the nature of the charges. A student accused of violating this code of student rights and responsibilities is entitled, upon request, to procedural due process as set forth in this chapter.

(7) Students shall have an opportunity to participate ~~((faith))~~ in the formulation of all policies and rules pertaining to student conduct and in the enforcement of all such rules.

(8) Rules and sanctions affecting the conduct of men and women shall be based on general principles of equal treatment, including like penalties for like violations.

(9) All rules adopted herein concerning student conduct and discipline shall apply to every student whenever said student is engaged in or present at any college-sponsored activity whether occurring on or outside of college facilities.

(10) Faculty members, other college employees, and members of the public who breach or aid or abet another in the breach of any provision of this chapter shall be subject to:

(a) Possible prosecution under the state criminal law;

(b) Any other civil or criminal remedies available to the public; or

(c) Appropriate disciplinary action pursuant to the state of Washington higher education personnel board rules, the district's tenure rules and policies, or other applicable district policies.

AMENDATORY SECTION (Amending Order 15, filed 12/20/72)

WAC 132M-120-020 DEFINITIONS. ~~((The following definitions shall apply~~

~~((a)))~~ As used in this chapter, the words and phrases listed below shall be defined as follows:

(1) "Board" shall mean the board of trustees of Community College District No. 13, state of Washington.

~~((b))~~ (2) "College" shall mean Lower Columbia College and any other community college which may be created by the board of trustees of Community College District No. 13, state of Washington.

~~((c))~~ (3) "College facilities" shall mean and include any or all real and personal property operated by the board of trustees of Community College District No. 13, state of Washington, and shall include all building appurtenances affixed thereon or attached thereto.

~~((d))~~ (4) "College personnel" refers to any person employed on a full-time or part-time basis, except those who are faculty members, by any community college administered by the board of trustees of Community College District No. 13, state of Washington.

~~((e))~~ (5) "Disciplinary action" shall mean and include warning, reprimand, probation, suspension, dismissal, or any lesser sanction of any student by ~~((the dean of students))~~ college officials, the student hearing and grievance committee, or the president ~~((or the board))~~ for the violation of any of the provisions of ~~((this section))~~ any law, this chapter, or the student conduct code for which ~~((such))~~ sanctions may be imposed.

~~((f))~~ (6) "District" shall mean Community College District No. 13, state of Washington.

~~((g))~~ (7) "Faculty members" shall mean any employee of a community college administered by the board of trustees of Community College District No. 13, state of Washington, who is employed on a full-time or part-time basis as a teacher, counselor, media specialist, or other position for which the training, experience, and responsibilities are comparable as determined by the board, except administrative appointments.

~~((h))~~ (8) "President," unless otherwise designated, shall mean the duly appointed president of Lower Columbia College and Community College District No. 13, state of Washington.

~~((i))~~ (9) As used in this chapter, "dean" shall mean the individual designated by the president to be responsible for handling student discipline and student appeals and grievances.

(10) A "sponsored event or activity" shall mean any activity ~~((that))~~ which is scheduled by the college and supervised and controlled by the college's faculty members or college personnel. Such "sponsorship" shall continue only as long as the event is supervised and controlled by the college faculty member or college personnel. When the sponsored event or activity is of a prolonged nature, and a free-time period ~~((s~~

are) is permitted to the students participating in the event, any activity taking place during such a free-time period (~~is permitted to the students participating in the event. Any activity taking place during such a free time period~~) outside of the supervision and control of the (~~college's faculty member or college personnel responsible for the~~) event or activity shall be deemed to be (~~off-campus~~) a nonsponsored activity.

~~((f))~~ (11) "Student" shall mean and include any person who is enrolled in any community college administered by the board of trustees of Community College District No. 13, state of Washington.

NEW SECTION

WAC 132M-120-025 STUDENT RIGHTS. The following enumerated rights are guaranteed to each student within the limits of the law and college policy:

- (1) Academic freedom.
 - (a) The right of free inquiry, expression, and assembly upon and within college facilities which are generally open and available to the public.
 - (b) The right to pursue appropriate educational objectives, subject to applicable statutory limits, from among the college's curricula, programs, and services.
 - (c) The right to be protected from academic evaluation which is arbitrary, capricious, or prejudiced. However, students are individually responsible for meeting the standards of academic performance established by each of their instructors.
 - (d) The right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and racial and/or sexual harassment.
 - (e) The right to freedom of responsible expression in student publications and other media.
 - (f) The right to freedom to organize and join associations and to promote any legal purpose.
 - (2) Due process.
 - (a) The right to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures.
 - (b) The right to notice of the nature of any charges against the student prior to the imposition of any disciplinary sanctions.
 - (c) The right to procedural due process as set forth in this chapter whenever a student is accused of violating any law, rule, or policy of the college.
 - (3) Distribution and posting. The right to distribute or post printed or published material subject to official procedures printed and available in the office of student programs.
 - (4) Off-campus speakers. The right for recognized student organizations to invite outside speakers to speak on campus subject to availability of campus facilities, funding, and compliance with the college procedures available in the office for student programs.

AMENDATORY SECTION (Amending Order 15, filed 12/20/72)

WAC 132M-120-030 (~~DEMONSTRATION POLICY~~) ACCESS TO COLLEGE FACILITIES. (1) Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students and other members of the college community shall (~~always be free~~) have the right to express their views or support causes by orderly means which do not disrupt the regular and essential operations of the college.

(2) Concomitantly, while supporting the rights of students and other members of the college community, Lower Columbia College recognizes the responsibility to maintain an atmosphere on campus conducive to the educational process.

(3) (~~To insure the reconciliation of such rights and responsibilities, while respecting the private rights of all individuals, campus demonstrations may be conducted only in areas which are generally available to the public, provided such demonstrations~~

- (a) Are conducted in an orderly manner;
- (b) Do not interfere with vehicular or pedestrian traffic;
- (c) Do not interfere with classes, scheduled meetings and ceremonies, or with other educational processes of the college; and
- (d) Are not held in or on facilities where college functions are in progress.

(4) ~~Students found in violation of this policy will be subject to disciplinary action by the college; nonstudents violating college policy will be referred to the proper authorities for prosecution.~~ The president of the college or his/her designee shall have the authority and power to invoke the provisions described in this chapter to halt any event which

is deemed to be unreasonably disruptive of order or impedes the movement of persons or vehicles or which disrupts or threatens to disrupt the ingress and/or egress of persons from facilities owned and/or operated by the college. The president or his/her designee may:

- (a) Prohibit the entry of a person or persons or withdraw the license or privilege of a person or persons to enter or remain upon any portion of a college facility; or
- (b) Order any person, persons, or groups of persons to leave or vacate all or any portion of a college facility.
- (4) Any individual who disobeys a lawful order given by the president or his/her designee shall be subject to disciplinary action and/or charges of criminal trespass.

AMENDATORY SECTION (Amending Order 15, filed 12/20/72)

WAC 132M-120-040 (~~OFFENSES WHICH MAY RESULT IN DISMISSAL~~) STUDENT RESPONSIBILITIES. (~~(t) Dismissal from the college or any lesser sanction may result from the commission by a student of any of the following offenses~~

- (a) Academic cheating or plagiarism
- (b) Furnishing false information to the college with intent to deceive
- (c) Forgery, alteration, or misuse of college documents, records, or identification cards
- (d) Physical abuse of another person
- (e) Destruction, damage, or misuse of college real or personal property, including learning resources materials, or of private property on the campus
- (f) Theft or conversion of another's property
- (g) Participation in hazing
- (h) Lewd or indecent conduct
- (i) Conduct which materially and substantially interferes with the requirements of appropriate discipline in the operation of the college or invades the rights of others
- (j) The sale or provision to others of narcotics, drugs, marijuana, or any drug, the unregulated distribution of which is prohibited by law, except when specifically prescribed as medication by an authorized medical agent, on college facilities or at college sponsored events
- (k) Intentionally filing a false statement reporting a violation or violations of this section
- (l) Interfering with the proceedings of the disciplinary meeting with the dean of students or the formal hearing or any subsequent hearings
- (m) Failing to appear at the meeting with the dean of students or the formal hearing or any subsequent hearings
- (n) Entering or remaining in, or both, any administrative office or otherwise closed college facility or entering after the closing time of such facilities in any manner, at any time, without permission of the college employee or agent in charge thereof
- (o) Two or more or a repetition of offenses listed in WAC 132M-120-050.) Any student shall be subject to disciplinary action as provided for in this chapter who, either as a principal actor, aider, abettor, or accomplice as defined in RCW 9A.08.020 as now law or hereafter amended, interferes with the personal rights or privileges of others or the educational process of the college; violates any provision of this chapter; or commits any of the following offenses which are hereby prohibited:

(1) Forgery, alteration, or misuse of college documents, records, or identification cards. Forging or tendering any forged records or instruments, as defined in RCW 9A.60.010 through 9A.60.020 as now law or hereafter amended, of any college record or instrument to any college employee or agent acting in his/her official capacity.

(2) Assault, reckless endangerment, intimidation, or interference upon another person in the manner set forth in RCW 9A.36.011 through 9A.36.050, 9A.36.070, and 9A.36.080 or 28B.10.570 through 28B.10.572 as now law or hereafter amended.

(3) Theft and robbery. Theft of the property of the college or of another as defined in RCW 9A.56.010 through 9A.56.050 and 9A.56.100 as now law or hereafter amended.

(4) Malicious mischief. Intentional or negligent damage to or destruction of any college facility or other public or private real or personal property.

(5) Unauthorized use of college equipment and supplies. Converting of college equipment or supplies for personal gain or use without proper authority.

(6) 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 academic performance.

(7) Disorderly or abusive conduct. Conduct which materially and substantially interferes, obstructs, or disrupts academic, adjudicative, or administrative functions, or which interferes with the rights and privileges of others.

(8) Controlled substances. Using, possessing, being demonstrably under the influence of, or selling any narcotic or controlled substance as defined in chapter 69.50 RCW as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this rule, "sale" shall include the statutory meaning defined in RCW 69.50.410 as now law or hereafter amended.

(9) Alcoholic beverages. Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of alcoholic beverage on college property, with the exception of sanctioned events, approved by the dean or his/her designee and in compliance with state law and college policy.

(10) False complaint. Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

(11) Illegal entry. Entering or remaining in any administrative or other employee office or any locked or otherwise closed college facility or entering after the closing time of such facilities in any manner, at any time, without permission of the college employee or agent in charge thereof.

(12) Weapons, explosives, and dangerous chemicals. Illegal or unauthorized use or possession of any device or substance which can be used to inflict bodily harm or to damage real or personal property.

(13) Smoking. Smoking in any classroom or laboratory, the library, or in any college facility or office posted "no smoking" or any other smoking not complying with chapter 70.160 RCW.

NEW SECTION

WAC 132M-120-065 DISCIPLINARY SANCTIONS. The following disciplinary sanctions are hereby established and shall be imposed upon violators of the rules of conduct enumerated in this chapter and pursuant to the right of appeal as outlined in this chapter.

(1) Disciplinary warning. Written notice to a student by the dean that he/she has violated the rules of conduct as outlined in this chapter or has otherwise failed to meet the college's standards of conduct. Such warnings shall indicate that continuation or repetition of the specific conduct involved or engaging in other misconduct will normally result in one or more of the serious disciplinary actions described below.

(2) Reprimand. Formal action censuring a student for violating the rules of conduct as outlined in WAC 132M-120-040. Reprimands shall be made in writing to the student by the dean. A reprimand shall indicate to the student that continuation or repetition of the specific violation involved will result in one of the more serious disciplinary actions described below.

(3) Restitution. Reimbursement for damage, misappropriation of or loss to college or other property, and for injury to persons. Failure to make restitution within thirty days shall result in dismissal for an indefinite period of time as set forth below: PROVIDED, That the student may be reinstated upon payment.

(4) Disciplinary probation. Formal action by the dean placing conditions upon the student's continued attendance for violating the rules of conduct as outlined in WAC 132M-120-040. Notice shall be made in writing and shall specify the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation may extend to graduation or other termination of the student's enrollment in the college.

(5) Suspension. Temporary dismissal from the college and termination of student status for a given period of time. Notice shall be made in writing and specify the duration and any special conditions which must be met before readmission.

(6) Dismissal. Indefinite or permanent dismissal from the college and termination of student status. Notice shall be made in writing. There shall be no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter will be refunded.

NEW SECTION

WAC 132M-120-095 DELEGATION OF DISCIPLINARY AUTHORITY. The dean or his/her designee shall have authority to administer the disciplinary action prescribed in this chapter. The president shall be informed of all student dismissals, suspensions, or probationary proceedings initiated by the dean.

NEW SECTION

WAC 132M-120-100 APPEALS. (1) Appeals contesting any disciplinary actions may be made by the student(s) involved, in the following order:

(a) Appeals from disciplinary action taken by the dean or his/her designee may be appealed within five academic calendar days to the student hearing and grievance committee, which may, at the request of the student(s), hear the case de novo.

(b) Disciplinary recommendations made by the student hearing and grievance committee may be appealed to the president of the college within ten academic calendar days following notification of the action taken by the student hearing and grievance committee. In the consideration of such an appeal, the president shall base his/her decision only on the official written record of the case and on any reports or recommendations of the dean and the student hearing and grievance committee. The president may, at his/her discretion, suspend any disciplinary action pending determination of the merits of the findings, conclusions, and disciplinary actions imposed. The president may either attach written concurrence to the recommendation of the student hearing and grievance committee; impose a lesser sanction than that recommended by the student hearing and grievance committee; terminate the proceeding and exonerate the student or students; or dismiss the case after whatever counseling and advice may be appropriate. The decision of the president shall be final; no further appeal within the college is provided.

(2) Appeals must be in writing, filed within ten working days from the date on which the student was notified that disciplinary action was being taken, and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal.

(3) All appellate decisions shall be sent from the office of the dean. Written decisions shall include the signatures of the student hearing and grievance committee or college president.

NEW SECTION

WAC 132M-120-110 HEARING PROCEDURES BEFORE THE STUDENT HEARING AND GRIEVANCE COMMITTEE.

(1) The student hearing and grievance committee shall hear all disciplinary cases where a student appeals a decision of the dean in accordance with the grievance procedure.

(2) The student has a right to a fair and impartial brief adjudicative proceeding before the student hearing and grievance committee on any charge of violating the rules of conduct. The student's failure to cooperate with the proceedings, however, shall not preclude the committee from making its findings of fact, conclusions, and recommendations. Failure by the student to cooperate may be taken into consideration by the committee.

(3) The presiding officer shall be selected from the committee members and shall exercise the powers and duties usually granted to the presiding officer of a judicial body including but not limited to the power to make rulings on all evidentiary and procedural matters heard in the course of the disciplinary hearing.

(4) If any member of the student hearing and grievance committee is unable to consider a particular disciplinary proceeding for any reason (including but not limited to conflict of interest, matters of conscience, or related reasons), such members shall abstain from considering the issues. The presiding officer shall make temporary appointments where members abstain.

(5) A quorum shall be required for all proceedings and shall consist of the presiding officer and at least two committee members.

(6) Written notice of the time and place of the proceedings before the student hearing and grievance committee shall be given to the student by personal service or certified mail. Such notice shall be afforded not less than ten calendar days in advance and shall be issued by the office of the dean. The notice shall include:

(a) A statement of the time, place, and nature of the disciplinary proceeding;

(b) A statement of the charges, including reference to the particular sections of the rules of conduct involved; and

(c) To the extent known, a list of witnesses who will appear and a summary description of any documentary or other physical evidence which will be presented by the college at the proceeding.

(7) The student shall be entitled to:

(a) Hear and examine the evidence brought forward and be informed of the identity of its source;

(b) Present evidence in the student's own behalf and to cross-examine witnesses testifying against the student as to factual matters; and

(c) Obtain information, provided that the requests for such information are specifically described in writing and tendered to the dean no later than three days prior to the proceeding, or to request the presence of witnesses or the production of other evidence relevant to the issues of the proceeding.

(8) The student may be represented by counsel of choice at the disciplinary proceeding. If the student elects to choose a duly licensed attorney admitted to practice in the state of Washington as counsel, notice thereof must be tendered by the student to the dean at least five working days prior to the proceeding.

(9) In all disciplinary proceedings, the college may be represented by a designee appointed by the dean. That designee may then present the college's case against the student accused of violating the rules of conduct: **PROVIDED**, That in those cases in which the student elects to be represented by a licensed attorney, the dean may elect to have the college represented by an assistant attorney general.

(10) An adequate summary of all the evidence and facts presented to the committee during the course of the proceedings shall be taken. A copy shall be available at the office of the dean.

(11) Proceedings conducted by the student hearing and grievance committee shall be held in closed session except when a student requests that the proceedings be held in open session. If at any time during the conduct of a proceeding visitors disrupt the proceeding, the presiding officer of the committee may exclude such persons from the proceeding room.

NEW SECTION

WAC 132M-120-120 EVIDENCE ADMISSIBLE IN PROCEEDINGS. (1) Only those matters presented at the proceeding, in the presence of the accused student, except where the student fails to attend after receipt of proper notice, will be considered by the student hearing and grievance committee in determining whether there is sufficient cause to believe that the accused student violated the rules as charged. Hearsay evidence is admissible.

(2) The members of the committee shall give probative effect to evidence which possesses probative value commonly accepted by reasonable, prudent persons in the conduct of their affairs.

(3) The presiding officer of the committee shall, in the course of the proceeding, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

NEW SECTION

WAC 132M-120-130 DECISION BY THE STUDENT HEARING AND GRIEVANCE COMMITTEE. (1) Upon conclusion of the disciplinary proceeding, the committee shall consider all the evidence therein presented and decide by majority vote whether to uphold the decision of the dean, overrule the decision of the dean, or to recommend any other sanction deemed appropriate under the circumstances to the president: **PROVIDED**, That no additional sanction may be recommended if the decision of the dean is upheld.

(2) Within thirty days following the conclusion of the proceeding, the student will be provided with a copy of the committee's findings of fact and conclusions regarding what occurred and whether the student violated any rule or rules of the code of conduct. The committee shall also advise the student of his/her right to present, within ten working days, a written statement to the president of the college appealing the decision of the student hearing and grievance committee.

SUMMARY SUSPENSION

NEW SECTION

WAC 132M-120-200 SUMMARY SUSPENSION PROCEDURES. (1) As a general rule, disciplinary sanctions will be imposed only after appropriate proceedings have taken place and after the student has, if he/she so chooses, exercised the right to appeal. However, if the dean or his/her designee has cause to believe that the student:

- (a) Has committed a felony; or
- (b) Has violated any provision of the student conduct code; and
- (c) Presents an imminent danger either to himself or herself, other persons on the campus, or to the educational process, that student may

be summarily suspended pending investigation, action, or prosecution on charges of alleged student conduct code violation.

(2) Any student summarily suspended shall be notified by certified and regular mail at the student's last known address or shall be personally served. The notice shall be entitled "notice of summary suspension" and shall state:

(a) The charges against the student including reference to the provisions of WAC 132M-120-040 or statutory law involved; and

(b) That the student charged must appear before the dean or his/her designee at a time specified in the notice for a summary suspension proceeding.

(3) The summary suspension proceeding shall be held as soon as possible after the summary suspension. The dean shall determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary sanction is appropriate.

(4) If the dean, following the summary suspension proceeding, finds that there is probable cause to believe that:

(a) The student against whom specific violations are alleged has committed one or more such violations;

(b) Summary suspension of that student is necessary for the safety of the student, other students or persons on college facilities, the educational process of the institution, or to restore order to the campus; and

(c) Such violation or violations constitute grounds for disciplinary action as provided for in WAC 132M-120-040, then the dean may continue to enforce the suspension of the student from college and may impose any other disciplinary sanction deemed appropriate.

(5) If the student has been served pursuant to the notice required in WAC 132M-120-200 and fails to appear at the time designated for the summary suspension proceeding, the dean may, with the written concurrence of the president, suspend the student for a maximum of ten academic calendar days.

NEW SECTION

WAC 132M-120-210 NOTICE OF SUMMARY SUSPENSION. (1) If a student's summary suspension is upheld or if the student is otherwise disciplined, the student will be provided written notice of the decision, as expressly concurred in by the president, including the dean's findings of fact and conclusions which lead the dean to believe that summary suspension should continue.

(2) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by certified and regular mail at the student's last known address within three working days following conclusion of the proceeding before the dean.

(3) The notice of suspension shall specify the duration of the suspension or the nature of the disciplinary action and the conditions under which the suspension may be terminated.

(4) During the period of summary suspension, the suspended student shall not enter the campus other than to meet with the dean or to attend the summary suspension proceeding. However, the dean may grant the student special permission to enter for the express purpose of meeting with faculty, college personnel, or students in preparation for the proceeding.

NEW SECTION

WAC 132M-120-220 APPEALS FROM SUMMARY SUSPENSION. (1) Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the student hearing and grievance committee. No such appeal shall be heard, however, unless:

(a) The student has first appeared before the dean at the proceeding set forth in WAC 132M-120-200;

(b) The student has been officially notified of the outcome of that proceeding;

(c) Summary suspension or another disciplinary sanction has been upheld; and

(d) The appeal conforms to the requirements set forth in WAC 132M-120-100(2).

(2) The student hearing and grievance committee shall, within five working days, conduct a brief adjudicative proceeding according to the provisions of WAC 132M-120-110. Appeals from summary suspension shall take precedence over other matters before the committee.

(3) The president or his/her designee shall review the findings and conclusions of the dean in conjunction with the recommendations of

the student hearing and grievance committee and will issue a final decision within three days.

ACADEMIC GRIEVANCES

NEW SECTION

WAC 132M-120-300 STUDENT GRIEVANCES. (1) The purpose of WAC 132M-120-300 through 132M-120-320 is to protect each student's freedom of expression in the classroom and to protect each student from improper, arbitrary, or capricious academic evaluation as evidenced by the student's final course grade.

(2) A student may not invoke the provisions of these sections as the basis for filing a grievance based on the outcome of summary or other disciplinary proceedings described in previous sections of this student conduct code.

(3) Federal and state laws, rules, and regulations, in addition to policies, regulations, and procedures adopted by the state board for community and technical colleges, shall not be grievable matters.

(4) Students shall use chapter 132M-300 WAC for grievances pertaining to sexual discrimination or discrimination based upon handicap.

NEW SECTION

WAC 132M-120-310 GRIEVANCE PROCEDURES. (1) Initiating the grievance process. If a student believes he/she has been unfairly treated by an officer of the college, faculty member, or a member of the college staff, the student shall first discuss the matter with the individual toward whom the grievance is directed. The purpose of this discussion should be to clarify the perceived problem and request specific action designed to resolve the problem.

(2) Proceeding with a formal grievance.

(a) If, within ten academic calendar days following the student's attempt to resolve the grievance in the manner described above, the student feels a satisfactory resolution has not been achieved, the student may file a formal grievance with the appropriate dean. If the grievance is lodged against the office of the dean, the president shall designate another operational dean as the grievance officer.

(b) The grievant shall present his/her grievance in writing and shall include a statement specifying the nature of the grievance, a summary of actions taken by the student to resolve the grievance up to that point, and any proposed solution to the problem the grievant may wish to offer. In cases of academic grievances, the student shall present his/her grievance in writing to the dean and, where appropriate, indicate the grade received in the course in question, together with the reason for the grade complaint, specifying as accurately as possible all necessary performance scores and attendance data.

(c) The appropriate dean will attempt to resolve the problem within ten working days by arranging a meeting with the student and the faculty or staff member to bring about a resolution that is satisfactory to all concerned parties. In the case of an academic grievance, the dean will arrange such a meeting with the student and/or the appropriate instructional administrator.

(d) If the proceeding with the dean does not resolve the grievance to the student's satisfaction, the dean may request, in the case of academic grievances, that the academic standards committee hear the grievance; or, in all other grievances heard under this section, the student may appeal to the student hearing and grievance committee by submitting a written petition to the chairperson of that committee within ten academic calendar days of receiving the decision of the dean.

(3) Procedures of the committee.

(a) The proceeding before the academic standards committee shall not be considered a formal hearing. Any witnesses may be called and testimony heard as needed to reach a prompt, fair resolution of the grievance.

(b) All proceedings arising from student-initiated grievances, including appeals to the president shall remain closed unless all parties to the grievance agree on an open proceeding.

(4) Decisions.

(a) The academic standards committee shall make a recommendation in writing to the president within thirty days of receiving the appeal.

(b) The recommendation shall be reviewed by the president, who may dismiss the case after whatever counseling and advice may be appropriate or may amend, modify, refuse, or accept the recommendation. However, the president may not impose a greater sanction than

that recommended by the academic standards committee. The decision of the president shall be final, and no further appeal within the college is provided.

NEW SECTION

WAC 132M-120-320 WITHDRAWAL OF GRIEVANCE. (1) At any time during the grievance procedure, the grievant may officially withdraw the grievance in writing. Further, any appeal of the dean's decision forwarded to the president may be officially withdrawn in writing at any time by the appellant.

(2) In the event the grievant or appellant fails to appear for any scheduled proceeding without prior notification or evidence of extenuating circumstances, this shall be considered to constitute withdrawal of the grievance or appeal.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132M-120-050 OFFENSES WHICH MAY RESULT IN PROBATION.

WAC 132M-120-070 NONACADEMIC CONDUCT.

WAC 132M-120-080 DISCIPLINARY PROCEDURES.

WSR 92-04-060

PROPOSED RULES

LOWER COLUMBIA COLLEGE

[Filed February 4, 1992, 1:29 p.m.]

Original Notice.

Title of Rule: Chapter 132M-400 WAC, Loss of eligibility—Student athletic participation.

Purpose: Establishes rules governing loss the eligibility for student athletes who violate chapter 69.41 WAC.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 69.41.340.

Summary: These rules identify grounds for loss of eligibility of student athletes and establishes procedures to determine ineligibility due to violations of chapter 69.41 RCW.

Reasons Supporting Proposal: Compliance with RCW 69.41.340.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th Street, Suite 110, Vancouver, 98660, 696-6471; Implementation and Enforcement: Dr. Vernon R. Pickett, President, 1600 Maple Street, Longview, 98632, 577-2320.

Name of Proponent: Lower Columbia College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Provides rules governing disqualification of student athletes from participation in college-sponsored athletic events and activities for violations chapter 69.41 RCW, concerning possession, use or sale of legend drugs or steroids.

Proposal does not change existing rules.

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

Hearing Location: Student Services Building, Room 201, Lower Columbia College, 1600 Maple Street, Longview, WA, on March 18, 1992, at 5:00 p.m.

Submit Written Comments to: Ginny Koken, Rules Coordinator, 1600 Maple Street, Longview, WA 98632, by March 17, 1992.

Date of Intended Adoption: March 18, 1992.

January 31, 1992

Dr. Vernon R. Pickett
President

Chapter 132M-400 WAC
LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION

NEW SECTION

WAC 132M-400-010 GROUND FOR INELIGIBILITY. Any student athlete found by the college to have violated chapter 69.41 RCW by virtue of a criminal conviction or otherwise insofar as it prohibits the possession, use, or sale of legend drugs, as defined in RCW 69.41.010(9), including anabolic steroids, may be disqualified from participation in any college-sponsored athletic event or activity.

NEW SECTION

WAC 132M-400-020 SUSPENSION PROCEDURE—RIGHT TO BRIEF ADJUDICATIVE PROCEDURE. Any student notified of a claimed violation of WAC 132M-400-010 shall have the right to a brief adjudicative hearing if a written request for such a hearing is received by the appropriate dean within three days of receipt of a declaration of further athletic ineligibility. If no written request is received within three days after receipt of the declaration of athletic ineligibility, the student will be deemed to have waived any right to a brief adjudicative hearing and will be declared ineligible from further participation in college-sponsored athletic events or activities for the remainder of the academic year.

NEW SECTION

WAC 132M-400-030 BRIEF ADJUDICATIVE PROCEDURE. If a timely written request for a hearing is made, the dean shall designate a presiding officer, who shall be a college administrator who is not involved with the athletic program, to conduct the brief adjudicative proceeding. The presiding officer shall promptly conduct the hearing and permit affected parties to explain both the college's view of the matter and the student's view of the matter. The brief adjudicative proceeding shall be conducted in accordance with the Administrative Procedure Act, RCW 34.05.482 through 34.05.494.

NEW SECTION

WAC 132M-400-040 DECISION. The college administrator who acts as presiding officer shall issue a written decision which shall include a brief statement of the reasons for the decision and a notice that judicial review may be available. All documents presented, considered, or prepared by the presiding officer shall be maintained as the official record of the brief adjudicative proceeding. A decision must be promptly rendered after the conclusion of the brief adjudicative proceeding and in no event later than twenty days after the request for a brief adjudicative proceeding is received by the dean.

WSR 92-04-061
PROPOSED RULES
LOWER COLUMBIA COLLEGE
[Filed February 4, 1992, 1:31 p.m.]

Original Notice.

Title of Rule: Chapter 132M-115 WAC, Tenure.

Purpose: To adopt a rule governing tenure which complies with state law and the current bargaining agreement.

Other Identifying Information: No substantive change in purpose or application.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 28B.50.852.

Summary: The rule allows application of the standards set by state law governing tenure, according to the most current interpretation and agreement set forth in the collective bargaining agreement, and eliminates rules which may be inconsistent.

Reasons Supporting Proposal: Compliance with RCW 28B.50.852.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th Street, Suite 110, Vancouver, 98660, 696-6471; Implementation and Enforcement: Dr. Vernon R. Pickett, President, 1600 Maple Street, Longview, 98632, 577-2320.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No substantive change in purpose or application.

Name of Proponent: Lower Columbia College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule allows tenure issues to be handled according to state law and the current collective bargaining agreement.

Proposal Changes the Following Existing Rules: No substantive change to purpose or application. Repeal of tenure rules eliminates possible inconsistent provisions and delay in resolving tenure issues.

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

Hearing Location: Student Services Building, Room 201, Lower Columbia College, 1600 Maple Street, Longview, WA, on March 18, 1992, at 5:00 p.m.

Submit Written Comments to: Ginny Koken, Rules Coordinator, 1600 Maple Street, Longview, WA 98632, by March 17, 1992.

Date of Intended Adoption: March 18, 1992.

January 31, 1992
Dr. Vernon R. Pickett
President

NEW SECTION

WAC 132M-115-001 TENURE. This rule is adopted pursuant to the requirement of RCW 28B.50.852 and in accordance herewith it is the declared policy of the board of trustees of Washington Community College District No. 13 that all matters relating to tenure and dismissals of academic employees shall be governed by the laws of the state of Washington and the terms of the collective bargaining agreement between the board and the duly elected academic employee bargaining agent as contained in that agreement.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132M-115-010	DEFINITIONS OF TERMS RELATING TO TENURE.
WAC 132M-115-020	TENURE.
WAC 132M-115-030	TENURE TERMINATION REVIEW COMMITTEE.
WAC 132M-115-040	REVIEW COMMITTEES FOR PROBATIONARY FACULTY.

WSR 92-04-062
PROPOSED RULES
LOWER COLUMBIA COLLEGE
 [Filed February 4, 1992, 1:35 p.m.]

Original Notice.

Title of Rule: Chapter 132M-160 WAC, Admission, registration, graduation.

Purpose: To amend rules in compliance with WAC 131-12-010 and to add language clarifying requirements for admission of foreign students.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 28B.50.140.

Summary: These amendments bring the college's rules concerning admission into compliance with the State Board for Community College Education's rules and add requirements for foreign students.

Reasons Supporting Proposal: Compliance with WAC 131-12-010.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th Street, Suite 110, Vancouver, 98660, 696-6471; Implementation and Enforcement: Dr. Vernon R. Pickett, President, 1600 Maple Street, Longview, 98632, 577-2320.

Name of Proponent: Lower Columbia College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendments add language concurrent with the State Board for Community College Education's amended rule governing admission standards and requirements for foreign students and certain other students which are intended to ensure that students will benefit from the college's programs.

Proposal Changes the Following Existing Rules: Add language concurrent with the amendments to WAC 131-12-010 and requirements for administration of foreign students which are designed to enable such students to profit from the college's programs. The rule requiring certain prior training or tests for certain students seeking degrees or certificates is reworded.

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

Hearing Location: Student Services Building, Room 201, Lower Columbia College, 1600 Maple Street, Longview, WA, on March 18, 1992, at 5:00 p.m.

Submit Written Comments to: Ginny Koken, Rules Coordinator, 1600 Maple Street, Longview, WA 98632, by March 17, 1992.

Date of Intended Adoption: March 18, 1992.

January 31, 1992
 Dr. Vernon R. Pickett
 President

Chapter 132M-160 WAC
 ADMISSION, REGISTRATION, GRADUATION.

AMENDATORY SECTION (Amending Order 15, filed 12/20/72)

WAC 132M-160-010 ADMISSION. (1) Any applicant shall be admitted when he/she:

(a)(i) Is at least eighteen years of age; or

(ii) Is a graduate of a high school; or
 (iii) Has ~~((been approved by the high school principal;))~~ applied for admission under the provisions of a student enrollment options program such as Running Start or a successor program; or

(iv) If not qualified under subsection (1) of this section, has filed a written release from a public or private school he/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/her transfer, may be conditionally admitted on a probationary status as determined by the president of the college; and

(b) Is competent to profit from the curricular offerings of the college ~~((and would not create a disruptive atmosphere within the college;))~~; and

(c) Would not, by his/her presence or conduct, create a disruptive atmosphere within the community college inconsistent with the purposes of the institution.

(2) Admission to the college shall entitle the student to enroll in any instructional program(;) provided that the student is qualified and complies with the rules and procedures established for enrollment in such program.

(3) ~~((Foreign students on nonimmigrant visas may be admitted to the college provided they complete special requirements as determined by the college and the immigration and naturalization service.~~

~~((4) Students enrolling in certain programs shall be required))~~ In order to assist students in selecting courses appropriate to their needs and interests and to ensure that students will be able to profit from current curriculum offerings or benefit from a particular class, course, or program, the college may require students to take ~~((special))~~ tests or to have special training prior to enrolling in classes.

~~((5))~~ (4) Enrollment in classes, programs, or sections may be restricted by ~~((space, equipment, or other constraints))~~ limitations of physical facilities or operating funds when consistent with generally accepted educational practices regarding efficient maximum class sizes.

WSR 92-04-063
PROPOSED RULES
LOWER COLUMBIA COLLEGE
 [Filed February 4, 1992, 1:40 p.m.]

Original Notice.

Title of Rule: Chapter 132M-136 WAC, Use of college facilities; and chapter 132M-140 WAC, Use of facilities—Business.

Purpose: To complete the college's rules governing use of its facilities.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 28B.50.140.

Summary: These rules add language defining the college's policy on use of its facilities, authorization, limitations on improper use, assessment of fees and other charges; also language defining the scope of material which may be distributed and conditions for such activity.

Reasons Supporting Proposal: Compliance with chapter 34.05 RCW and RCW 28B.50.140(7).

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th Street, Suite 110, Vancouver, 98660, 696-6471; Implementation and Enforcement: Dr. Vernon R. Pickett, President, 1600 Maple Street, Longview, 98632, 577-2320.

Name of Proponent: Lower Columbia College, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and

Fiscal Matters: This chapter will now incorporate commercial activities previously adopted as rule in WAC 132M-140-010.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amended rules set out the college's policy regarding the distribution of material on campus by both students and nonstudents; the rules also list some types of usage of college facilities which must be denied and/or restricted as inconsistent with the purposes of the college and the laws of the state. Additionally, certain conditions for obtaining authorization for facility use are provided.

Proposal Changes the Following Existing Rules: The amendments and additions set forth specific impermissible uses of college facilities; specific directions for requesting and securing authorization for use of college facilities; and specific guidelines governing the type of materials which may be properly distributed on college facilities. WAC 132M-140-010 is repealed, however, a new rule is adopted in this chapter governing commercial activities, including commercial solicitation on college facilities.

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

Hearing Location: Student Services Building, Room 201, Lower Columbia College, 1600 Maple Street, Longview, WA, on March 18, 1992, at 5:00 p.m.

Submit Written Comments to: Ginny Koken, Rules Coordinator, 1600 Maple Street, Longview, WA 98632, by March 17, 1992.

Date of Intended Adoption: March 18, 1992.

January 31, 1992
Dr. Vernon R. Pickett
President

AMENDATORY SECTION (Amending Order 81-1, Resolution No. 81-1, filed 11/4/81)

WAC 132M-136-020 DISTRIBUTION OF MATERIALS POLICY. (1) Free expression is encouraged on the college campus. Use of college facilities as determined by the president and regulated by his/her designee, however, does not accord users immunity from legal action.

(2) Handbills, leaflets, newspapers, and similar material—except those which are commercial, obscene, or unlawful—may be distributed only in areas on the campus designated by the director of student programs where, and at times when, such distribution will not interfere with the orderly administration of the college, the ingress or egress of persons, or the free flow of traffic.

(3) Newspapers, leaflets, and similar material offered for sale by any student or nonstudent person or organization may be distributed and sold through the college bookstore as are other commercial forms of merchandise, subject to reasonable rules and regulations that may be imposed by the bookstore manager.

(4) All handbills, leaflets, newspapers, and similar material must bear identification as to the publishing agency and distributing organization or individual.

(5) All students and nonstudents shall be required to register with the director of student programs prior to the distribution or sale of any handbill, leaflet, newspaper, or related material, including but not limited to posting materials on college bulletin boards and distributing materials in college parking lots.

(6) Any student who violates any provision of this section relating to the distribution and sale of handbills, leaflets, newspapers, or related materials shall be subject to disciplinary action.

(7) Any distribution of materials regulated by established policies and authorized under this section by the director of student programs shall not be construed as support or approval of the content by the college or by the board of trustees of Washington Community College District No. 13.

AMENDATORY SECTION (Amending Order 81-1, Resolution No. 81-1, filed 11/4/81)

WAC 132M-136-060 USE OF COLLEGE FACILITIES (~~BY OUTSIDE GROUPS~~). (1) The policy of the college is to permit the use of its facilities by responsible organizations or groups on a space available basis except when the use of such facilities is for the purpose of:

(a) Making a profit and is in competition with available privately owned facilities.

(b) Political campaigning by or for candidates who have filed for public office except for student-sponsored activities or forums.

(c) Religious groups, as a permanent meeting place, under any circumstances. Such use shall be intermittent only.

(2) The president may allow (~~local-nonschool-connected organizations or groups the~~) persons or organizations other than college faculty, staff, or recognized student organizations use of college facilities when satisfactory arrangements can be worked out and such use does not conflict with the (~~needs~~) educational programs being offered by the college or with the maintenance and repair programs of the college. (~~Neither an individual nor a nonlocal organization may be allowed the use of college facilities except as such use is sponsored or underwritten by an organization the president feels assured is able to provide adequate supervision and guarantee prepayment of rental and/or other fees and reimbursement for any and all damages which may result from such usage.~~) Authorization to persons or organizations other than college faculty, staff, or recognized student organizations for use of college facilities is granted with the express understanding and condition that such persons or organizations assume full responsibility for any loss, damage, or claims arising out of such use. The president or his/her designee may require proof of appropriate liability insurance coverage or posting of a bond prior to granting authorization for use of college facilities.

(3) The use of college facilities shall, in all instances, be determined and regulated by the policies of the institution.

(4) Nonprofit organizations such as, but not limited to, those directly concerned with public schools and those sponsored by public schools or affiliated organizations (~~shall~~) may be allowed reasonable use of college facilities without the payment of a rental fee. However, functions which require college personnel, other support services, or utilities, including heat, thereby resulting in additional costs to the college shall be charged for such costs accordingly.

(5) The college shall permit the use of its facilities to persons, groups, or organizations for such fees as will compensate for the reasonable costs thereof. Additionally, to any organization using college facilities with the intent of realizing a profit therefrom (through charging admission, taking up a collection, or other) rental fees to be determined by the president or his designee shall be charged.

(6) The president shall establish and revise, as circumstances warrant, a schedule of rental and/or other fees consistent with the policy outlined above and (~~to~~) shall advise the board thereof. The established fees in effect at any given time shall apply to the facilities covered by the schedule. For those facilities which are not covered in the schedule, the president may determine reasonable fees from the relevant factors or decline (~~to release~~) them for noncollege use.

(7) Application is made through the office of the president or his designee. When the application is approved, an invoice shall be sent to the applicant by the business office. (~~In the event rental fees are charged, they shall be prepaid~~) Full payment of appropriate fees, if any, or satisfactory payment arrangements are required prior to the actual use of the facilities.

(8) Special conditions and considerations for the use of specific college facilities may be set forth in board policies as now or hereafter amended.

(9) College facilities may not be used by groups or organizations which discriminate in their membership or limit participation in a manner inconsistent with the college's commitment to nondiscrimination as set forth in its written policies and rules.

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

NEW SECTION

WAC 132M-136-100 COMMERCIAL ACTIVITIES. College facilities shall not be used for commercial solicitation, advertising, or promotional activities except when such activities clearly serve educational objectives, including but not limited to display of books of interest to the academic or career-oriented community or the display or demonstration of technical or research equipment, and when such commercial activities related to educational objectives are conducted under the sponsorship or at the request of a college department or of the dean for students or his/her designee: PROVIDED, That such solicitation does not interfere with, or operate to the detriment of, the conduct of college affairs or the free flow of pedestrian or vehicular traffic.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132M-140-010 COMMERCIAL SOLICITATION.

WSR 92-04-064**PROPOSED RULES****LOWER COLUMBIA COLLEGE**

[Filed February 4, 1992, 1:42 p.m.]

Original Notice.

Title of Rule: Chapter 132M-300 WAC, Grievance procedure—Discrimination.

Purpose: To define sexual harassment and describe procedures to be followed in addressing concerns of student and employees (including applicants) who are affected by discriminatory conduct and to describe in more detail, including time lines for the decisions and process, the college's grievance procedure.

Other Identifying Information: Repeals and replaces chapter 132M-112 WAC, Affirmative action program.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: 29 USC §794; 20 USC §§ 1681 et seq.; and 42 USC §§ 2000 et al.

Summary: These rules provide a clearer procedure by which employees and students, including applicants, may direct complaints of alleged discriminatory conduct involving sexual harassment and discrimination based upon handicap.

Reasons Supporting Proposal: Executive Order 89-01, state and federal laws require these procedures to be available.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th Street, Suite 110, Vancouver, 98660, 696-6471; Implementation and Enforcement: Dr. Vernon R. Pickett, President, 1600 Maple Street, Longview, 98632, 577-2320.

Name of Proponent: Lower Columbia College, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Although these rules replace chapter 132M-112 WAC, there is no substantive change in purpose or application.

Rule is necessary because of federal law, Rehabilitation Act of 1973, Section 794, Title IX; Civil Rights Act of 1987; Title VII.

Explanation of Rule, its Purpose, and Anticipated Effects: These rules describe the college's policy against discrimination, define and prohibit sexual harassment in the institution, including procedures which describe how the college will address concerns of employees, students and applicants for employment or admission who may be affected by sexual harassment or other discriminatory conduct, and provides a procedure which directs such complaints to appropriate state and federal agencies, as well as the college administration.

Proposal Changes the Following Existing Rules: The changes are not substantive in purpose or application. Sexual harassment is defined pursuant to the directives of the executive order. Grievance procedure steps and timelines are clarified. Addresses for inquiries or appeals beyond the college are updated. The chapter is adopted with a title which reflects the scope of its coverage.

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

Hearing Location: Student Services Building, Room 201, Lower Columbia College, 1600 Maple Street, Longview, WA, on March 18, 1992, at 5:00 p.m.

Submit Written Comments to: Ginny Koken, Rules Coordinator, 1600 Maple Street, Longview, WA 98632, by March 17, 1992.

Date of Intended Adoption: March 18, 1992.

January 31, 1992

Dr. Vernon R. Pickett
President

Chapter 132M-300 WAC
GRIEVANCE PROCEDURE—DISCRIMINATION

NEW SECTION

WAC 132M-300-001 STATEMENT OF POLICY. Lower Columbia College is covered by Title IX of the Education Amendments of 1972 prohibiting sex discrimination in education and Section 504 of the Rehabilitation Act of 1973 prohibiting discrimination on the basis of handicap. It is the policy of Lower Columbia College to provide equal opportunity in all areas of admission, education, application for employment, and employment regardless of sex or handicap status.

It is also the policy of Lower Columbia College to provide an environment in which members of the college community can work or study free from sexual harassment or sexual intimidation. Sexual harassment is a form of sex discrimination. As such, it is a violation of Title VII of the 1964 Civil Rights Act and Title IX of the 1972 Education Amendments.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

(1) Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or academic advancement or standing; and/or

(2) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; and/or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

NEW SECTION

WAC 132M-300-010 GRIEVANCE PROCEDURE. (1) Any applicant for admission, enrolled student, applicant for employment, or employee of Lower Columbia College who believes he/she has been discriminated against on the basis of sex or on the basis of a handicap may lodge a formal institutional grievance according to the following procedure:

(a) Step 1: Informal meeting. In an attempt to informally resolve the concern, the complainant may request a meeting with the individual believed to have committed the discriminatory act or with the appropriate supervisor as determined by the affirmative action officer. The time period in which attempts to informally resolve the concern are made shall not exceed thirty days from the time the complaint is lodged.

(b) Step 2: Official hearing. If not satisfied by the results of the informal meeting or if the informal meeting has been waived, the complainant may request a meeting with the college affirmative action officer.

(i) The request for an official hearing must be made in writing and must set forth the specific grievance(s) raised by the complainant.

(ii) Within thirty calendar days of receiving the written request, the college affirmative action officer shall arrange a meeting to hear the complaint. It shall be at the discretion of the complainant to determine whether the affirmative action officer will meet with the complainant and the person to whom the complaint has been directed separately or in a single meeting. If the complainant requests a single meeting, the meeting shall be attended by the complainant, the person to whom the complaint is directed, and the affirmative action officer, who shall chair the meeting.

(iii) Following the hearing and within thirty calendar days of receiving the written request, the affirmative action officer will report his/her findings in writing to both the complainant and the person to whom the complaint has been directed.

(c) Step 3: Presidential appeal. If the complaint is not resolved as a result of the hearing conducted by the affirmative action officer, either the complainant or the person to whom the complaint has been directed may request an appeal to the college president.

(i) The request must be made in writing within ten days after receipt of the written results of the official hearing.

(ii) Within fifteen days after receiving the request, the college president or the president's designee will conduct the presidential appeal hearing and report the findings in writing to both the complainant and the person to whom the complaint is directed.

(iii) Attendance at the presidential appeal hearing shall be limited to the college president or his/her designee, the affirmative action officer, the complainant, and the person to whom the complaint is directed unless otherwise mutually agreed by the parties. The college president or his/her designee shall preside.

(iv) Either the complainant or the person to whom the complaint is directed may call witnesses at the discretion of the person presiding.

(v) The written findings of the presidential appeal will be considered final. No further intrainstitutional appeal exists.

(2) If desired, inquiries or appeals beyond the institutional level may be directed to:

(a) Regional Director, Office of Civil Rights, Department of Education, 915 Second Avenue, Room 3310, Seattle, Washington 98174-1099, (206) 553-1636.

(b) Equal Employment Opportunity Commission, 2815 Second Avenue, Suite 500, Seattle, Washington 98121, (206) 442-0968.

(c) Human Rights Commission, 402 Evergreen Plaza Building, M.S. FJ-41, 711 S. Capitol Way, Olympia, Washington 98502.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132M-112-010 AFFIRMATIVE ACTION PROGRAM.
WAC 132M-112-011 AFFIRMATIVE ACTION PROGRAM—
GRIEVANCE PROCEDURE.

WSR 92-04-065

PROPOSED RULES

LOWER COLUMBIA COLLEGE

[Filed February 4, 1992, 1:45 p.m.]

Original Notice.

Title of Rule: Chapter 132M-113 WAC, Access to student records.

Purpose: To amend rules governing education records.
Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: 20 USC § 1232g and chapter 34.05 RCW.

Summary: The amendments and additions clarify what records students may inspect; specifies what and how student access to records may be waived; adds language concurrent with 20 USC § 1232g re: Release of personally identifiable information; defines directory information; reorganizes rules for clarification and easier referencing; adds specific language re: Procedures to be invoked when challenges to education records are made.

Reasons Supporting Proposal: Compliance with 20 USC § 1232g, Family Educational Rights and Privacy Act, and chapter 34.05 RCW.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th Street, Suite 110, Vancouver, 98660, 696-6471; Implementation and Enforcement: Dr. Vernon R. Pickett, President, 1600 Maple Street, Longview, 98632, 577-2320.

Name of Proponent: Lower Columbia College, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No substantive change to purpose or application.

Rule is necessary because of federal law, § 1232g, Family Educational and Privacy Rights.

Explanation of Rule, its Purpose, and Anticipated Effects: These rules amend and add provisions governing access to, release of and amendment of education records covered by 20 USC § 1232g and chapter 34.05 RCW. Additions and amendments clarify and define student right to inspect, waiver, release of records, consent, types of information maintained, access to and challenges to content of education records.

Proposal Changes the Following Existing Rules: Changes add definitions and language concurrent with 20 USC § 1232g, also bring rules into compliance with chapter 34.05 RCW. No substantive change in purpose or application.

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

Hearing Location: Student Services Building, Room 201, Lower Columbia College, 1600 Maple Street, Longview, WA, on March 18, 1992, at 5:00 p.m.

Submit Written Comments to: Ginny Koken, Rules Coordinator, 1600 Maple Street, Longview, WA 98632, by March 17, 1992.

Date of Intended Adoption: March 18, 1992.

January 31, 1992
Dr. Vernon R. Pickett
President

AMENDATORY SECTION (Amending Order 81-1, Resolution No. 81-1, filed 11/4/81)

WAC 132M-113-010 STUDENT'S ACCESS TO RECORDS.
(1) When a student enrolls at the college and submits the required data for academic and personal records, there is an assumption of trust placed in the college as custodian of this data. The college policy is that ~~((all information gathered through educational and counseling processes including academic performance, activities, personal interviews, and disciplinary proceedings))~~ "education records," as defined at 20 U.S.C. § 1232g (a)(4), shall remain confidential, except as otherwise specified in this ~~((section))~~ chapter. The college fully subscribes to

~~((Federal Law P.L. 93-380 § 513 and abides by the rules and regulations according to the department of education)) the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g.~~

~~(2) Students may inspect and review the contents of their ((personal records with the professional staff. The review must be conducted within 45 days of request. The student has access to all records except professional, i.e. counseling records or confidential letters or statements to which these were specifically waived as provided. Counseling files are closed except to the originator.~~

~~All materials in a student's placement office files are open to the student's review except confidential letters or statements which were placed in this file prior to January 1, 1975, or to which the student has specifically waived access as provided in the following sections)) education records upon request to the appropriate record custodian. Students should submit a written request to the college individual or office having custody of the particular record which identifies as precisely as possible the record(s) the student wishes to inspect. The review must be conducted within forty-five days of the request. A college individual or office which is unable to comply with a student's request within the time period stated above shall inform the student of that fact and the reasons in writing.~~

~~(3) Where requested records or data include information about more than one student, the student shall be entitled to inspect and review only that part of the record or data that pertains to the student.~~

~~(4) Recommendations, evaluations, or comments concerning a student, which are provided in expressed or implied confidence as between the author and the recipient, shall be made available to the student except as provided in WAC 132M-113-015.~~

AMENDATORY SECTION (Amending Order 81-1, Resolution No. 81-1, filed 11/4/81)

WAC 132M-113-015 WAIVER OF STUDENT ACCESS RIGHT. (1) Students may waive their access rights to confidential recommendations ~~((for))~~ related to the student's admission, application for employment, and receipt of honors.

(2) A student's waiver of his/her right of access to confidential statements shall apply only if:

(a) The student is, upon request, notified of the names of all persons making confidential statements concerning him/her; and

(b) Such confidential statements are used solely for the purpose for which they were originally intended; and

(c) Such waivers are not required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from the college.

(3) Confidential letters and recommendations to which a student has waived his/her right of access, or which were placed in the student's file prior to January 1, 1975, may not be used for any purpose other than that specifically intended and shall not be subject to release under WAC 132M-113-010 (2)(a). Such records shall remain confidential and shall be released only with consent of the author.

~~((Waivers of access right may be requested, but may not be required, of a student under any circumstances.))~~

AMENDATORY SECTION (Amending Order 81-1, Resolution No. 81-1, filed 11/4/81)

WAC 132M-113-020 RELEASE OF INFORMATION—GENERAL POLICY AND PROCEDURE. (1) The college respects the right of its students to determine employers or prospective employers to whom they wish the college to furnish personal information. At the written request((s)) of the student concerned, the college will respond to inquiries originating from employers or prospective employers—public or private.

(2) The college shall send individually identified written reports to other educational institutions only with written consent of the student involved~~((The student shall receive a copy of the transfer on request and has an opportunity to challenge the content of the record.~~

~~(3) Request for release of information must be initiated by the student and be specific as to date of request, records to be released, reason for request, names of parties to whom released. This includes information required for establishment of athletic eligibility), according to the requirements of WAC 132M-113-030.~~

~~((4)) (3) All students, including those who have not reached the age of 18, enrolled at the college must give written consent pursuant to WAC 132M-113-030 before any parties other than those authorized under ((the following sections)) WAC 132M-113-030 can review their records.~~

~~((5) No party to whom confidential information or student records is entrusted, transferred, or released will permit any other party to have access to such information except as provided in this section.~~

~~(6) Political membership or information is not recorded in student records unless the student expressly requests the inclusion of such information. This is released only if the student so requests.))~~

~~(4) No records shall be kept that reflect a student's political or ideological beliefs or associations. Information relative to an identifiable individual's race or creed will not be provided at any time, except when specifically authorized by federal law.~~

~~((7)) (5) Information contained in counseling and disciplinary files will not be released except as provided ((under the following sections.~~

~~(8) Information may be released upon request to law enforcement agencies, following issuance of a judicial order or lawfully issued subpoena)) in WAC 132M-113-030.~~

~~(6) Student education records may be destroyed in accordance with a department's routine retention schedule. In no case will any record which is requested by a student for review be removed or destroyed prior to providing the student access.~~

AMENDATORY SECTION (Amending Order 81-1, Resolution No. 81-1, filed 11/4/81)

WAC 132M-113-025 RELEASE OF INFORMATION TO OR ABOUT PARENTS AND SPOUSES. Parents and spouses of students enrolled at the college may have access to the student's records only with the written ~~((permission))~~ consent of the student~~((, except if the student is under 18 years of age.))~~. Students shall not be given access to their parents' financial records.

AMENDATORY SECTION (Amending Order 81-1, Resolution No. 81-1, filed 11/4/81)

WAC 132M-113-030 RELEASE OF ((INFORMATION TO SCHOOL OFFICIALS)) PERSONALLY IDENTIFIABLE RECORDS. ~~((Records of personally identifiable information may be released to the following without the specific permission of the student:))~~

~~(1) The college shall not permit access to or the release of education records or personally identifiable information contained therein without the written consent of the student to any party other than the following:~~

~~(a) College staff ((and)), faculty, and students when officially appointed to a faculty council or administrative committee, when the information is required for a legitimate educational interest within the performance of their responsibilities to the college with the understanding that the information will be used only in connection with that interest.~~

~~((2) Appropriate persons reviewing a student's application for, or receipt of, financial aid:~~

~~(3) Researchers conducting special academic studies, administrators of student aid, accrediting organizations, and the SBCCE for the management information system. Information will be given in an un-identified manner if possible and must be destroyed when no longer needed:~~

~~(4) Officers of courts in compliance with judicial order or subpoena. Students must be notified of these proceedings.)) (b) Federal and state officials requiring access to education records in connection with the audit and evaluation of a federally or state-supported education program or in connection with the enforcement of the 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.~~

~~(c) Agencies or individuals requesting information in connection with a student's application for, or receipt of, federal or state financial aid.~~

~~(d) Researchers conducting studies for or on behalf of the college for purposes of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction if such studies are conducted in such a manner as will not permit the personal identification of students by persons other than representatives of such researchers, and such information will be 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, upon condition that the student is notified of all such orders or subpoenas in advance of the compliance therewith. Any college individual(s) or office(s) receiving a subpoena or judicial order for education records should immediately notify the assistant attorney general.

(2) Where the consent of a 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) In such cases where records are made available without student release as permitted by subsection (1)(b), (c), (d), (e), and (f) of this section, the college shall maintain a record kept with the education record release which will indicate the parties which have requested or obtained access to a student's records maintained by the college and which will indicate the legitimate interest of an investigating party. Releases in accordance with subsection (1)(a) of this section need not be recorded.

(4) Personally identifiable education records released to third parties, with or without 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 parties without obtaining consent of the student.

NEW SECTION

WAC 132M-113-050 COLLEGE RECORDS. (1) A list of the types of education records maintained by the college and the record locations may be obtained by the student at the registrar's office. All college staff or offices having custody of education records will develop procedures in accordance with WAC 132M-113-010 through 132M-113-055. Any supplementary regulations found necessary by departments will be filed with the registrar's office, which will be responsible for periodic review of policy and procedures.

(2) Disciplinary records shall be kept separate from academic records, and transcripts of a student's academic record shall contain no notation of any disciplinary action. Special precautions shall be exercised to insure that information from disciplinary or counseling files is not revealed to unauthorized persons except as allowed under 20 U.S.C. § 1232g (b)(6). Provision shall be made for periodic review and routine destruction of inactive disciplinary records by offices maintaining such records.

NEW SECTION

WAC 132M-113-055 REVIEW OF RECORDS REQUESTS AND REQUESTS TO AMEND. (1) The registrar shall be responsible for reviewing unusual requests for information and for assisting in the interpretation of these rules.

(2)(a) A student who believes that information contained in his/her educational records is inaccurate or misleading or violates his/her privacy may request that the college amend these records. The student should identify the part of the record they seek to amend and specify why he/she believes it is inaccurate, misleading, or in violation of his/her privacy rights.

(b) The college shall decide within ten working days of a student's request to amend records whether or not it will amend those records.

(c) If the college decides not to amend the record as requested, it shall inform the student of the decision and advise the student of the right to a brief adjudicative proceeding.

(d) The student aggrieved by a denial of his/her request to amend records may file an official grievance in accordance with the provisions of WAC 132M-108-020. However, any matter regarding the appropriateness of official academic grades shall not be reviewed beyond that provided for in WAC 132M-120-310.

(e) If, at the conclusion of the hearing process, the college still declines to amend the student's educational records, the student may place a statement in his/her educational records explaining that he/she disagrees with the decision of the college and setting out the reasons why. This statement shall be retained as long as the disputed information is on file and shall be forwarded with this information any time it is disclosed to an outside agency.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132M-113-035 RELEASE OF INFORMATION TO THE PUBLIC.

WAC 132M-113-045 NOTIFICATION AND RECORD OF ACCESS.

WSR 92-04-066

RULES COORDINATOR

TRAFFIC SAFETY COMMISSION

[Filed February February 4, 1992, 1:52 p.m.]

Following is the Washington Traffic Safety Commission's rules coordinator: Cynthia Coleman, Washington Traffic Safety Commission, 1000 South Cherry Street, P.O. Box 40944, Olympia, WA 98504-0944, (206) 753-6197.

Michelle Nicholls
Confidential Secretary

WSR 92-04-067

PROPOSED RULES

EDMONDS COMMUNITY COLLEGE

[Filed February 4, 1992, 2:06 p.m.]

Original Notice.

Title of Rule: Traffic.

Purpose: Regulates traffic on campus.

Other Identifying Information: Chapter 132Y-100 WAC.

Statutory Authority for Adoption: RCW 28B.50.140.

Summary: Revisions to campus traffic rules to change fee structure and incorporate carpool lots.

Reasons Supporting Proposal: Increased parking problems because of area growth.

Name of Agency Personnel Responsible for Drafting: Barbara Patterson, 196th Campus Building, (206) 771-1535; Implementation and Enforcement: Robert Botley, 196th Campus Building, (206) 771-1547.

Name of Proponent: Edmonds Community College Security Department, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rules for pedestrian and vehicular traffic on property owned or maintained by the college. These amendments will modify some aspects of the traffic rules enforcement relating to obtaining permits and creating carpool lots.

Proposal Changes the Following Existing Rules: [No information supplied by agency.]

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

Hearing Location: Edmonds Community College, 196th Campus Center Annex, on March 10, 1992, at 1:00 p.m.

Submit Written Comments to: Barbara Patterson, by March 10, 1992.

Date of Intended Adoption: March 19, 1992.

February 3, 1992
Barbara Patterson
Dean of Human Resources and
Assistant to the President

AMENDATORY SECTION (Amending Resolution No. 85-8-2, filed 8/23/85)

WAC 132Y-100-008 PERMITS REQUIRED FOR EMPLOYEE VEHICLES ((ON-CAMPUS)) IN DESIGNATED LOTS. Except as provided in WAC 132Y-100-010 and 132Y-100-052 of these rules, no ((person)) employee shall leave any vehicle unattended in a designated staff lot, upon the campus of the college without a permit issued by the security office of the college, unless such ((person)) employee is in the process of loading, unloading, or is a registered visitor.

((Visitors must register their name and vehicle license number at the college information office.)) Students and visitors are not required to obtain a permit to park in lots not designated as staff or carpool lots.

AMENDATORY SECTION (Amending Resolution No. 81-8-1, filed 8/14/81)

WAC 132Y-100-028 ISSUANCE OF PERMITS. (1) ((Students, faculty, and staff)) Employees seeking a permit to park in designated staff lots or students seeking a permit to park in designated carpool lots may be issued a parking permit by the security office, upon registration of his/her vehicle with the campus security office at the beginning of ((each academic)) employment with the college or, for students, the beginning of the quarter by presenting vehicle make, model, color, year, license number, and payment.

(2) Campus information may issue visitor parking permits when such permits are necessary.

(3) Temporary and special parking permits may be issued when such permits are necessary to enhance the business ((of)) operation of the college.

(4) Two permits may be issued to one individual ((without second payment.)) provided the applicant presents either title or registration indicating ownership of both vehicles.

AMENDATORY SECTION (Amending Resolution No. 81-8-1, filed 8/14/81)

WAC 132Y-100-044 ADDITIONAL VEHICLES. When a new or different motor vehicle is acquired, it shall be necessary to register that vehicle with Edmonds Community College and a permit issued if the vehicle is to be used in designated staff lots on campus. No additional fee for parking will be required when new or different vehicle is acquired.

NEW SECTION

WAC 132Y-100-066 CARPOOL PARKING PERMIT FOR STUDENTS. Students who qualify for a carpool permit shall be allowed to park in the designated lot for carpools. To qualify for a carpool permit, the individual must designate two other regular riders in addition to the driver. This permit may be renewed each quarter. The permit can be obtained from the campus security office.

AMENDATORY SECTION (Amending Resolution No. 83-10-2, filed 11/1/83)

WAC 132Y-100-072 HANDICAPPED PARKING. No vehicle shall park in a handicapped zone without a state issued handicapped permit. Enforcement of handicapped parking is accomplished by either the college or the police department of the city of Lynnwood.

AMENDATORY SECTION (Amending Resolution No. 81-8-1, filed 8/14/81)

WAC 132Y-100-100 ISSUANCE OF TRAFFIC CITATIONS. Upon the violations of any of the rules contained in this document the Campus security officers are authorized to issue traffic citations, setting forth the date, the approximate time of violations, permit number, license number, infraction and name of officer. Such traffic citations may be served by attaching or affixing a copy thereof in some prominent place outside such vehicle or by personally serving the operator.

AMENDATORY SECTION (Amending Resolution No. 83-10-2, filed 11/1/83)

WAC 132Y-100-104 FINES AND PENALTIES. Campus security officers are authorized to impose the following fines and penalties when:

(1) ((Except as provided under subsection 2, fines will be imposed starting the first week of each quarter. The amount of all fines will be determined by the college.

(2)) Vehicles are parked in a manner to obstruct fire lanes, access to and from parking spaces, handicapped parking or causing a disruption in college activities may be impounded and taken to such place for storage as the college selects. The expenses of such impoundings and storage shall be charged to the owner or operator of the vehicle. The college and its employees shall not be liable for loss or damage of any kind resulting from impounding and storage.

((3)) Vehicles involved in more than two violations of these rules within any one quarter may be impounded by the attachment of a vehicle immobilizer.

(4)) (2) Vehicles are parked in staff lots without a valid permit. Except as provided under subsection (1) of this section, fines will be imposed starting the first week of each quarter. The amount of all fines will be determined by the college. Fines are to be paid at the college's cashier's desk.

AMENDATORY SECTION (Amending Resolution No. 83-10-2, filed 11/1/83)

WAC 132Y-100-112 ENFORCEMENT FOR STUDENTS. In the event a student fails to comply with these rules, such student may be declared ineligible to register for additional courses, and/or to obtain a transcript of his/her grades or credits until he/she has otherwise complied with the determination.

AMENDATORY SECTION (Amending Resolution No. 81-8-1 filed 8/14/81)

WAC 132Y-100-116 LIABILITY OF COLLEGE. The college assumes no liability ((under any circumstances)) for vehicles parked on campus.

AMENDATORY SECTION (Amending Resolution No. 81-8-1, filed 8/14/81)

WAC 132Y-100-120 SEVERABILITY. If any provision of chapter 132Y-100 WAC is adjudged by a court to be ((unconstitutional)) contrary to law, the remaining provisions of chapter 132Y-100 WAC shall continue in effect.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132Y-100-010 VOLUNTARY STUDENT FEE ASSESSMENT.
WAC 132Y-100-036 PARKING PERMIT FEES.
WAC 132Y-100-040 REFUND OF FEES.
WAC 132Y-100-048 FAILURE TO REGISTER.

WSR 92-04-068

**PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE**

[Filed February 4, 1992, 2:42 p.m.]

Subject of Possible Rule Making: WAC 458-18-010 Deferral of special assessments and/or property taxes—Definitions; and 458-18-020 Deferral of special assessments and/or property taxes—Qualifications for deferral.

Persons may comment on this subject in writing or by attending the public meeting. Written comments should be addressed to: James Winterstein, Administrative Law Judge, Department of Revenue, Legislation and Policy,

P.O. Box 47458, Olympia, WA 98504-7458. Public meeting scheduled in: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on March 11, 1992, at 10:30 a.m. Written comments will be accepted to this date.

Changes Other than Editing from Proposed to Adopted Version:

Other Information or Comments by Agency at this Time, if any: These rules have been previously adopted on an emergency basis to comply with newly enacted amendatory legislation in 1991, and are now being proposed for adoption on a permanent basis.

January 31, 1992
William N. Rice
Assistant Director

WSR 92-04-069
PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE
[Filed February 4, 1992, 2:45 p.m.]

Subject of Possible Rule Making: WAC 458-16-013 Senior citizens and disabled persons exemption—Disposable income; and 458-16-020 Senior citizen and disabled persons exemption—Qualifications for exemption.

Persons may comment on this subject in writing or by attending the public meeting. Written comments should be addressed to: James Winterstein, Administrative Law Judge, Department of Revenue, Legislation and Policy, P.O. Box 47458, Olympia, WA 98504-7458. Public meeting scheduled in: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on March 11, 1992, at 10:30 a.m. Written comments will be accepted to this date.

Other Information or Comments by Agency at this Time, if any: These rules have been previously adopted on an emergency basis to comply with newly enacted amendatory legislation in 1991, and are now being proposed for adoption on a permanent basis.

January 31, 1992
William N. Rice
Assistant Director

WSR 92-04-070
PERMANENT RULES
STATE BOARD
OF HEALTH

[Order 241B—Filed February 4, 1992, 3:07 p.m.]

Date of Adoption: January 8, 1992.

Purpose: To incorporate federally mandated changes that address coliform monitoring and follow-up. Required by Public Law 99-339, the Federal Safe Drinking Water Act.

Citation of Existing Rules Affected by this Order: Amending chapter 246-290 WAC, WAC 246-290-010, 246-290-300, 246-290-310, 246-290-320, 246-290-330, and 246-290-480.

Statutory Authority for Adoption: RCW 43.20.050.

Pursuant to notice filed as WSR 91-24-096 on December 4, 1991.

ATTACHMENT 1
ADOPTED CHANGES TO FILED VERSION

WAC 246-290-010 DEFINITIONS.

Change definition as follows:

"Coliform sample" means a sample of water collected from the distribution system at or after the first service and analyzed for coliform presence in compliance with this chapter.

This change clarifies what constitutes a coliform sample for the purpose of compliance with this chapter.

New definition

"Comprehensive system evaluation (CSE)" means a review, inspection and assessment of a public water system, including, but not limited to: source; facilities; equipment; operation and administration; maintenance; records; planning documents and schedules; and monitoring, for the purpose of ensuring that safe and adequate drinking water is provided.

The filed version did not contain a definition for the term "sanitary survey". At the Board's suggestion, staff drafted a proposed definition. The term "sanitary survey" was dropped in favor of the broader term "comprehensive system evaluation".

WAC 246-290-300 MONITORING REQUIREMENTS.

Change subsection (2)(a) as follows:

(a) The purveyor shall be responsible for collection and submittal of coliform samples from representative points in throughout the distribution system after the first service and at regular time intervals unless otherwise specified in this subsection, each month the system provides water to consumers.

Changed to clarify where coliform samples should be taken.

Change subsection (2)(d)(i) as follows:

(i) Collect and submit for analysis, at least one coliform sample at ~~((or just before))~~ the first service connection during each day in which source water turbidity exceeds 1 NTU; or

This change, in conjunction with the change to the definition of coliform sample, clarifies where the sample should be collected to comply with subsection (2)(d).

Change subsection (2)(e) as follows:

(e) ~~Sanitary surveys~~ Comprehensive system evaluations (CSEs).

(i) Purveyors of Group A systems with less than four thousand one hundred one population served shall:

(A) Submit to a sanitary survey CSE conducted by the department; or

(B) Collect and submit for analysis five or more routine samples each month.

(ii) Group A systems electing to have sanitary surveys CSEs conducted, shall be surveyed evaluated by the department based on the following schedule:

- (A) Community water systems, every five years. The initial sanitary survey CSE shall be conducted by June 29, 1994; and
- (B) Noncommunity systems, every five years unless the system uses only disinfected and protected ground water as determined by the department, in which case the survey evaluation need only be repeated every ten years. The initial sanitary survey CSE shall be conducted by June 29, 1999.
- (iii) The department may substitute source of contamination information from the wellhead protection program for sanitary survey CSE information if the information was collected since the last sanitary survey CSE; and
- (iv) Purveyors of Group A systems collecting less than five routine samples per month shall be responsible for:
 - (A) Ensuring full cooperation in scheduling surveys CSEs; and
 - (B) Making all facilities and records available to the department for the sanitary survey CSE.

These changes replace the references to sanitary survey with the new terminology of comprehensive system evaluation or CSE.

Change TABLE 4 MONITORING LOCATION as follows:

Bacteriological From representative points ~~((in))~~ throughout distribution system.

Change to clarify where coliform samples should be taken.

WAC 246-290-320 FOLLOW-UP ACTION.

Change subsection (2)(b)(iv) as follows:

- (iv) When repeat samples have coliform presence, the purveyor shall:
 - (A) Contact the department and collect a minimum of one additional set of repeat samples as directed by the department; or
 - (B) Collect one additional set of repeat samples for each sample where coliform presence was detected.

Gives systems an additional option when planning how to conduct appropriate follow-up monitoring following coliform presence in a repeat sample.

WAC 246-290-480 ANALYSIS AND RECORDS, REPORTING.

Change subsection (1)(c) as follows:

- (c) Copies of any written reports, summaries, or communications, relating to ~~((sanitary surveys))~~ CSEs of the system conducted by system personnel, by a consultant or by any local, state, or federal agency, shall be kept for ten years after completion of the ~~((sanitary survey))~~ CSE involved.

Change subsection (2)(d)(iii) as follows:

- (iii) When a monitoring violation occurs, including invalid or expired sanitary surveys CSEs, the purveyor shall:

Changes replace references to sanitary survey with new terminology of comprehensive system evaluation or CSE.

Effective Date of Rule: Thirty-one days after filing.
 January 28, 1992
 Sylvia Beck
 Executive Director

AMENDATORY SECTION (Amending Order 150B, filed 3/15/91, effective 4/15/91)

WAC 246-290-010 DEFINITIONS. ((+))

Abbreviations:

GW – ground water under the direct influence of surface water;

((a)) kPa – kilo pascal (SI units of pressure);

((b)) m – meter;

((c)) MCL – maximum contaminant level;

((d)) mg/L – milligrams per liter;

((e)) MID – maximum instantaneous demand;

((f)) mL – milliliter;

((g)) mm – millimeter;

~~((h)) MPN – most probable number of coliform bacteria per 100 mL;~~

((i)) NTNC – nontransient noncommunity;

((j)) NTU – nephelometric turbidity unit;

((k)) pCi/L – picocuries per liter;

((l)) psi – pounds per square inch;

((m)) SAL – state advisory level;

((n)) SOC – synthetic organic chemical;

((o)) THM – trihalomethane;

((p)) TNC – transient noncommunity;

TNTC – too numerous to count;

((q)) ug/L – micrograms per liter;

((r)) umhos/cm – micromhos per centimeter;

((s)) VOC – volatile organic chemical; and

((t)) WFI – water facilities inventory and report form.

((2)) "Acute" means posing an immediate risk to human health.

"Coliform sample" means a sample of water collected from the distribution system at or after the first service and analyzed for coliform presence in compliance with this chapter.

((3)) "Composite sample" means a sample created in a certified laboratory by mixing equal parts of water from up to five different sources.

"Comprehensive system evaluation (CSE)" means a review, inspection, and assessment of a public water system, including but not limited to: Source; facilities; equipment; operation and administration; maintenance; records; planning documents and schedules; and monitoring, for the purpose of ensuring that safe and adequate drinking water is provided.

((4)) "Confirmation" means to demonstrate the results of a sample to be precise by analyzing a repeat sample. Confirmation occurs when analysis results fall within plus or minus thirty percent of the original sample.

"Confluent growth" means a continuous bacterial growth covering a portion or the entire filtration area of a membrane filter in which bacterial colonies are not discrete.

((5)) "Contaminant" means a substance present in drinking water which may adversely affect the health of the consumer or the aesthetic qualities of the water.

((6)) "Cross-connection" means a physical arrangement connecting a public water system, directly or indirectly, with anything other than another potable water system, and capable of contaminating the public water system.

((7)) "Department" means the Washington state department of health or health officer as identified in a joint plan of operation ((per)) in accordance with WAC 246-290-030(1).

((8)) "Disinfection" means the use of chlorine or other agent or process the department approves for killing or inactivating microbiological organisms, including pathogenic and indicator organisms.

((9)) "Distribution system" means that portion of a public water supply system which stores, transmits, pumps, and distributes water to consumers.

"Domestic or other nondistribution system plumbing problem," means contamination of a system having more than one service connection with the contamination limited to the specific service connection from which the sample was taken.

((10)) "Duplicate (verification) sample" means a second sample collected at the same time and location as the first sample and used for verification.

((11)) "Fire flow" means the rate of water flow needed to fight fires under WAC 246-293-640 or adopted city, town, or county standards.

"Ground water under the direct influence of surface water (GW)" means any water beneath the surface of the ground, which the department determines has the following characteristics:

Significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as Giardia lamblia; or

Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH closely correlating to climatological or surface water conditions.

((12)) "Guideline" means a department document assisting the purveyor in meeting a rule requirement.

((13)) "Health officer" means the health officer of the city, county, city-county health department or district, or an authorized representative.

((14)) "Hydraulic analysis" means the study of the water system network evaluating water flows within the distribution system under worst case conditions such as, maximum hourly flow plus fire flow, when required, or maximum instantaneous demand (MID), when fire flow is not required. Hydraulic analysis includes consideration of all factors affecting system energy losses.

((15)) "Maximum contaminant level (MCL)" means the maximum permissible level of a contaminant in water the purveyor delivers to any public water system user, measured at the locations identified under WAC 246-290-300, Table 4.

((16)) "Maximum contaminant level violation" means a confirmed measurement above the MCL and

for a duration of time, where applicable, as outlined under WAC 246-290-310.

~~((17))~~ "Maximum instantaneous demand (MID)" means the maximum rate of water use, excluding fire flow, which has occurred or is expected to occur within a defined service area at an instant in time.

"Nonacute" means posing a possible or less than immediate risk to human health.

"Nonresident" means a person without a permanent home or without a home served by the system, such as travelers, transients, employees, students, etc.

"Population served" means the number of persons, resident and nonresident, having immediate access to drinking water from a public water system, whether or not such persons have actually consumed water from that system. The number of nonresidents shall be the average number of persons having immediate access to drinking water on days access was provided during that month. In the absence of specific population data, the number of residents shall be computed by multiplying the number of active services by two and one-half.

~~((18))~~ "Potable" means water suitable for drinking by the public.

~~((19))~~ "Primary standards" means standards based on chronic, nonacute, or acute human health effects.

~~((20))~~ "Protected ground water source" means a ground water source the purveyor shows to the department's satisfaction as protected from potential sources of contamination on the basis of hydrogeologic data and/or satisfactory water quality history.

~~((21))~~ "Public water system" is defined and referenced under WAC 246-290-020.

~~((22))~~ "~~(Purchase)~~ Purchased source" means water a purveyor purchases from a public water system not under the control of the purveyor for distribution to the purveyor's customers.

~~((23))~~ "Purveyor" means an agency or subdivision of the state or a municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or other entity owning or operating a public water system. Purveyor also means the authorized agent of such entities.

~~((24))~~ "Regularly" means four hours or more per day for four days or more per week.

~~((25))~~ "Repeat ~~((confirmation))~~ sample" means a sample collected to confirm the results of a ~~((second time at the same location for confirmation of original))~~ previous analysis ~~((results))~~.

~~((26))~~ "Resident" means an individual living in a dwelling unit served by a public water system.

~~((27))~~ "Seasonal source" means a public water system source used on a regular basis, but not in use more than three consecutive months within a twelve-month period.

~~((28))~~ "Secondary standards" means standards based on factors other than health effects.

~~((29))~~ "Service" means a connection to a public water system designed to serve a single family residence, dwelling unit, or equivalent use. When the connection is a group home or barracks-type accommodation, ~~((three))~~ two and one-half persons shall be equivalent to one service.

"Special purpose sample" means a sample collected for reasons other than the monitoring compliance specified in this chapter.

~~((30))~~ "Standard methods" means the most recently published edition of the book, titled "Standard Methods for the Examination of Water and Waste Water," jointly published by the American Public Health Association, American Water Works Association (AWWA), and Water Pollution Control Federation. This book is available through public libraries or may be ordered from AWWA, 6666 West Quincy Avenue, Denver, Colorado 80235.

~~((31))~~ "State advisory level (SAL)" means a department-established value for a chemical without an existing MCL. The SAL represents a level which when exceeded, indicates the need for further assessment to determine if the chemical is an actual or potential threat to human health.

~~((32))~~ "Synthetic organic chemical (SOC)" means a manufactured carbon-based chemical.

"Too numerous to count (TNTC)" means the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.

~~((33))~~ "Trihalomethane (THM)" means one of a family of organic compounds, named as derivatives of methane, where three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure. Trihalomethanes may occur when chlorine, a halogen, is added to water.

~~((34))~~ "Verification" means to demonstrate the results of a sample to be precise by analyzing a duplicate sample. Verification occurs when analysis results fall within plus or minus thirty percent of the original sample.

~~((35))~~ "Volatile organic chemical (VOC)" means a manufactured carbon-based chemical that vaporizes quickly at standard pressure and temperature.

~~((36))~~ "Water facilities inventory form (WFI)" means the department form summarizing each public water system's characteristics.

~~((37))~~ "Well field" means a group of wells one purveyor owns or controls which:

~~((a))~~ Draw from the same aquifer or aquifers as determined by comparable inorganic chemical analysis; and

~~((b))~~ Discharge water through a common pipe and the common pipe shall allow for collection of a single sample before the first distribution system connection.

AMENDATORY SECTION (Amending Order 150B, filed 3/15/91, effective 4/15/91)

WAC 246-290-300 MONITORING REQUIREMENTS. ~~((1))~~ General:

~~((a))~~ The purveyor shall be responsible for satisfying requirements of this section. The monitoring requirements in this section are minimums. The department may require additional monitoring:

- ~~((i))~~ When system water quality exceeds an MCL; or
- ~~((ii))~~ When source contamination is suspected; or
- ~~((iii))~~ Under other circumstances as identified in a departmental order.

~~(b) Purveyor's samples required under this section shall be collected, transported, and analyzed according to department-approved methods. The state public health laboratory or another department-certified laboratory shall perform the analyses, except turbidity as required under WAC 246-290-300(4) may be tested by water utility or health department personnel.~~

~~(c) When one public water system receives water from another public water system, the receiving system is only required to take bacteriological samples as described under WAC 246-290-300(2) and trihalomethane samples as described under WAC 246-290-300(5).~~

~~Subject to revision as appropriate, the department may reduce the monitoring requirement of the receiving system provided the receiving system:~~

- ~~(i) Has a good water quality history;~~
- ~~(ii) Operates in a satisfactory manner consistent with regulations under this chapter;~~
- ~~(iii) Is included in the supplying system's regular monitoring schedule; and~~
- ~~(iv) Is included in the service and population totals for the supplying system.~~

~~Periodic reviews of the system's sampling record may be made to determine if continued reduction is appropriate:~~

~~(d) Special purpose samples, such as check samples or samples taken to determine if disinfection following pipe repair has been sufficient, shall not count toward fulfillment of the monitoring requirements of this chapter.~~

~~(e) Monitoring requirements in subsections (2), (3), (4), (5), (6), (7), and (8) of this section apply equally to systems serving resident or nonresident populations unless otherwise stated.~~

~~(2) Bacteriological:~~

~~(a) Drinking water samples shall be collected for bacteriological analysis from representative points in the distribution system at regular time intervals.~~

~~(b) The frequency for monitoring drinking water shall be determined according to the following:~~

~~(i) For community systems, the minimum number of routine samples to be analyzed is shown in Table 2;~~

~~(ii) For NTNC and TNC systems, the minimum number of routine samples to be analyzed is shown in Table 3. In the case where an activity lasts for one week or less, sampling frequency shall be as directed by the department;~~

~~(iii) For Group A water systems serving both a resident and a nonresident population, the minimum number of routine samples to be analyzed may vary from month to month. The number of samples required each month will be the higher number of samples from Table 2 and Table 3; and~~

~~(iv) For Group B water systems, the minimum number of routine samples is one every twelve months.~~

~~(c) When disinfection is practiced, the purveyor shall collect untreated (raw) water samples from each source for bacteriological analysis of total coliform in addition to the number of treated samples required. The frequency of monitoring untreated water shall be determined according to the following:~~

~~(i) For protected ground water sources, one sample every three months shall be analyzed;~~

~~(ii) For unprotected ground water sources, the number of samples analyzed shall be twenty percent of the distribution samples required each month, and in no case less than one every three months;~~

~~(iii) For surface sources with treatment including coagulation, filtration, and disinfection or other treatment process, the number of samples analyzed shall be ten percent of the distribution samples required each month, and in no case less than one every three months; and~~

~~(iv) For surface sources without coagulation and filtration treatment, the number of samples analyzed shall be twenty percent of the distribution samples required each month, and in no case less than one every three months.~~

TABLE 2

MINIMUM ROUTINE BACTERIOLOGICAL SAMPLING REQUIREMENTS FOR COMMUNITY SYSTEMS BASED ON THE NUMBER OF RESIDENTS

Number of Residents* Served	Minimum No. of Samples Per Month	Number of Residents Served	Minimum No. of Samples Per Month
Less than 251	1**	37,001 - 41,000	45
251 - 1,000	1	41,001 - 46,000	50
1,001 - 2,500	2	46,001 - 50,000	55
2,501 - 3,300	3	50,001 - 54,000	60
3,301 - 4,100	4	54,001 - 59,000	65
4,101 - 4,900	5	59,001 - 64,000	70
4,901 - 5,800	6	64,001 - 70,000	75
5,801 - 6,700	7	70,001 - 76,000	80
6,701 - 7,600	8	76,001 - 83,000	85
7,601 - 8,500	9	83,001 - 90,000	90
8,501 - 9,400	10	90,001 - 96,000	95
		96,001 - 111,000	100

Number of Residents* Served	Minimum No. of Samples Per Month	Number of Residents Served	Minimum No. of Samples Per Month
9,401 - 10,300	11	111,001 - 130,000	110
10,301 - 11,100	12	130,001 - 160,000	120
11,101 - 12,000	13	160,001 - 190,000	130
12,001 - 12,900	14	190,001 - 220,000	140
12,901 - 13,700	15	220,001 - 250,000	150
13,701 - 14,600	16	250,001 - 290,000	160
14,601 - 15,500	17	290,001 - 320,000	170
15,501 - 16,300	18	320,001 - 360,000	180
16,301 - 17,200	19	360,001 - 410,000	190
17,201 - 18,100	20	410,001 - 450,000	200
18,101 - 18,900	21	450,001 - 500,000	210
18,901 - 19,800	22	500,001 - 550,000	220
19,801 - 20,700	23	550,001 - 600,000	230
20,701 - 21,500	24	600,001 - 660,000	240
21,501 - 22,300	25	660,001 - 720,000	250
22,301 - 23,200	26	720,001 - 780,000	260
23,201 - 24,000	27	780,001 - 840,000	270
24,001 - 24,900	28	840,001 - 910,000	280
24,901 - 25,000	29	910,001 - 970,000	290
25,001 - 28,000	30	970,001 - 1,050,000	300
28,001 - 33,000	35	1,050,001 - 1,140,000	310
33,001 - 37,000	40		

*Does not include population of utilities wholesaled to, except as provided under WAC 246-290-300 (1)(c)

**May be reduced by the department to no less than one every three months for systems with protected ground water sources.

TABLE 3

MINIMUM ROUTINE BACTERIOLOGICAL SAMPLING REQUIREMENTS FOR NTNC AND TNC SYSTEMS BASED ON NONRESIDENT POPULATIONS

Maximum Day Population Served in Any One Month — Minimum Number Samples That Month

Less than 25	1 every 12 months
25 - 299	1 every 3 months
300 - 999	1*
1,000 - 2,499	2
2,500 - 3,499	3
3,500 - 4,999	4
5,000 - 9,999	6
10,000 - 14,999	8
15,000 - 19,999	10
20,000 - 29,999	12
30,000 - 39,999	14
40,000 - 49,999	16
50,000 - 74,999	20
75,000 - 99,999	25
100,000 or more	30

*May be reduced by the department to one every three months for systems with protected ground water sources.))

(1) General.

(a) The purveyor shall comply with the requirements of this section. The monitoring requirements specified in this section are minimums. The department may require

additional monitoring when contamination is present or suspected in the water system.

(b) Special purpose samples collected by the purveyor shall not count toward fulfillment of the monitoring requirements of this chapter.

(c) The purveyor shall ensure samples required by this section are collected, transported, and submitted for analysis according to department-approved methods. The analyses shall be performed by the state public health laboratory or another laboratory certified by the department. Qualified water utility, certified laboratory, or health department personnel may conduct measurements for pH, temperature, residual disinfectant concentration and turbidity as required by this chapter.

(d) When one public water system receives water from another public water system, the purveyor of the receiving system is only required to collect coliform samples in accordance with subsection (2) of this section and trihalomethane samples in accordance with subsection (5) of this section.

(i) The department may reduce the monitoring requirement of the receiving system provided the receiving system:

(A) Has a satisfactory water quality history as determined by the department;

(B) Operates in a satisfactory manner consistent with this chapter;

(C) Is included in the supplying system's regular monitoring schedule; and

(D) Is included in the service and population totals for the supplying system.

(ii) The department may periodically review both system's sampling records to determine if continued reduced monitoring is appropriate. If the department determines a change in the monitoring requirements of the receiving system is appropriate:

(A) The department shall notify the purveyor of the change in monitoring requirements; and

(B) The purveyor shall conduct monitoring as directed by the department.

(e) Upon failure to comply with a monitoring requirement, the purveyor shall notify:

(i) The department in accordance with WAC 246-290-480; and

(ii) The water system users in accordance with WAC 246-290-330.

(2) Bacteriological.

(a) The purveyor shall be responsible for collection and submittal of coliform samples from representative points throughout the distribution system after the first service and at regular time intervals unless otherwise specified in this subsection, each month the system provides water to consumers.

(b) Coliform monitoring plan.

(i) The purveyor of a Group A system shall prepare a written coliform monitoring plan and base routine monitoring upon the plan. A department guideline titled 'Preparation of a Coliform Monitoring Plan' is available to assist the purveyor in preparing this plan.

(ii) The plan shall include at a minimum:

(A) A system map or diagram showing the locations of:

(I) Water sources;

(II) Storage, treatment, and pressure regulation facilities;

(III) Distribution systems;

(IV) Pressure zones;

(V) Interconnections; and

(VI) Coliform sample collection sites.

(B) A narrative which includes the following information:

(I) Public water system identification number;

(II) Population served and services;

(III) Water sources;

(IV) System facilities and processes for storage, treatment, and pressure regulation;

(V) Coliform sample collection sites; and

(VI) Sampling schedules.

(iii) The purveyor of a Group A system shall:

(A) Keep the coliform monitoring plan on file with the system and make it available to the department for inspection upon request;

(B) Revise or expand the plan at any time the plan no longer ensures representative monitoring of the system, or as directed by the department; and

(C) Submit the plan to the department for review and approval when requested.

(c) Monitoring frequency. The number of required routine coliform samples is based on total population served.

(i) Group A.

(A) Purveyors of community systems shall collect and submit for analysis no less than the number of routine

samples listed in Table 2 during each month of operation;

(B) Purveyors of noncommunity systems shall collect and submit for analysis no less than the number of samples required in Table 2. Each month's population shall include all residents and nonresidents served during that month. During months when the total population served is less than twenty-five, routine sample collection is not required when:

(I) Using only protected ground water sources;

(II) No coliforms were detected in samples during the previous month; and

(III) One routine sample has been collected and submitted for analysis during one of the previous two months.

(C) Purveyors of systems serving both a resident and a nonresident population shall base their minimum sampling requirement on the total of monthly populations served, both resident and nonresident and on Table 2; and

(D) Purveyors of systems with a nonresident population lasting two weeks or less during a month shall sample as directed by the department.

(ii) Group B. Purveyors shall collect and submit a sample for coliform analysis at least once every twelve months.

(d) Surface water or ground water under the direct influence of surface water (GWI) sources. The purveyor of a Group A system using unfiltered surface water or unfiltered GWI sources shall:

(i) Collect and submit for analysis, at least one coliform sample at the first service connection during each day in which source water turbidity exceeds 1 NTU; or

(ii) Collect samples as directed by the department when logistical problems beyond the purveyor's control make analysis of the coliform samples impractical because the time between sample collection and analysis exceeds thirty hours. If the department extends the time limits, the purveyor shall collect the required samples as directed by the department.

(e) Comprehensive system evaluations (CSEs).

(i) Purveyors of Group A systems with less than four thousand one hundred one population served shall:

(A) Submit to a CSE conducted by the department;

or
(B) Collect and submit for analysis five or more routine samples each month.

(ii) Group A systems electing to have CSEs conducted shall be evaluated by the department based on the following schedule:

(A) Community water systems, every five years. The initial CSE shall be conducted by June 29, 1994; and

(B) Noncommunity systems, every five years unless the system uses only disinfected and protected ground water as determined by the department, in which case the evaluation need only be repeated every ten years. The initial CSE shall be conducted by June 29, 1999.

(iii) The department may substitute source of contamination information from the wellhead protection program for CSE information if the information was collected since the last CSE; and

(iv) Purveyors of Group A systems collecting less than five routine samples per month shall be responsible for:

(A) Ensuring full cooperation in scheduling CSEs; and

(B) Making all facilities and records available to the department for the CSE.

(f) Invalid samples. When a coliform sample is determined invalid under WAC 246-290-320 (2)(d), the purveyor shall:

(i) Not include the sample in the determination of monitoring compliance; and

(ii) Collect and submit for coliform analysis, an additional drinking water sample from the same location as each invalid sample within twenty-four hours of notification by the laboratory of the invalid sample.

TABLE 2

MINIMUM MONTHLY ROUTINE COLIFORM SAMPLING REQUIREMENTS FOR GROUP A SYSTEMS

Population Served ¹	Minimum Number of Routine Samples/Month	
	When NO samples with a coliform presence were collected during the previous month	When ANY samples with a coliform presence were collected during the previous month
During Month		
1- 1,000	1 ²	5
1,001- 2,500	2	5
2,501- 3,300	3	5
3,301- 4,100	4	5
4,101- 4,900	5	5
4,901- 5,800	6	6
5,801- 6,700	7	7
6,701- 7,600	8	8
7,601- 8,500	9	9
8,501- 12,900	10	10
12,901- 17,200	15	15
17,201- 21,500	20	20
21,501- 25,000	25	25
25,001- 33,000	30	30
33,001- 41,000	40	40
41,001- 50,000	50	50
50,001- 59,000	60	60
59,001- 70,000	70	70
70,001- 83,000	80	80
83,001- 96,000	90	90
96,001- 130,000	100	100
130,001- 220,000	120	120
220,001- 320,000	150	150
320,001- 450,000	180	180
450,001- 600,000	210	210
600,001- 780,000	240	240
780,001- 970,000	270	270
970,001- 1,230,000 ³	300	300

¹ Does not include population of utilities wholesaled to, except as provided under WAC 246-290-300 (1)(c).

² Noncommunity systems using only protected ground water sources and serving less than 25 individuals, may collect and submit for analysis, one sample every three months.

³ Systems serving populations larger than 1,230,000 shall contact the department for the minimum number of samples required per month.

(a) ((The purveyor's)) A complete inorganic chemical and physical analysis shall consist of the primary and secondary chemical and physical standards.

(i) Primary chemical and physical standards are arsenic, barium, cadmium, chromium, fluoride, lead, mercury, nitrate (as N), selenium, silver, sodium, and turbidity.

(ii) Secondary chemical and physical standards are chloride, color, copper, hardness, iron, manganese, specific conductivity, sulfate*, total dissolved solids*, and zinc.

*Required only when specific conductivity exceeds seven hundred micromhos/centimeter.

(b) ((Purveyor)) Samples taken for inorganic chemical analyses shall be collected at the source before treatment.

(c) ((The)) Monitoring frequency ((for a purveyor's monitoring shall be according to:)).

(i) Purveyors of community systems shall have one complete analysis from each surface water source every twelve months;

(ii) Purveyors of community systems shall have one complete analysis from each ground water source or well field every thirty-six months;

(iii) Purveyors of NTNC, TNC, and Group B systems shall have one initial complete analysis from each source or well field. The department may waive or reduce the minimum requirement for the initial complete analysis if available information shows, to the department's satisfaction, that the aquifer provides water of satisfactory inorganic chemical quality; and

(iv) After the initial complete analysis, NTNC, TNC, and Group B systems shall have one nitrate sample analyzed from each source or well field every thirty-six months.

(d) When the purveyor provides treatment for one or more inorganic chemical or physical contaminants, samples shall be taken for the specific contaminant or contaminants before and after treatment. The department shall determine the frequency of sampling.

(4) Turbidity.

(a) Purveyors of Group A water systems with surface water sources shall monitor turbidity at least once a day.

(b) The purveyor shall monitor turbidity at or before the entry point to the distribution system and where needed for treatment process control.

(c) The department shall determine monitoring requirements for Group B water systems.

(d) The purveyor shall ensure that turbidimeters are designed to meet the criteria listed under standard methods, and that turbidimeters are properly operated, maintained, and calibrated at all times, based on the manufacturer's recommendations.

(5) Trihalomethanes.

(a) Purveyors of community systems serving a population of ten thousand or more and providing water treated with chlorine or other halogenated disinfectant shall monitor as follows:

(i) Ground water sources. The purveyor shall collect one sample from each treated spring, well, or well field every twelve months. This sample shall be taken at the

source before treatment or at the extreme end of the distribution system. The sample shall be analyzed for maximum total trihalomethane potential (MTTP); or

(ii) Surface water sources. The purveyor shall collect four samples per treated source every three months. The samples shall be taken within a twenty-four-hour period. The purveyor shall take one of the samples from the extreme end of the distribution system and three samples from representative locations in the distribution system. The samples shall be analyzed for total trihalomethanes (TTHM), the sum of trichloromethane, bromodichloromethane, dibromochloromethane, and tribromomethane. After one year of monitoring, the department may reduce the monitoring frequency to one sample every three months per treatment plant if the TTHM levels are less than 0.10 mg/L. The purveyor shall take the sample at the extreme end of the distribution system; or

(iii) Purchased surface water sources. The purveyor shall collect one water sample per each purchased surface source every three months. The sample shall be taken at the extreme end of the distribution system and analyzed for TTHM.

(b) Purveyors of community systems shall monitor for TTHM when serving a population less than ten thousand and providing surface water treated with chlorine or other halogenated disinfectant. The purveyor shall collect one water sample per treated source every three months for one year. The sample shall be taken at the extreme end of the distribution system and analyzed for TTHM. After the first year, the purveyor shall monitor surface water sources every thirty-six months.

(c) Purveyors of community systems shall monitor for TTHM when serving less than ten thousand people and purchasing surface water treated with chlorine or other halogenated disinfectant or adding a halogenated disinfectant after purchase. The purveyor shall collect one water sample every three months at the extreme end of the distribution system or at a department-acceptable location. The sample shall be analyzed for TTHM. After the first year, the purveyor shall monitor every thirty-six months.

(6) Pesticides.

Purveyors of community systems with surface water sources shall monitor for pesticides for which MCLs are established every thirty-six months. The purveyor shall collect the water sample during the time of year the department designates as the time when pesticide contamination is most likely to occur.

(7) Radionuclides.

(a) The purveyor's monitoring requirements for gross alpha particle activity, radium-226 and radium-228 shall be:

(i) Community systems shall monitor once every forty-eight months. Compliance shall be based on the analysis of an annual composite of four consecutive quarterly samples or the average of the analyses of four samples obtained at quarterly intervals;

(ii) The purveyor may omit analysis for radium-226 and radium-228 if the gross alpha particle activity is less than five pCi/L; and

(iii) If the results of the initial analysis are less than half of the established MCL, the department may allow compliance with the monitoring requirements based on analysis of a single sample collected every forty-eight months.

(b) The purveyor's monitoring requirements for man-made radioactivity shall be:

(i) Purveyors of community systems using surface water sources and serving more than one hundred thousand persons and other department-designated water systems shall monitor for man-made radioactivity (beta particle and photon) every forty-eight months. Compliance shall be based on the analysis of a composite of four consecutive quarterly samples or the analysis of four quarterly samples; and

(ii) Purveyors of any water system, as directed by the department, downstream from a nuclear facility shall monitor once every three months for gross beta and iodine-131, and monitor once every twelve months for strontium-90 and tritium. The department may allow the substitution of environmental surveillance data taken in conjunction with a nuclear facility for direct monitoring of man-made radioactivity if the department determines that such data is applicable to a particular public water system.

(8) Volatile organic chemicals (VOCs).

(a) Prior to January 1, 1992, purveyors of COMMUNITY and NTNC systems shall monitor each source for all chemicals listed in Table ((4)) 3. If a source is treated, VOC samples shall be collected after treatment. The department shall contact the purveyor to schedule sample collection. Purveyors shall submit VOC samples to a certified lab for analysis within ninety days of contact by the department.

TABLE ((4)) 3

LIST 1: VOLATILE ORGANIC CHEMICALS (VOCs) WITH MCLs

- Trichloroethylene
- Carbon Tetrachloride
- Vinyl Chloride¹
- 1,2-Dichloroethane
- Benzene
- para-Dichlorobenzene
- 1,1-Dichloroethylene
- 1,1,1-Trichloroethane

¹ Purveyors shall monitor for vinyl chloride if their source sampling has verified one or more of the following:

- Trichloroethylene;
- 1,2-Dichloroethane;
- 1,1-Dichloroethylene;
- 1,1,1-Trichloroethane;
- Chloroethane;
- trans-1,2-Dichloroethylene;
- cis-1,2-Dichloroethylene;
- 1,1-Dichloroethane;
- 1,1,2-Trichloroethane;
- 1,1,1,2-Tetrachloroethane;
- 1,1,2,2-Tetrachloroethane; or
- Tetrachloroethylene.

LIST 2: VOCs WITHOUT MCLs

Bromobenzene	p-Xylene
Bromomethane	O-Xylene
Chlorobenzene	m-Xylene
Chloroethane	Bromochloromethane
Chloromethane	n-Butylbenzene
o-Chlorotoluene	Dichlorodifluoromethane
p-Chlorotoluene	Fluorotrchloromethane
Dibromomethane	Hexachlorobutadiene
m-Dichlorobenzene	Isopropylbenzene
o-Dichlorobenzene	p-Isopropyltoluene
trans-1,2-Dichloroethylene	Naphthalene
cis-1,2-Dichloroethylene	n-Propylbenzene
Dichloromethane	Sec-butylbenzene
1,1-Dichloroethane	Tert-butylbenzene
1,1-Dichloropropene	1,2,3-Trichlorobenzene
1,2-Dichloropropene	1,2,4-Trichlorobenzene
1,3-Dichloropropene	1,2,4-Trimethylbenzene
1,3-Dichloropropene	1,3,5-Trimethylbenzene
2,2-Dichloropropene	Trihalomethanes:
Ethylbenzene	Bromodichloromethane
Styrene	Dibromochloromethane
1,1,2-Trichloroethane	Tribromomethane
1,1,1,2-Tetrachloroethane	Trichloromethane
1,1,2,2-Tetrachloroethane	
Tetrachloroethylene	
1,2,3-Trichloropropane	
Toluene	

LIST 3: VOCs WITHOUT MCLs WHICH ARE REQUIRED FOR SELECTED SOURCES

Ethylene dibromide (EDB)	1,2-Dibromo-3-Chloropropane (DBCP)
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(b) During the first twelve months of VOC monitoring, purveyors shall sample surface water and ground water sources once every three months or as directed by the department. If no VOCs (exclusive of THMs) are detected in the first sample from a ground water source, the purveyor shall sample that source once more during that twelve-month period.

(c) If no VOCs (exclusive of THMs) are verified after the initial twelve months of monitoring, purveyors of COMMUNITY and NTNC water systems shall monitor each source at least once every thirty-six months.

(d) Purveyors may ask the certified lab to composite samples representing as many as five individual sources. If VOCs (exclusive of THMs) are detected in a composite sample, the lab shall analyze the duplicate sample for each source in the composite at the purveyor's expense. If duplicate samples are not available, the purveyor shall repeat sample each individual source within fourteen days of contact by the department. Analysis of all VOC samples shall occur within fourteen days of collection. The following restrictions shall apply to compositing of samples:

- (i) Samples shall not be composited in the field;
- (ii) Multiple source samples, such as samples representing well fields, shall not be composited;
- (iii) Ground water sources shall not be composited with surface water sources; and
- (iv) The following shall not be composited:
 - (A) Seasonal sources;

(B) Sources treated for the presence of synthetic organic chemicals; and

(C) Sources with synthetic organic chemicals, exclusive of THMs, detected within the last five years.

(e) Purveyors with emergency and seasonal sources shall monitor the sources when the sources are in use.

(f) If five or fewer separate sources are combined through a common pipe before entering the distribution system, and before a domestic service, the department may consider those sources as one for the purpose of sampling. The purveyor shall collect the distribution samples as directed by the department. If VOCs, exclusive of THMs, are detected, the department shall require repeat samples from each individual source.

(g) The department may require the purveyor to repeat sample for confirmation of results.

(h) The department shall not require purveyors of COMMUNITY systems serving less than two hundred fifty people and NTNC systems to monitor for the List 2 VOCs after purveyors complete the first twelve months of VOC monitoring for both List 1 and List 2 VOCs, provided no VOCs, exclusive of THMs, are detected and no changes have occurred indicating a need to take additional samples.

(i) Purveyors of COMMUNITY and NTNC systems shall monitor for List 3 VOCs if the department determines their sources are located in an area where the chemicals may have been applied, transported, handled, manufactured, or stored. The department shall notify purveyors of COMMUNITY and NTNC systems if this requirement applies.

(j) When water is purchased from another system, the department shall not require the purveyor of the purchasing system to monitor that source for VOCs. However, the department's requirement may still apply for a purveyor to monitor for trihalomethanes under subsection (5) of this section.

(k) Only samples analyzed after January 1, 1988, by a laboratory certified for VOC analysis of drinking water may be used to meet the requirements of this subsection.

(9) Other substances.

On the basis of public health concerns, the department may require the purveyor to monitor for additional substances.

TABLE ((5)) 4

MONITORING LOCATION

Sample Type	Sample Location
Bacteriological	From representative points ((m)) <u>throughout</u> distribution system.
Complete Inorganic Chemical and Physical	From a sample point as close to the source as possible.
Nitrate	From a sample point as close to the source as possible.
Turbidity - Surface Water	From a location at or before the entry point to the distribution system.
Trihalomethanes - Surface Water	From representative points in the distribution system.
- Ground Water	From the source before treatment.
Pesticides - Surface Water	From the source.

Sample Type	Sample Location
Radionuclides	From the source.
VOCs	After treatment, if any, at entry points to distribution systems.
Other Substances	As directed by the department.

AMENDATORY SECTION (Amending Order 150B, filed 3/15/91, effective 4/15/91)

WAC 246-290-310 MAXIMUM CONTAMINANT LEVELS (MCLS). (1) The purveyor shall be responsible for complying with the standards of water quality identified in this section. If a substance exceeds its maximum contaminant level (MCL), the purveyor shall take follow-up action ~~((as described under))~~ in accordance with WAC 246-290-320.

(2) When enforcing the standards described under this section, the department shall enforce compliance with the primary standards as its first priority.

(3) Bacteriological.

(a) ~~((Standards))~~ MCLs under subsection (3) of this section shall be considered primary standards.

~~(b) ((If any coliform bacteria are present in any sample, follow-up action as described under WAC 246-290-320(2)) shall be taken.~~

~~(c) The MCL for coliform bacteria is as follows:~~

~~(i) When the membrane filter test is used, the number of coliform bacteria shall not be greater than:~~

~~(A) One per one hundred milliliters as the average of all samples tested each month; or~~

~~(B) Four per one hundred milliliters in two or more samples when less than twenty samples are tested each month; or~~

~~(C) Four per one hundred milliliters in more than five percent of the samples when twenty or more samples are tested each month.~~

~~(ii) When the five-tube MPN method is used, coliform bacteria shall not be present in:~~

~~(A) More than ten percent of the tubes tested each month; or~~

~~(B) Three or more tubes in two or more samples when less than twenty samples are tested each month; or~~

~~(C) Three or more tubes in more than five percent of the samples when twenty or more samples are tested each month.~~

~~(iii) The department may allow systems required to take less than four samples each month to base compliance with this section on the samples taken during the three-month period consisting of the month in question and the previous two months.~~

~~(iv) Special purpose samples, such as those taken to determine if disinfection following pipe repair or replacement has been sufficient, or check samples shall not be used to determine compliance with the MCL.~~

~~(v) Samples with unsuitable test results, i.e., confluent growth, TNTC (too numerous to count), excess debris, etc., will not qualify as routine samples and will not count toward fulfillment of the monitoring requirement.)~~ Notwithstanding subsection (1) of this section, if coliform presence is detected in any sample, the purveyor shall take follow-up action in accordance with WAC 246-290-320(2).

(c) Acute MCL. An acute MCL for coliform bacteria occurs when there is:

(i) Fecal coliform presence in a repeat sample;

(ii) E. coli presence in a repeat sample; or

(iii) Coliform presence in a set of repeat samples collected as a follow-up to a sample with fecal coliform or E. coli presence.

(d) Nonacute MCL. A nonacute MCL for coliform bacteria occurs when:

(i) Systems taking less than forty routine samples during the month have more than one sample with coliform presence; or

(ii) Systems taking forty or more routine samples during the month have more than 5.0 percent with coliform presence.

(e) MCL compliance. The purveyor shall determine compliance with the coliform MCL for each month the system provides drinking water to the public. In determining MCL compliance, the purveyor shall:

(i) Include:

(A) Routine samples;

(B) Repeat samples; and

(C) Samples collected under WAC 246-290-300

(2)(d).

(ii) Not include:

(A) Samples invalidated under WAC 246-290-320

(2)(d); and

(B) Special purpose samples.

(4) Inorganic chemical and physical.

The primary and secondary MCLs are listed in Table ~~((6))~~ 5 and ~~((7))~~ 6:

TABLE ~~((6))~~ 5

INORGANIC CHEMICAL CHARACTERISTICS

Substance	Primary MCLs (mg/L)
Arsenic (As)	0.05
Barium (Ba)	1.0
Cadmium (Cd)	0.01
Chromium (Cr)	0.05
Fluoride (F)	4.0
Lead (Pb)	0.05
Mercury (Hg)	0.002
Nitrate (as N)	10.0
Selenium (Se)	0.01
((Silver (Ag)))	0.05))
Sodium (Na)	*

Substance	Secondary MCLs (mg/L)
Chloride (Cl)	250.0
Copper (Cu)	1.0
Fluoride (F)	2.0
Iron (Fe)	0.3
Manganese (Mn)	0.05
Silver (Ag)	0.1
Sulfate (SO ₄)	250.0
Zinc (Zn)	5.0

Note: Although the state board of health has not established an MCL for sodium, there is enough public health significance connected with sodium levels to require inclusion in inorganic chemical and physical monitoring.

TABLE ((7)) 6

PHYSICAL CHARACTERISTICS

Substance	Primary MCL
Turbidity	1 NTU

Substance	Secondary MCLs
Color	15 Color Units
Hardness	None established
Specific Conductivity	700 umhos/cm
Total Dissolved Solids (TDS)	500 mg/L

(5) Turbidity.

(a) The department shall consider standards under subsection (5) of this section primary standards.

(b) The MCLs for turbidity are:

(i) One NTU, based on a monthly average of the maximum daily turbidity, where the maximum daily turbidity is defined as the average of the:

(A) Highest two hourly readings over a twenty-four hour period when continuous monitoring is used; or

(B) Daily grab samples taken within one hour when daily monitoring is used.

The department may increase the MCL to five NTUs if the purveyor can show the source is within a controlled watershed and the source meets the requirements under WAC 246-290-210 and 246-290-450.

(ii) Five NTUs based on an average of the maximum daily turbidity for two consecutive days.

(6) Trihalomethanes.

(a) The department shall consider standards under subsection (6) of this section primary standards.

(b) The MCL for total trihalomethanes (TTHM) is 0.10 mg/L. The concentrations of each of the trihalomethane compounds (trichloromethane, dibromochloromethane, bromodichloromethane, and tribromomethane) are added together to determine the TTHM level.

(c) There is no MCL for maximum total trihalomethane potential (MTTP). When the MTTP value exceeds 0.10 mg/L, the purveyor shall follow up as described under WAC 246-290-320(5).

(7) Pesticides.

(a) The department shall consider standards under subsection (7) of this section primary standards.

(b) The MCLs for pesticides are:

(i) Chlorinated hydrocarbons:

Substance	MCL (mg/L)
Endrin	0.0002
Lindane	0.004
Methoxychlor	0.1
Toxaphene	0.005

(ii) Chlorophenoxy:

Substance	MCL (mg/L)
2, 4-D	0.1
2, 4, 5-TP Silvex	0.01

(8) Radionuclides.

(a) The department shall consider standards under subsection (8) of this section primary standards.

(b) The MCLs for radium-226, radium-228, and gross alpha particle radioactivity are:

Substance	MCL (pCi/L)
Radium-226	3
Combined Radium-226 and Radium-228	5
Gross alpha particle activity (excluding uranium)	15

(c) The MCL for beta particle and photon radioactivity from man-made radionuclides is: The average annual concentration shall not produce an annual dose equivalent to the total body or any internal organ greater than four millirem/year.

The department shall assume compliance with the four millirem/year dose limitation if the average annual concentration for gross beta activity, tritium, and strontium-90 are less than 50 pCi/L, 20,000 pCi/L, and 8 pCi/L respectively. When both tritium and strontium-90 are present, the sum of their annual dose equivalents to bone marrow shall not exceed four millirem/year.

(9) Volatile organic chemicals.

(a) The department shall consider standards under this subsection primary standards.

(b) The VOCs with MCLs are:

Substance	MCL (mg/L)
Benzene	.005
Carbon Tetrachloride	.005
1,2-Dichloroethane	.005
Trichloroethylene	.005
para-Dichlorobenzene	.075
1,1-Dichloroethylene	.007
1,1,1-Trichloroethane	.200
Vinyl Chloride	.002

(c) The department shall determine compliance with this subsection based on the running annual average of results for each sample location. The purveyor is in violation of an MCL when:

(i) The running annual average for one location is greater than the MCL (sum of all sample results in one year divided by four > MCL); or

(ii) Any one sample result causes the running annual average to exceed the MCL.

(10) The state board of health shall determine maximum contaminant levels for any additional substances.

AMENDATORY SECTION (Amending Order 150B, filed 3/15/91, effective 4/15/91)

WAC 246-290-320 FOLLOW-UP ACTION. (1) General.

(a) If water quality exceeds any MCLs listed under WAC 246-290-310, the purveyor shall notify the department and take follow-up action as described in this section.

(b) When a primary (~~(MCL)~~) standard violation occurs, the purveyor shall:

(i) Notify the department (~~(within forty-eight hours)~~) in accordance with WAC 246-290-480;

(ii) Notify the (~~(public according to procedures outlined under)~~) consumers served by the system in accordance with WAC 246-290-330;

(iii) Determine the cause of the contamination; and

(iv) Take (~~(corrective)~~) action as (~~(required)~~) directed by the department.

(c) When a secondary (~~(MCL)~~) standard violation occurs, the purveyor shall notify the department and take (~~(corrective)~~) action as directed by the department.

(2) Bacteriological.

(a) When coliform bacteria are present in any sample (~~(analyzed by the membrane filter method, the purveyor shall take action as follows:~~

(i) ~~When the sample result is one through four per one hundred milliliters, the sample is unsatisfactory and an additional drinking water sample shall be taken to confirm the presence of coliform bacteria; or~~

(ii) ~~When the sample result is greater than four per one hundred milliliters, the sample is unsatisfactory and nonconforming. The purveyor shall take action to determine and correct the cause of the contamination. Daily check samples shall continue to be collected until at least two consecutive daily check samples show less than one coliform per one hundred milliliters.~~

(b) ~~When coliform bacteria are present in any sample analyzed by the five-tube MPN method, the purveyor shall take action as follows:~~

(i) ~~When the sample result is one or two tubes positive, the sample is unsatisfactory and an additional drinking water sample shall be taken to confirm the presence of contamination; or~~

(ii) ~~When the sample result is three or more tubes positive, the sample is unsatisfactory and nonconforming. The purveyor shall take action to determine and correct the cause of the contamination. Daily check samples shall continue to be collected until at least two consecutive daily check samples show no coliform bacteria are present.~~

(c) ~~All additional samples required by this section shall be collected from the same location where the unsatisfactory or unsuitable sample was taken, except as specified by the department.~~

(d) ~~All additional samples shall be submitted for analyses as soon as possible after the unsatisfactory or unsuitable results are known.~~

(e) ~~When the presence of coliform bacteria in water has been confirmed by check samples, the purveyor shall notify the department within forty-eight hours.~~

(f) ~~When the sample result is marked unsuitable, an additional drinking water sample shall then be submitted for analysis for each unsuitable result immediately upon notification of the unsuitable result. The additional sample shall be analyzed by the MPN testing method.~~

~~(g) The location where the daily check samples were taken to fulfill the requirements of this section shall not be eliminated from future sampling without the department's approval.) and the sample is not invalidated under (d) of this subsection, the purveyor shall ensure the following actions are taken:~~

~~(i) The sample is analyzed for fecal coliform or E. coli. When a sample with a coliform presence is not analyzed for E. coli or fecal coliforms, the sample shall be considered as having a fecal coliform presence for MCL compliance purposes;~~

~~(ii) Repeat samples are collected in accordance with (b) of this subsection;~~

~~(iii) The department is notified in accordance with WAC 246-290-480; and~~

~~(iv) The cause of the coliform presence is determined and corrected.~~

~~(b) Repeat samples.~~

~~(i) The purveyor shall collect and submit for analysis a set of repeat samples for every sample in which the presence of coliforms is detected. A set of repeat coliform samples consists of:~~

~~(A) Four repeat samples for Group A systems collecting one routine coliform sample each month;~~

~~(B) Three repeat samples for all Group A systems collecting more than one routine coliform sample each month; and~~

~~(C) Two repeat samples for Group B systems.~~

~~(ii) The purveyor shall collect repeat sample sets according to Table 7;~~

~~(iii) The purveyor shall collect one set of repeat samples for each sample with a coliform presence, as follows:~~

~~(A) For Group A systems, all samples in a set of repeat samples shall be collected on the same day and submitted for analysis within twenty-four hours after notification by the laboratory of a coliform presence. If the purveyor can demonstrate to the satisfaction of the department, that logistical problems beyond the purveyor's control make analysis of the samples in the repeat sample set impractical because the time between sample collection and analysis will exceed thirty hours, then the purveyor shall collect the required set of repeat samples as directed by the department; and~~

~~(B) For Group B systems, as soon as possible after the notification by the laboratory of a sample with a coliform presence.~~

~~(iv) When repeat samples have coliform presence, the purveyor shall:~~

~~(A) Contact the department and collect a minimum of one additional set of repeat samples as directed by the department; or~~

~~(B) Collect one additional set of repeat samples for each sample where coliform presence was detected.~~

~~(v) The purveyor of a system providing water to consumers via a single service shall collect repeat samples from the same location as the sample with a coliform presence. The set of repeat samples shall be collected:~~

~~(A) On the same collection date; or~~

~~(B) Over consecutive days with one sample collected each day until the required samples in the set of repeat samples are collected.~~

(vi) If a sample with a coliform presence was collected from the first two or last two active services, the purveyor shall monitor as directed by the department;

(vii) The purveyor may change a previously submitted routine sample to a sample in a set of repeat samples when the purveyor:

(A) Collects the sample within five adjacent service connections of the location from which the initial sample with a coliform presence was collected;

(B) Collects the sample after the initial sample with a coliform presence was submitted for analysis;

(C) Collects the sample on the same day as other samples in the set of repeat samples, except under (b)(iii) of this subsection; and

(D) Notifies the department of the change.

(viii) The department may determine that sets of repeat samples specified under this subsection are not necessary during a month when a nonacute coliform MCL violation is determined for the system.

(i) The department shall consider coliform samples with no coliform presence detected invalid when:

(A) Multiple tube technique cultures are turbid without appropriate gas production;

(B) Presence-absence technique cultures are turbid in the absence of an acid reaction;

(C) There are confluent growth patterns or growth of TNTC (too numerous to count) colonies without a surface sheen using a membrane filter analytic technique;
or

(D) There is excess debris in the sample.

(ii) The department may invalidate a coliform sample when:

(A) The analyzing laboratory establishes that improper sample analysis occurred;

(B) The department determines a domestic or nondistribution system problem is indicated by:

(I) All samples in the set of repeat samples collected at the same location as the original coliform presence sample also are coliform presence; and

(II) All other samples in the set of repeat samples are free of coliform.

(C) The department determines a coliform presence result is due to a circumstance or condition which does not reflect water quality in the distribution system. In this case, when the department invalidates a sample:

(I) The purveyor shall collect a set of repeat samples following the sample invalidation in accordance with Table 7; and

(II) The department's rationale for invalidating the sample shall be documented in writing and made available to the public. The documentation shall state the specific cause of the coliform presence, and what action the purveyor has taken, or will take.

(iii) When a coliform sample is determined invalid, the purveyor shall collect and submit for analysis:

(A) An additional coliform sample from the same location as each invalid sample within twenty-four hours of notification of the invalid sample; or

(B) Additional coliform samples as directed by the department.

(iv) When the department or laboratory invalidates a sample, the sample shall not count towards the purveyor's minimum coliform monitoring requirements.

(3) Inorganic chemical and physical. When an initial analysis of a substance exceeds the MCL, the purveyor shall:

(a) For nitrate, immediately take one additional sample from the same sampling point. If the average of the two samples exceeds the MCL, a violation is confirmed; or

(b) For all other inorganic chemical and physical substances, collect three additional samples from the same sample point within thirty days. If the average of all four samples exceeds the MCL, a violation is confirmed.

(4) Turbidity. When the turbidity exceeds the MCL identified under WAC 246-290-310 for longer than one hour monitored continuously, the purveyor shall report to the department within forty-eight hours. When the results of a manual turbidity analysis exceeds the MCL, the purveyor shall collect another sample within one

Table 7
REPEAT SAMPLE REQUIREMENTS

SYSTEM GROUP (# OF ROUTINE SAMPLES COLLECTED EACH MONTH)	# OF SAMPLES IN A SET OF REPEAT SAMPLES	LOCATIONS FOR REPEAT SAMPLES (COLLECT AT LEAST ONE SAMPLE PER SITE)
GROUP A (1 routine sample each month)	4	<ul style="list-style-type: none"> ◆ Site of previous sample with a coliform presence ◆ Within 5 active services <u>upstream</u> of site of sample with a coliform presence ◆ Within 5 active services <u>downstream</u> of site of sample with a coliform presence ◆ At any other active service
GROUP A (more than 1 routine sample each month)	3	<ul style="list-style-type: none"> ◆ Site of previous sample with a coliform presence ◆ Within 5 active services <u>upstream</u> of site of sample with a coliform presence ◆ Within 5 active services <u>downstream</u> of site of sample with a coliform presence
GROUP B	2	<ul style="list-style-type: none"> ◆ Site of the previous sample with a coliform presence ◆ From active service other than the site of the previous sample with a coliform presence

(c) Monitoring frequency following a coliform presence. Group A systems having one or more coliform presence samples that were not invalidated during the previous month shall collect and submit for analysis the minimum number of samples shown in the last column of Table 2.

(i) The department may reduce the monitoring frequency requirement when one or more samples with a coliform presence were collected during the previous month, if the purveyor proves to the satisfaction of the department;

(A) The cause of the sample with a coliform presence; and

(B) The problem is corrected before the end of the next month the system provides water to the public.

(ii) If the department reduces this monitoring frequency requirement:

(A) The purveyor shall collect and submit at least the minimum number of samples required when no samples with a coliform presence were collected during the previous month; and

(B) The department shall make available a written description explaining:

(I) The specific cause of the coliform presence; and

(II) Action taken by the purveyor to correct the cause of coliform presence.

(d) Invalid samples.

hour. When the repeat sample confirms the MCL is exceeded, the purveyor shall notify the department.

(5) Trihalomethanes. When the average of all samples taken during any twelve-month period exceeds the MCL for total trihalomethanes, the violation is confirmed and the purveyor shall take corrective action as required by the department. When the maximum trihalomethane potential (MTTP) result is equal to or greater than 0.10 mg/L and the result is confirmed by a repeat sample, the purveyor shall monitor according to WAC 246-290-300(5) for one year or more.

(6) Volatile organic chemicals (VOCs). The purveyor shall be responsible for the following follow-up actions:

(a) After the purveyor's receipt of the first VOC analysis results from the laboratory, the purveyor shall provide notice to persons served by the system as described under WAC 246-290-330(5).

(b) When a List 1 VOC is verified at a concentration above the detection limit, the purveyor shall, at a minimum:

(i) Sample the source once every three months for at least three years; and

(ii) Make analysis results available to consumers within three months of receipt from the laboratory as described under WAC 246-290-330(5).

(c) When a List 1 VOC is verified at a concentration greater than a MCL, and the level will not cause the running annual average to exceed the MCL, the purveyor shall repeat sample the source as soon as possible. If a concentration greater than an MCL is confirmed, the purveyor shall:

(i) Notify the department within seven days of receipt of the repeat sample analysis results.

(ii) Provide consumer information ((per)) in accordance with WAC 246-290-330 (5)(b).

(iii) Submit documentation to the department describing the water system's strategy for gathering and analyzing additional data and identify plans for keeping the public informed.

(iv) Sample the source a minimum of once every three months for at least three years.

(d) When the running annual average of a List 1 VOC is greater than an MCL, or one sample analysis result causes the annual average to exceed an MCL, the purveyor shall:

(i) Notify the department within seven days of receipt of analysis results.

(ii) Notify the public as described under WAC 246-290-330, including mandatory health effects language.

(iii) Submit an action plan to the department for approval addressing follow-up activities, including corrective action. The purveyor shall submit the action plan within four months of receipt of department notice that the annual average exceeds the MCL. The purveyor's action plan shall, at a minimum, contain a:

(A) Tabulation of VOC sample analysis results, including the location where VOCs were detected;

(B) Description of monitoring plans for system sources;

(C) Strategy for informing the public of monitoring results and investigations; and

(D) Description of short and long-term plans to minimize exposure and/or eliminate the source of contamination.

(iv) Implement the action plan within one year of the department's approval. The department may require the purveyor's earlier compliance if necessary to eliminate an immediate health threat or may require a revision of the action plan based upon additional sample results. The department may extend the purveyor's period of compliance when the department determines:

(A) Substantial construction is required; and

(B) The purveyor has taken all appropriate measures to protect the health of consumers served by the public water system.

If the department grants the purveyor an extension, the purveyor shall issue a notice identifying the MCL exceeded and the amount by which the repeat sample analysis results exceeded the MCL. The purveyor shall include the notice in all bills mailed to affected customers until the department determines that the purveyor complies with the MCL.

(v) Sample the source a minimum of once every three months for at least three years.

(e) When a List 2 or List 3 VOC is verified at a concentration above the detection limit, the purveyor shall:

(i) Submit the sample analysis results to the department within seven days of receipt from the laboratory; and

(ii) Sample the source a minimum of once every three months for one year and then annually thereafter during the three-month period when the highest previous measurement occurred.

(f) If the department determines that a List 2 or List 3 VOC is verified at a level greater than a state advisory level (SAL), the department shall notify the purveyor in writing. The purveyor shall repeat sample the source as soon as possible after initial department notice that a SAL has been exceeded. The purveyor shall submit the analysis results to the department within seven days of receipt from the laboratory. If any repeat sample confirms that a SAL has been exceeded, the purveyor shall:

(i) Provide consumer information ((per)) in accordance with WAC 246-290-330 (5)(b);

(ii) Sample the source a minimum of once every three months for at least three years; and

(iii) Submit documentation to the department listing VOC analysis results, describing the water systems' strategy for gathering and analyzing additional data, and identifying plans for keeping the public informed. The purveyor shall submit this information to the department within six months of the date of the first notice from the department that a SAL has been exceeded.

(g) The department may reduce the purveyor's monitoring requirement for a source detecting a List 1 VOC if, after three years of quarterly monitoring, all analysis results are less than the MCL. The purveyor's reduced monitoring frequency shall be no less than one sample per year.

(h) The department may reduce the purveyor's monitoring requirement for a source detecting a List 2 or List 3 VOC if the source has been monitored annually for at

least three years, and all analysis results are less than the SAL.

(i) In establishing SAL's for List 2 and List 3 VOCs, the department shall use the most recent edition of the department document titled "Procedures And References For Determination Of State Advisory Levels For Drinking Water Contaminants" which has been approved by the state board of health. Copies are available from the department upon request.

(j) When List 1, List 2 (exclusive of THMs), or List 3 VOCs are verified in well fields, the purveyor shall repeat sample individual wells within the well field.

(k) When the sum of all trihalomethanes detected exceeds 0.100 mg/L, the purveyor shall sample within three months for total trihalomethanes as required under WAC 246-290-300(5).

(l) The department may collect samples from a water system or may require that specified quality assurance techniques be used to collect samples.

(7) The department shall determine the purveyor's follow-up action when a substance not included in ~~((these regulations))~~ this chapter is detected.

AMENDATORY SECTION (Amending Order 150B, filed 3/15/91, effective 4/15/91)

WAC 246-290-330 PUBLIC NOTIFICATION.

(1) Responsibility.

(a) The purveyor of a Group A water system shall notify the water system users when the ~~((following occurs within the Group A))~~ system:

~~((a))~~ (i) Violates a primary MCL ~~((violation))~~ as described under WAC 246-290-310;

~~((b) Failing))~~ (ii) Fails to comply with a:

~~((i))~~ (A) Prescribed treatment technique;

~~((ii))~~ (B) Monitoring requirement under WAC 246-290-300; or

~~((iii))~~ (C) Testing procedure.

~~((c))~~ (iii) Is operating under a variance or exemption; or

~~((d) Failing))~~ (iv) Fails to meet a variance or exemption schedule.

~~((The department may also require))~~ (b) The purveyor of a Group B water system may be required to notify water system users when any of the conditions listed in (a)(i) through ((d)) (iv) of this subsection occur ~~((within the Group B system))~~.

(2) Content. Notices shall provide:

(a) A clear, concise, and simple explanation of the violation;

(b) Discussion of potential adverse health effects and any segments of the population that may be at higher risk;

(c) Mandatory health effects information ~~((required under WAC 246-290-330(4)))~~ in accordance with subsection (4) of this section;

(d) A list of steps the purveyor has taken or is planning to take to remedy the situation;

(e) A list of steps the consumer should take, including advice on seeking an alternative water supply if necessary; and

(f) The purveyor's name and phone number.

The purveyor may provide additional information to further explain the situation.

(3) Distribution.

(a) Purveyors of COMMUNITY systems in violation of a primary MCL, treatment technique or variance or exemption schedule shall provide:

(i) Newspaper notice to water system users as defined in (e) of this subsection, within fourteen days of violation;

(ii) Direct mail notice or hand delivery to all ~~((permanent residences))~~ consumers served by the system within forty-five days of the violation. The department may waive the purveyor's mail or hand delivery if the violation is corrected within forty-five days;

(iii) Notice to radio and television stations serving the area within seventy-two hours of violation of a nitrate MCL or other acute violation as determined by the department; and

(iv) Repeat mail or hand delivery every three months until the violation is corrected.

(b) Purveyors of COMMUNITY systems shall provide newspaper notice as defined in (e) of this subsection, to water system users within three months of the following:

(i) Violation of a monitoring requirement or testing procedure; or

(ii) Granting of a variance or exemption.

Purveyors shall also provide repeat notice by mail or hand delivery to all ~~((permanent residences))~~ consumers served by the system every three months until the situation is corrected or for as long as the variance or exemption remains in effect.

(c) Purveyors of NTNC and TNC systems in violation of a primary MCL, treatment technique, variance, or exemption schedule shall post a notice within fourteen days of the violation. If the violation is acute, the department shall require posting within seventy-two hours.

(d) Purveyors of NTNC and TNC systems shall post a notice within three months of the:

(i) Violation of a monitoring requirement or testing procedure; or

(ii) Granting of a variance or exemption.

(e) ~~((Where there is mention of a))~~ Newspaper notice, as used in this section, means publication in a daily newspaper of general circulation or in a weekly newspaper of general circulation if a daily newspaper does not serve the area. The purveyor may substitute a community or homeowner's association newsletter or similar periodical publication if the newsletter reaches all affected consumers within the specified time.

(f) The purveyor ~~((may))~~ shall substitute a posted notice in the absence of a newspaper of general circulation or homeowner's association newsletter or similar periodical publication. The purveyor shall post the notice within the timeframe specified in this subsection.

(g) The purveyor shall place posted notices in conspicuous locations and present the notices in a manner making them easy to read. Notices shall remain posted until the violation is corrected or for as long as the variance or exemption remains in effect. When appropriate, notices shall be multi-lingual.

(h) The purveyor of a COMMUNITY water system shall give a copy of the most recent public notice for all outstanding violations to all new billing units or new hookups before or at the time water service begins.

(i) The purveyor shall provide the department with a copy of ~~((a))~~ the public notification at the time the purveyor notifies the public.

(4) Mandatory language.

(a) The purveyor shall provide specific health effects language in the notice when a violation ~~((occurs involving a))~~ involves:

(i) A primary VOC MCL; ((or))

(ii) A secondary fluoride MCL;

(iii) An acute coliform MCL;

(iv) A nonacute coliform MCL;

(v) Granting or continuation of exemption or variance; or

(vi) Failure to comply with a variance or exemption schedule.

(b) Required specific language is contained in the department guideline titled "health effects language for drinking water public notification."

(5) VOC notification procedure.

(a) Availability of results. After receipt of the first analysis results, the purveyor of a COMMUNITY or NTNC water system shall notify persons served by the system of the availability of the results and shall supply the name and telephone number of a contact person.

(i) The purveyor shall initiate notification within three months of the purveyors receipt of the first VOC analysis results. This notification is only required one time.

(ii) Notification shall occur by:

(A) Inclusion in the first set of water bills issued after receipt of the results;

(B) Newspaper notice which shall run at least one day each month for three consecutive months;

(C) Direct mail;

(D) Posting if NTNC system; or

(E) Any other method approved by the department.

(iii) Within three months of receipt of analysis results, purveyors selling water to other public water systems shall provide copies of the analysis results to the purchasing system.

(iv) Within thirty days of receipt of analysis results, purveyors purchasing water shall make results available to their customers. The purveyor's notification shall occur by the method outlined under (a)(i) of this subsection.

(b) Consumer information.

(i) The purveyor shall provide consumer information within twenty-one days of receipt of confirmation sample results when:

(A) A List 1 VOC is confirmed at a concentration greater than a MCL, and the level will not cause the running annual average to exceed the MCL; or

(B) The department determines that a List 2 or List 3 VOC is confirmed at a level greater than a SAL.

(ii) Consumer information shall include:

(A) Name and level of VOC detected;

(B) Location where the VOC was detected;

(C) Any health effects that the VOC could cause at its present concentration;

(D) Plans for follow-up activities; and

(E) Phone number to call for further information.

(iii) Consumer information shall be distributed by any of the following methods:

(A) Notice placed in the major newspaper in the affected area;

(B) Direct mail to customers;

(C) Posting if NTNC system; or

(D) Any other method approved by the department.

(6) Fluoride notification procedure.

When a secondary MCL violation occurs, the purveyor of a COMMUNITY water system shall send notice to:

(a) The department annually;

(b) Water system users annually; and

(c) New billing units added while the violation exists.

(7) When circumstances dictate the purveyor give a broader or more immediate notice to protect public health, the department may require the purveyor's notification by whatever means necessary.

(8) When the state board of health grants a public water system a waiver, the purveyor shall notify customers and new billing units or new hookups before water service begins. The purveyor shall provide a notice annually and send a copy to the department.

(9) The department may give notice to the water system users as required by this section on behalf of the water purveyor. However, the purveyor remains responsible for ensuring the department's requirements are met.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-290-480 ANALYSES AND RECORDS, REPORTING. (1) The purveyor shall keep the following records of operation and water quality analyses:

(a) Records of bacteriological and turbidity analyses shall be kept for five years. Records of chemical analyses shall be kept for as long as the system is in operation. Other records of operation and analyses required by the department shall be kept for three years. All records shall bear the signature of the operator in responsible charge of the water system or his or her representative. Group A systems shall keep these records available for inspection by the department and shall send the records to the department if requested. Actual laboratory reports may be kept or data may be transferred to tabular summaries, provided the following information is included:

(i) The date, place, and time of sampling, and the name of the person collecting the sample;

(ii) Identification of the sample as to whether it was a routine distribution system sample, check sample, raw or drinking water sample, or other special purpose sample;

(iii) Date of analysis;

(iv) Laboratory and person responsible for performing analysis;

(v) The analytical technique/method used; and

(vi) The results of the analysis.

(b) Records of action taken by the system to correct violations of primary drinking water regulations and copies of public notifications shall be kept for three years

after the last action taken with respect to the particular violation involved.

(c) Copies of any written reports, summaries, or communications, relating to ~~((sanitary surveys))~~ CSEs of the system conducted by system personnel, by a consultant or by any local, state, or federal agency, shall be kept for ten years after completion of the ~~((sanitary survey))~~ CSE involved.

(d) Where applicable, daily records of operation and analyses shall include the following:

- (i) Chlorine residual;
- (ii) Fluoride level;
- (iii) Water treatment plant performance including, but not limited to:

- (A) Type of chemicals used and quantity,
 - (B) Amount of water treated, and
 - (C) Results of analyses.
 - (iv) Turbidity; and
 - (v) Other information as specified by the department.
- (2) Reporting.

(a) ~~((Except where a shorter reporting period is))~~

Unless otherwise specified in this chapter, the purveyor shall report ~~((monthly))~~ to the department ~~((Reports shall be submitted prior to the tenth of the following month and include all tests, measurements, or analyses))~~ within forty-eight hours:

(i) The failure to comply with the primary standards under this chapter;

(ii) The failure to comply with the monitoring requirements under this chapter; and

(iii) The violation of a primary MCL.

(b) The purveyor shall submit to the department reports required by this chapter, including tests measurements, and analytic reports. Monthly reports are due before the tenth day of the following month, unless otherwise specified in this chapter.

(c) Water facilities inventory and report form (WFI).

(i) Purveyors of community systems shall submit an annual WFI update to the department~~((:))~~;

(ii) Purveyors of NTNC, TNC, and Group B systems shall submit an updated WFI to the department as requested~~((:))~~; and

(iii) The purveyor shall also submit an updated WFI to the department within thirty days of any change in name, category, ownership, or responsibility for management of the water system.

(d) Bacteriological.

(i) The purveyor shall notify the department of the presence of:

(A) Coliform in a sample, within ten days of notification by the laboratory; and

(B) Fecal coliform or E. coli in a sample, by the end of the business day in which the purveyor is notified by the laboratory. If the purveyor is notified of the results after normal close of business, then the purveyor shall notify the department before the end of the next business day.

(ii) When a coliform MCL violation is determined, the purveyor shall:

(A) Notify the department within twenty-four hours of determining acute coliform MCL violations;

(B) Notify the department before the end of the next business day when a nonacute coliform MCL is determined; and

(C) Notify water system users in accordance with WAC 246-290-330.

(iii) When a monitoring violation occurs, including invalid or expired CSEs, the purveyor shall:

(A) Notify the department of the violation within ten days; and

(B) Notify water system users in accordance with WAC 246-290-330.

WSR 92-04-071

PROPOSED RULES

DEPARTMENT OF HEALTH

(Board of Health)

[Filed February 4, 1992, 3:11 p.m.]

Supplemental Notice to WSR 92-03-143.

Title of Rule: Chapter 246-205 WAC, WAC 246-205-501 through 246-205-580, Local health officer responsibilities.

Purpose: This supplemental notice is to include amendments to the definition section that are necessary to assure clarity.

Statutory Authority for Adoption: RCW 64.44.070.

Statute Being Implemented: Chapter 64.44 RCW.

Summary: These new sections delineate local health officer responsibilities regarding designation of contaminated property as unfit for use, contamination reduction of property, and designation of the decontaminated property as fit for use.

Reasons Supporting Proposal: Some properties are being contaminated by hazardous chemicals used in the manufacture of illegal drugs. Innocent members of the public may be harmed by the chemicals residue when the properties are subsequently rented or sold without having been decontaminated.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Milo Straus, Building 3 Airdustrial Park, Olympia, 586-9120.

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: The 1990 legislature passed SHB 2906, an act relating to properties contaminated by illegal drug manufacturing. This legislation was codified into chapter 64.44 RCW. The law requires local health officers to inspect and post property suspected to be contaminated by illegal drug manufacturing, prohibit use of contaminated property, review decontamination plans, and permit re-use of property upon decontamination.

Proposal does not change existing rules.

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

Hearing Location: Seattle West Coast SeaTac Hotel, 18220 Pacific Highway South, Seattle, WA 98188, on March 11, 1992, at 10:00 a.m.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, 1300 Quince Street, P.O. Box 47902, Olympia, WA 98504-7902, by March 6, 1992.

Date of Intended Adoption: March 11, 1992.

February 2, 1992
 Sylvia Beck
 Executive Director

Chapter 246-205 WAC

~~((CONTRACTOR CERTIFICATION FOR))~~ DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING OR STORAGE SITES

AMENDATORY SECTION (Amending Order 125SB, filed 1/24/91, effective 4/1/91)

WAC 246-205-001 PURPOSE AND AUTHORITY. ~~((+))~~ The purpose of this chapter is to establish department standards and procedures for the certification of contractors and their employees authorized to perform decontamination of illegal drug manufacturing or storage sites. This chapter is adopted jointly by the state board of health and the department of health to implement RCW 64.44.060.

~~(2) Chapter 246-205 WAC applies:~~

~~(a) When an illegal drug manufacturing or storage site is identified; and~~

~~(b) To persons involved with the decontamination of illegal drug manufacturing or storage sites including, but not limited to:~~

- ~~(i) The department;~~
- ~~(ii) Local health officers;~~
- ~~(iii) Authorized contractors and their employees;~~
- ~~(iv) Property owners;~~
- ~~(v) Law enforcement agencies;~~

(1) This chapter is adopted to protect the public's health, safety, and welfare by establishing standards, procedures, and responsibilities for:

(a) The certification of contractors and their employees authorized to perform decontamination of illegal drug manufacturing or storage sites; and

(b) Regulating the occupancy and use of property where hazardous chemicals or chemical residues commonly associated with the manufacture of illegal drugs are or may be present.

(2) The statutory authority for the adoption of this chapter is chapter 64.44 RCW.

(a) Contractor certification rules are jointly adopted by the state board of health and the department of health; and

(b) Rules in this chapter pertaining to local health officers' responsibilities are adopted by the state board of health.

(3) This chapter does not apply to industrial sites where a person's manufacturing process uses a hazardous chemical when licensed or regulated by state or federal agencies.

AMENDATORY SECTION (Amending Order 223SB, filed 12/23/91, effective 1/23/92)

WAC 246-205-010 DEFINITIONS. For the purposes of this chapter, the following words and phrases shall have the following meanings unless the content clearly indicates otherwise.

(1) "Authorized contractor" means any person or persons:

(a) Registered under chapter 18.27 RCW; and
 (b) Certified by the department to decontaminate, demolish, or dispose of contaminated property as required by chapter 64.44 RCW and this chapter.

(2) "Basic course" means a training course which has been sponsored or approved by the department for workers and supervisors who perform or supervise decontamination on illegal drug manufacturing or storage sites.

(3) "Certificate" means a department issued written approval under this chapter.

(4) "Certified" means a person who has department issued written approval under this chapter.

(5) "Contaminated" or "contamination" means polluted by hazardous chemicals so that the property is unfit for human habitation or use due to immediate or long-term hazards. Property that at one time was contaminated but has been satisfactorily decontaminated according to procedures established by the state board of health is not "contaminated."

(6) "Decontamination" means the process of reducing levels of known contaminants to the lowest practical level using currently available methods and processes.

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

(8) "Disposal of contaminated property" means the disposition of contaminated property under the provisions of chapter 70.105 RCW.

(9) "Hazardous chemicals" means the following substances used in the manufacture of illegal drugs:

(a) Hazardous substances as defined in RCW 70.105D.020; and

(b) Precursor substances as defined in RCW 69.43.010 which the state board of health, in consultation with the state board of pharmacy, has determined present an immediate or long-term health hazard to humans.

(10) "Illegal drug manufacturing or storage site" means any property where ~~((the))~~ a person illegally manufactures or ~~((storage of))~~ stores a controlled substance ~~((s occurred or there are reasonable grounds to believe it occurred in violation of chapter 69.43 or 69.50 RCW))~~ or a law enforcement agency or the property owner believes a person illegally manufactured or stored a controlled substance.

(11) "Initial site assessment" means the first evaluation of a property to determine the nature and extent of observable damage and contamination.

(12) "List of contaminated properties" means a list of properties contaminated by illegal drug manufacturing or the storage of hazardous chemicals.

(13) "Local department" means the jurisdictional local health department or district.

(14) "Local health officer" means a health officer or authorized representative as defined under chapters 70.05, 70.08, and 70.46 RCW.

(15) "Person" means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or other entity.

(16) "Posting" means attaching a written or printed announcement conspicuously on property which may be, or is determined to be, contaminated by illegal drug manufacturing or the storage of a hazardous chemical.

(17) "Property" means any site, lot, parcel of land, structure, or part of a structure involved in the illegal manufacture of a drug(s) or storage of a hazardous chemical(s) including but not limited to:

(a) Single-family residences;

(b) Units or multiplexes;

(c) Condominiums;

(d) Apartment buildings;

(e) Motels and hotels;

(f) Boats;

(g) Motor vehicles;

(h) Trailers;

(i) Manufactured housing;

(j) Any ship, booth, or garden; or

(k) Any site, lot, parcel of land, structure, or part of a structure that may ~~((have been))~~ be contaminated by previous use.

~~((+))~~ (18) "Property owner" means a person with a lawful right of possession of the property by reason of obtaining it by purchase, exchange, gift, lease, inheritance, or legal action.

(19) "Refresher course" means a department sponsored or approved biennial training course for decontamination workers and supervisors. An approved refresher course:

(a) Reviews the subjects taught in the initial training course; and

(b) Includes updated information on emerging decontamination technology.

~~((+))~~ (20) "Storage site" means any property ~~((that has been))~~ used for the storage of illegally manufactured controlled substances or hazardous chemicals.

~~((+))~~ (21) "Subcontractor" means a person hired by an authorized contractor for the purpose of providing on-site services.

~~((+))~~ (22) "Supervisor" means a person employed by an authorized contractor who is on site during the decontamination of an illegal drug manufacturing or storage site and who is responsible for the activities performed.

~~((+))~~ (23) "Worker" means a person employed by an authorized contractor who performs decontamination of an illegal drug manufacturing or storage site.

DECONTAMINATION CONTRACTOR CERTIFICATION

LOCAL HEALTH OFFICER RESPONSIBILITIES

NEW SECTION

WAC 246-205-520 **POSTING OF PROPERTY.** (1) Within one working day of notification by a law enforcement agency or property owner that a property may be contaminated by hazardous chemicals, the local health officer shall notify the public of the potential contamination by causing a posting of a notice on the premises.

(2) The local health officer's initial notice shall:

(a) Warn the public that entry to the property may be unsafe; and
(b) Not declare the property unfit for use unless in the local health officer's opinion an immediate public health threat exists.

(3) If, in the local health officer's opinion, an immediate public health threat exists, the local health officer shall cause a posting of an order prohibiting use of all or portions of the property as required under WAC 246-205-560.

(4) The local health officer shall cause the posting, but, based on applicable local regulations or agreements, actual physical attachment of the written notice to the property may be effected by the:

- (a) Health officer;
- (b) Law enforcement personnel;
- (c) Fire department personnel; or
- (d) Other local health officer designee.

NEW SECTION

WAC 246-205-530 **ENVIRONMENTAL ASSESSMENT.** (1) Within fourteen days after a law enforcement agency or property owner notifies the local health officer of potential property contamination, the local health officer shall cause an inspection of the property to commence. To enable the local health officer to determine contamination, the property inspection shall include an acquisition of data such as evidence of hazardous chemical use or storage on site, the presence of chemical stains, or the presence of glassware or other paraphernalia associated with the manufacture of illegal drugs.

(2) As part of the property's inspection, the local health officer shall request copies of any law enforcement reports, forensic chemist reports, and any department of ecology hazardous material transportation manifests needed to evaluate:

- (a) The length of time a person used the property as an illegal drug manufacturing or storage site;
- (b) The size of the site actually used for the manufacture or storage of illegal drugs;
- (c) What chemical process was involved in the manufacture of illegal drugs;
- (d) What chemicals were removed from the scene; and
- (e) The location of the illegal drug manufacturing or storage site in relation to the habitable areas of the property.

(3) The local health officer may coordinate the property's inspection with other appropriate agencies. At the request of the local health officer, the Washington state department of ecology may conduct an environmental assessment and may sample the property's ground water, surface water, septic tank water, soil, and other media as necessary to enable the local health officer to evaluate the long-term public health threats.

(4) If the local health officer determines law enforcement and ecology documents do not provide enough data to determine whether the property is contaminated, the local health officer may conduct a site visit or use other methods of obtaining information, to include a review of the analytical results obtained through sampling of the property by an authorized contractor or by the local health officer.

NEW SECTION

WAC 246-205-540 **EVALUATION.** (1) In making a determination of contamination, the local health officer shall follow guidelines developed by the Washington state department of health or other more stringent guidelines as deemed appropriate. If the local health officer determines that a contaminant is present for which no guidelines exist, and further finds that the contaminant presents a potential immediate or long term health hazard, then the local health officer shall find that the property is unfit for use.

(2) If designated unfit for use, the local health officer shall cause a posting of an order prohibiting use of all or portions of the property as required under WAC 246-205-560.

(3) If the local health officer determines the property is not contaminated and is fit for use, the local health officer shall document the findings for future use. The local health officer's documentation shall include:

- (a) Findings;
- (b) Conclusions;
- (c) Name of the property owner;
- (d) Mailing and street address of the property owner;
- (e) Parcel identification number and legal description of the property; and
- (f) Clear directions for locating the property.

NEW SECTION

WAC 246-205-550 **REPORTING.** (1) When property is determined unfit for use, the local health officer shall report the contaminated property to the state department of health within one working day by:

- (a) Telephone; and
 - (b) In writing within ten working days.
- (2) The local health officer's written unfit for use report to the state department of health shall include:
- (a) Description of the findings;
 - (b) Conclusions;
 - (c) Name of the property owner;
 - (d) Mailing and street address of the property owner;
 - (e) Parcel identification number and legal description of the property to including township and section;
 - (f) Tax account number;
 - (g) Date property designated unfit for use; and
 - (h) Clear directions for locating the property.

NEW SECTION

WAC 246-205-560 **NOTIFICATION.** (1) Within one working day after the local health officer's determination that a property is contaminated, the local health officer or the local health officer's designee shall post in a conspicuous place on the property an order prohibiting use of all or portions of the property.

(2) Within ten working days after the local health officer's determination that a property is contaminated, the local health officer shall cause to be served, either personally or by certified mail, return receipt requested, an order prohibiting use to all known:

- (a) Occupants; and
- (b) Persons having an interest in the property as shown upon the records of the auditor's office of the county in which the property is located.

(3) If the whereabouts of persons described under subsection (2) of this section is unknown and the same cannot be ascertained by the local health officer in the exercise of reasonable diligence, and the health officer makes an affidavit to that effect, then the serving of the order upon such persons may be made by:

- (a) Personal service; or
- (b) Mailing a copy of the order by certified mail, postage prepaid, return receipt requested:

(i) To each person at the address appearing on the last equalized tax assessment roll of the county where the property is located; or

(ii) At the address known to the county assessor.

(4) The local health officer shall also mail a copy of the order addressed to each person or party having a recorded right, title, estate, lien, or interest in the property.

(5) The local health officer's order shall:

- (a) Describe the local health officer's intended course of action;
 - (b) Describe a property owner's penalties for noncompliance with this order;
 - (c) Prohibit a property owner's use of all or portions of the property;
 - (d) Describe what measures a property owner must take to have the property decontaminated; and
 - (e) Indicate the potential health risks involved.
- (6) The local health officer shall:
- (a) File a copy of the order prohibiting use of the property with the county auditor; and
 - (b) Provide a copy of such order to the local building permit department.

(7) The local health officer's order shall advise that:

- (a) A hearing before the local health officer or local health board shall be held upon the request of a person notified of the order as required under this chapter; and
- (b) The person's request for a hearing shall be made within ten days of the local health officer's serving of the order; and
- (c) The hearing shall then be held within not less than twenty days or more than thirty days after the serving of the order; and

(d) In any hearing concerning whether property is fit for use, the property owner has the burden of showing that the property is decontaminated or fit for use.

NEW SECTION

WAC 246-205-570 CONTAMINATION REDUCTION. (1) An owner of contaminated property who desires to reduce the contamination shall use the services of an authorized contractor.

(2) The local health officer shall provide the property owner with a list of authorized contractors upon request.

(3) Before commencing contamination reduction, the property owner shall have a written work plan to reduce contamination of the property prepared by the contractor and approved by the local health officer. The work plan shall outline the contamination reduction and waste disposal procedures the contractor intends to use.

(4) The property owner and the contractor shall follow the state department of health contamination reduction guidelines or other more stringent procedures as deemed appropriate by the local health officer.

(5) The property owner shall be:

(a) Financially responsible for any property testing which may be required to demonstrate the presence or absence of hazardous chemicals;

(b) Financially responsible for the property's contamination reduction and disposal expenses, as well as costs incurred by the local health officer resulting from the enforcement of this chapter;

(c) Responsible for keeping records documenting contamination reduction procedures and submitting notarized copies of all records to the local health officer; and

(d) Responsible for petitioning the local health officer to review the contamination reduction records and to declare the property fit for use.

NEW SECTION

WAC 246-205-580 FIT FOR USE. (1) Within ten working days of a request for review of contamination reduction records, the local health officer:

(a) Shall review the documentation to verify reduction of contamination to acceptable levels for reoccupancy as stated in state department of health guidelines or other more stringent requirements as deemed appropriate by the local health officer;

(b) May visit the property site to assess the thoroughness of the contractor's clean-up;

(c) May require the property owner to provide more extensive testing and assessment of the property site by an independent laboratory or firm qualified to perform such testing and assessment.

(2) If, after review of the information in subsection (1) of this section, the local health officer determines the property has been decontaminated, the local health officer shall within ten working days:

(a) Record a notice in the real property records of the county auditor where the property is located indicating the property is fit for use. The local health officer's notice shall indicate the property has been decontaminated in accordance with the rules of the state department of health;

(b) Notify the property owner by certified mail, return receipt requested, that such notice is recorded in the real property records of the county auditor where the property is located; and

(c) Notify the state department of health that the property is fit for use.

(d) Notify the local building permit department that the property is fit for use.

FEES

WSR 92-04-072
PERMANENT RULES
PARKS AND RECREATION
COMMISSION

[Filed February 4, 1992, 3:45 p.m.]

Date of Adoption: January 31, 1992.

Purpose: Eliminates requirement to wear specific types of full length trousers or walking/hiking shorts.

Citation of Existing Rules Affected by this Order:
Amending WAC 352-32-011.

Statutory Authority for Adoption: RCW 43.51.040.

Pursuant to notice filed as WSR 92-01-106 on
December 18, 1991.

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

January 31, 1992

Jack Shreve

Chairman

AMENDATORY SECTION (Amending WSR 90-20-031, filed 9/25/90, effective 10/26/90)

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 which 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 92-04-073

PROPOSED RULES

BOARD OF

PILOTAGE COMMISSIONERS

[Filed February 5, 1992, 8:56 a.m.]

Original Notice.

Title of Rule: WAC 296-116-110 Details and requirements of renewal applications.

Purpose: To amend the rule for licensure for pilots who retire under a medical disability retirement plan.

Statutory Authority for Adoption: RCW 88.16.035(2).

Statute Being Implemented: RCW 88.16.035(2).

Summary: The proposed rule would allow the board to waive all or part of the written or oral pilotage exam for applicants who had previously retired from piloting under their medical disability retirement plan. The applicant would have to apply for the waiver within five years from the date of their last pilotage exam.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Board of Pilotage Commissioners, Pier 52, Colman Dock, 576-7818.

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: The proposed rule would allow the board to waive all or part of the written or oral pilotage exam for applicants who had previously retired from piloting under their medical disability retirement plan. The applicant would have to apply for the waiver within five years from the date of their last pilotage exam.

Proposal Changes the Following Existing Rules: It is an addition to the rule.

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

Hearing Location: Conference Room, Pier 52, Colman Dock, Seattle, Washington, on March 12, 1992, at 9:00 a.m.

Submit Written Comments to: Admiral Chet Richmond, Pier 52, Colman Dock, 801 Alaskan Way, Seattle, WA 98104-1487, by March 2, 1992.

Date of Intended Adoption: March 12, 1992.

February 4, 1992
Marjorie Smitch
Assistant Attorney General

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

WAC 296-116-110 DETAILS AND REQUIREMENTS OF RENEWAL APPLICATION. (1) All applications for renewal of licenses shall be submitted in writing to the board at least thirty days prior to the expiration date of the license, and be accompanied by a certified check payable to the state treasurer in the amount of the annual license fee. All applicants for renewal of licenses shall be required to display their currently applicable United States government license with radar endorsement issued by the United States Coast Guard.

(2) A pilot, who retires under his/her medical disability retirement plan, may apply for renewal of their pilot's license within five years from the date of their last pilotage assignment, provided they are capable of passing a physical examination without any restrictions as to pilotage duties. The board may, at its discretion, waive all or part of the pilotage examination. The board shall require the pilot to complete a familiarization training program prescribed by the board after a full review of all relevant factors. The board may also prescribe license limitations such as those contained in WAC 296-116-082.

WSR 92-04-074
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS
[Filed February 5, 1992, 8:59 a.m.]

Original Notice.

Title of Rule: WAC 296-116-2051 Vessel certification form.

Purpose: The amended form would seek certain safety information with respect to dead ship movements.

Statutory Authority for Adoption: RCW 88.16.155(7).

Statute Being Implemented: RCW 88.16.155(7).

Summary: The present form seeks vessel certification from the master and the pilot that a vessel complies with, among other things, USCG regulations and other safety items. The present form does not address dead ship movements. The amended form would require certification from the vessel owner or the owner's representatives relative to safety when a dead ship is moved.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Board of Pilotage Commissioners, Pier 52, Colman Dock, Seattle, 576-7818.

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: The present vessel certification form seeks certification from the master and the pilot that a vessel complies with, among other things, USCG regulations and other safety items. The present form does not address dead ship movements. The amended form would require certification from the vessel owner or the owner's representatives relative to safety when a dead ship is moved.

Proposal Changes the Following Existing Rules: It only changes present rule by requiring more information. It does not delete any provisions presently on the form.

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

Hearing Location: Conference Room, Pier 52, Colman Dock, Seattle, Washington, on March 12, 1992, at 9:00 a.m.

Submit Written Comments to: Admiral Chet Richmond, Pier 52, Colman Dock, 801 Alaskan Way, Seattle, WA 98104-1487, by March 2, 1992.

Date of Intended Adoption: March 12, 1992.

February 4, 1992
Marjorie Smitch
Assistant Attorney General

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-4, filed 7/28/83)

WAC 296-116-2051 VESSEL CERTIFICATION FORM.

Washington State Board of Pilotage Commissioners

Date:

Vessel Name:

Flag:

MASTER'S CERTIFICATION

I,, Master of this vessel, certify the following information:

Table with 2 columns: YES, NO. Rows include: Is the engine room properly staffed, the engine able to maneuver, and all related equipment in good order? Does this ship meet United States Coast Guard regulations governing safety and navigation? Does this vessel comply with current international agreements governing safety and radio equipment? Is this vessel leaking oil? Is this vessel experiencing propulsion or maneuvering difficulties?

I have notified the United States Coast Guard Captain of the Port of any deficiencies noted above and he has authorized the vessel to proceed. Any such deficiencies will be corrected before the time the vessel is scheduled to leave the waters of Washington state.

Master's Signature

PILOT'S REPORT

I,, a pilot licensed by the state of Washington, certify that upon boarding the above-named vessel on this date I requested to see the following certificates:

CERTIFICATE	ACCEPTABLE	NOT READILY AVAILABLE	UNACCEPTABLE
SOLAS Certificate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FMC Certificate of Financial Responsibility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

.....
Pilot's Signature

DEAD SHIP MOVEMENT

I,, owner or agent's representative of this vessel, certify the following information:

	YES	NO
<u>Is the vessel leaking oil?</u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Are the lights per COLREGS?</u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Is the proper communication established with tugs and VTS?</u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Are thru hull fittings secured?</u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Is the vessel in all respects seaworthy for transit?</u>	<input type="checkbox"/>	<input type="checkbox"/>

.....
Owner or Agent's Representative

WSR 92-04-075
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS
[Filed February 5, 1992, 9:02 a.m.]

Original Notice.

Title of Rule: WAC 296-116-082 Limitations on new pilots.

Purpose: To extend the limitations on new pilots to five years, consistent with the legislative change to RCW 88.16.105.

Statutory Authority for Adoption: RCW 88.16.105.

Statute Being Implemented: RCW 88.16.105.

Summary: The 1991 legislature amended the Pilotage Act by increasing, from three to five years, the period in which limitations applied to newly licensed pilots.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Board of Pilotage Commissioners, Pier 52, Colman Dock, 576-7818.

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: The 1991 legislature amended the Pilotage Act by increasing, from three to five years, the period in which limitations applied to newly licensed pilots. The limitations apply to type, size, and tonnage of vessels.

Proposal Changes the Following Existing Rules: The limitations are broadened and spread over five years instead of three.

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

Hearing Location: Conference Room, Pier 52, Colman Dock, Seattle, Washington, on March 12, 1992, at 9:00 a.m.

Submit Written Comments to: Admiral Chet Richmond, Pier 52, Colman Dock, 801 Alaskan Way, Seattle, WA 98104-1487, by March 2, 1992.

Date of Intended Adoption: March 12, 1992.

February 4, 1992

Marjorie Smith

Assistant Attorney General

AMENDATORY SECTION (Amending Order 89-6, Resolution No. 89-6, filed 9/1/89, effective 10/2/89)

WAC 296-116-082 LIMITATIONS ON NEW PILOTS. ((The initial license issued by the board to a new pilot shall not authorize such pilot to perform pilotage services on any vessel of a size of 25,000 gross tons (International) or more, or of over 660 feet in length for the first year that such licensee becomes an active pilot. During this first year the licensee will not be authorized to pilot loaded petroleum tankers. During the second year of piloting under an initial license the pilot may perform pilotage on vessels in excess of 25,000 gross tons (International) and up to 35,000 gross tons (International) if such pilotage does not include the docking or undocking of the vessel. During the third year of piloting under an initial license the pilot may perform pilotage on vessels not over 35,000 gross tons (International), however, the pilot may perform pilotage on vessels in excess of 35,000 gross tons (International) if such pilotage does not include the docking or undocking of the vessel. The initial license shall contain the above limitations and the date of the commencement and expiration of such periods of limitation. The board shall also prescribe required familiarization trips before a newly licensed pilot may pilot a larger or different type of vessel. Prior to the pilot's third anniversary, the licensee shall provide the board with a certificate or other written proof that the pilot has completed a course of continuing education at an accepted simulator school or other recognized ship handling institution. This shall be done before all restrictions are lifted from the pilot's license.)) (1) The following limitations shall apply to a newly licensed pilot during his/her first five years of active service. Except where otherwise noted, the pilotage assignment may include docking and undocking of vessels within the tonnage limitations. All tonnages referred to are international tonnages.

(2) Progressive lifting of tonnage limitations requires a newly licensed pilot to satisfactorily complete the familiarization/training trips listed under the supervision of a five-year pilot. This veteran pilot shall complete and submit an evaluation form for each trip a new pilot performs. All of these trips must, if practical, be completed during the last ninety days of the license year.

(3) Puget Sound pilotage district - License limitations.

(a) First year:

(i) Not authorized to pilot loaded petroleum tankers.

(ii) Not authorized to pilot any vessels in excess of 25,000 gt or 660' in length or any passenger vessels in excess of 5,000 gt.

(b) Second year:

(i) Not authorized to pilot loaded petroleum tankers in excess of 25,000 gt.

(ii) Not authorized to pilot any vessels in excess of 35,000 gt.

(c) Third year:

(i) Not authorized to pilot loaded petroleum tankers in excess of 35,000 gt.

(ii) Not authorized to pilot any vessels in excess of 45,000 gt.

(d) Fourth year:

(i) Not authorized to pilot loaded petroleum tankers in excess of 35,000 gt.

(ii) Not authorized to pilot any vessels in excess of 60,000 gt.

(e) Fifth year:

(i) Not authorized to pilot loaded petroleum tankers in excess of 45,000 gt.

(ii) Not authorized to pilot any vessels in excess of 75,000 gt.

(4) Puget Sound pilotage district - Familiarization/training trips.

(a) Prior to the expiration of the first license year, a new pilot must make three familiarization/training trips, two of which shall involve docking loaded petroleum tankers of not more than 25,000 gt; and the third trip shall involve a bridge and waterway transit of a vessel between 25,000 and 35,000 gt.

(b) Prior to the expiration of the second license year, a new pilot must make three familiarization/training trips, two of which shall involve docking loaded petroleum tankers between 25,000 and 35,000 gt; and the third trip shall involve the docking of a vessel between 35,000 and 45,000 gt.

(c) Prior to the expiration of the third license year, a new pilot must make two familiarization/training trips which shall involve the docking of vessels between 45,000 and 55,000 gt other than loaded petroleum tankers.

(d) Prior to the expiration of the fourth license year, a new pilot must make three familiarization/training trips which shall involve docking loaded petroleum tankers of between 35,000 and 45,000 gt.

(e) Prior to the expiration of the fifth license year, a new pilot must make three familiarization/training trips which shall involve docking loaded petroleum tankers of 55,000 gt or larger.

(5) Grays Harbor pilotage district - License limitations.

(a) First year:

(i) Not authorized to pilot loaded tankers or barges carrying chemical or petroleum products.

(ii) Not authorized to pilot any vessels in excess of 17,500 gt.

(iii) Not authorized to pilot vessels in excess of 550' in length through the Chehalis River bridges.

(b) Second year:

(i) Not authorized to pilot loaded tankers or barges carrying chemical or petroleum products in excess of 10,000 gt.

(ii) Not authorized to pilot any vessels in excess of 20,000 gt.

(c) Third year: Not authorized to pilot any vessels in excess of 22,500 gt.

(d) Fourth year: Not authorized to pilot any vessels in excess of 25,000 gt.

(e) Fifth year: Not authorized to pilot any vessels in excess of 27,500 gt.

(6) Grays Harbor pilotage district - Familiarization/training trips.

(a) Prior to the expiration of the first license year, a new pilot must make four familiarization/training trips. Two of these trips shall be through the Chehalis River bridges on vessels in excess of 550' in length. The other trips may be elsewhere on the waterway but shall be on vessels in excess of 17,500 gt.

(b) Prior to the expiration of the second license year, a new pilot must make three familiarization/training trips on vessels in excess of 20,000 gt. Two of these trips shall involve docking and passage to or from the sea buoy; and one of these trips shall involve turning the vessel in the waterway.

(c) Prior to the expiration of the third license year, a new pilot must make three familiarization/training trips on vessels in excess of 25,000 gt to or from the sea buoy. Two of these trips shall involve docking these vessels.

(d) Prior to the expiration of the fourth license year, a new pilot must make three familiarization/training trips on vessels in excess of 27,500 gt or on the nearest larger size vessels available. Two of these trips shall involve docking these vessels; and one of these trips shall involve turning the vessel in the waterway.

(e) Prior to the expiration of the fifth license year, a new pilot must make three familiarization/training trips on vessels in excess of 30,000 gt or on the nearest larger size vessels available.

(7) The initial license shall contain the limitations contained above and list the date of commencement and expiration of such periods. If a newly licensed pilot is unable to pilot for forty-five days or more in any one of the five years, he shall notify the board and request a revised schedule of limitations.

(8) No pilot shall be dispatched to, or accept an assignment on, any vessel which exceeds the limitations of his/her license. On vessels in which there is more than one pilot assigned, the license limitations shall apply only to the pilot in charge.

(9) All limitations on a new pilot's license shall be lifted at the beginning of the sixth year of piloting provided he/she has submitted to the board a statement attesting to the fact that he/she has completed all the required familiarization/training requirements and the vessel simulator courses required.

WSR 92-04-076

PROPOSED RULES

WASHINGTON STATE LIBRARY

[Filed February 5, 1992, 10:17 a.m.]

Original Notice.

Title of Rule: Washington Council on Continuing Education.

Purpose: Change make up of council to include a nonlibrarian.

Statutory Authority for Adoption: RCW 27.04.030.

Summary: Change make up of council to include a nonlibrarian.

Reasons Supporting Proposal: To expand council to give a broader perspective to their decision-making process.

Name of Agency Personnel Responsible for Drafting: Linda Matson, Washington State Library, 753-2914; Implementation and Enforcement: Nancy Zussy, Washington State Library, 753-2915.

Name of Proponent: Washington State Library Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To expand make up of the council to give a broader perspective to their decision-making process.

Proposal Changes the Following Existing Rules: Adds a nonlibrarian to the council.

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

This rule has no effect on business.

Hearing Location: Washington State Library Commission Quarterly Meeting, Office of the Superintendent of Public Instruction, Olympia, Washington 98504, on March 13, 1992, at 10:00 a.m.

Submit Written Comments to: Linda Matson, by March 2, 1992.

Date of Intended Adoption: March 13, 1992.

February 5, 1992

Nancy Zussy
State Librarian

AMENDATORY SECTION (Amending Order 87-02, filed 10/6/87)

WAC 304-12-030 WASHINGTON COUNCIL ON CONTINUING EDUCATION CREATED—APPOINTMENTS—TERMS—EXPENSES. A Washington council on continuing education is hereby created which shall consist of fifteen persons appointed for two-year terms. Six persons shall be appointed by the Washington state library commission. The appointments shall reflect representation from a variety of types of library personnel ((and)), related persons, including public library trustees, librarians, and at least one nonlibrarian. Nine organizations shall also be represented, each to designate one person assigned responsibility. Those organizations shall be as follows: Washington state library, University of Washington graduate school of library and information science, Washington library association, Washington library media association, community college library and media specialists, Pacific Northwest chapter of the special library association, council of Spokane area libraries, Pacific Northwest health sciences library service, and the Washington chapter of the association of college and research libraries. Initial terms for organizational representatives will be three years and then two years thereafter. Members may be reappointed; however, no member shall serve more than two terms consecutively. Vacancies shall be filled by appointment for the unexpired term. The council members shall serve without compensation, but will be reimbursed for subsistence, lodging, and travel expenses for council meetings and approved business of the council in

accordance with the provisions of the Washington state travel regulations.

WSR 92-04-077
PROPOSED RULES
SECRETARY OF STATE
(Productivity Board)
 [Filed February 5, 1992, 10:36 a.m.]

Original Notice.

Title of Rule: Chapter 383-07 WAC, Teamwork incentive program (TIP).

Purpose: WAC 383-07-020, to add definition of executive director, to further define "cost savings" and to make housekeeping changes; WAC 383-07-030, to make housekeeping changes; WAC 383-07-040, to expand the duties of the program administrator and to change the title of that position to that of program manager; WAC 383-07-045, to include in the responsibilities of agency management the continuance of any gains made and to make housekeeping changes; WAC 383-07-050, to expand the responsibilities of the TIP liaison to include creation of an executive summary and coordination of agency recognition of teams and to make housekeeping changes; WAC 383-07-060, to make housekeeping changes; WAC 383-07-070, to clarify the requirements for teams to reapply for a consecutive year in the teamwork incentive program and to make housekeeping changes; WAC 383-07-080, to require the submission of each team member's social security numbers with the application and to make housekeeping changes; WAC 383-07-090, to make housekeeping changes; WAC 383-07-100, to make housekeeping changes; WAC 383-07-115, a new section, to outline the requirements necessary to evaluate savings; WAC 383-07-120, to limit the amount of individual awards to be consistent with the brainstorm program, to stipulate how TIP awards are to be paid, and to make housekeeping changes; and WAC 383-07-130, to make housekeeping changes.

Statutory Authority for Adoption: Chapter 41.60 RCW.

Statute Being Implemented: Chapter 41.60 RCW.

Summary: To limit the amount of individual awards within a TIP team; to clarify the definition of "cost savings"; and to make housekeeping changes.

Reasons Supporting Proposal: These changes keep the TIP WACs in compliance with the brainstorm program and chapter 41.60 RCW.

Name of Agency Personnel Responsible for Drafting and Implementation: Carolyn Smith, 2nd Floor, Legislative Building, 586-3789; and **Enforcement:** Linda Mackintosh, 2nd Floor, Legislative Building, 586-8424.

Name of Proponent: Productivity Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Team members are awarded by dividing the team award amount (25% of savings to the state n [in] the year) by the number of FTE's that participated. The

limiting of individual award amount would put a cap on the amount of awards that can be paid out to team members. While no individual award has reached that amount to date, it is prudent to place this type of upper limit on the award process.

Revenue generating is not spelled out as a method of cost savings for the state. This rule is to spell that out and has an unofficial AG statement supporting this language. No changes are expected because of this rule as it has been existing practice.

There are several housekeeping rule changes. One is to consistently name the teams, to clarify the authority of the executive director and the program manager, and to clarify the process for teams who wish to reapply to the program.

Proposal Changes the Following Existing Rules: [No information supplied by agency.]

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

Hearing Location: Office of the Secretary of State, 2nd Floor, Legislative Building, Olympia, Washington, on March 16, 1992, at 11-12.

Submit Written Comments to: Linda Mackintosh, P.O. Box 40244, Olympia, WA 98504-0244, by March 13, 1992.

Date of Intended Adoption: April 3, 1992.

February 5, 1992

Linda L. Mackintosh

Executive Director

AMENDATORY SECTION (Amending Order 88-1, filed 7/14/88)

WAC 383-07-020 **DEFINITIONS.** As used in this chapter, these definitions refer only to the teamwork incentive program unless the context requires otherwise:

- (1) "Board" means productivity board.
- (2) "Executive director" is the administrator of the programs and staff to the productivity board.
- (3) "Program" means teamwork incentive program developed by the productivity board under chapter 41.60 RCW, and is frequently abbreviated as TIP.
- ~~((3))~~ (4) "Program (~~(administrator)~~) manager" refers to the person hired by the (~~(board)~~) executive director to administer the program known as TIP.
- ~~((7))~~ (5) "The act" referred to in this chapter is chapter 41.60 RCW.
- ~~((5))~~ (6) "Agency" includes every subdivision of state government eligible to participate under chapter 41.60 RCW, including all merit system agencies and institutions of higher education.
- ~~((6))~~ ~~Unit^a~~ (7) "Team" means a subdivision with a common mission within (~~(an agency)~~) or between agencies. A (~~(unit)~~) team may also be referred to as a (~~(team^a)~~) "unit" or a "group".
- ~~((7))~~ (8) "Director" means the appointed or elected chief executive of the agency.
- ~~((8))~~ (9) "Supervisor" means the person responsible for unit operations in accordance with WAC 356-05-400 or 251-01-395. (Merit system rules and higher education personnel board rules defining supervisor.)
- ~~((9))~~ (10) "Steering committee" means a representative group of individuals responsible for planning and implementation of TIP within an agency.
- ~~((10))~~ (11) "Liaison" means the individual who is the key contact from an agency to the productivity board. The TIP liaison is a member of the steering committee in agencies using them.
- ~~((11))~~ (12) "Award" means the percentage of savings allowed by chapter 41.60 RCW.
- ~~((12))~~ (13) "Cost savings" refers to cost efficiencies which occurred as a result of productivity improvements. Cost savings may be reflected in budget reductions and/or cost containment. Gains to state funds may be reflected in higher receipts or revenue recoveries as a result of improved methods used by the team.

~~((+3))~~ (14) "Outcome" refers to the accomplishments or results achieved by the unit.

~~((+4))~~ (15) "Project year" means the twelve-month period during which performance and fiscal measures are monitored.

AMENDATORY SECTION (Amending Order 88-1, filed 7/14/88)

WAC 383-07-030 FUNCTIONS OF THE BOARD. The responsibilities of the board shall include:

(1) Promotion and marketing of the program to agency directors and the legislature;

(2) Establishment of policies under which the program shall be promoted and administered, including guidelines cited in WAC 383-07-045, 383-07-050, and 383-07-060 concerning the responsibilities of agency management, TIP liaisons and agency employees;

(3) Adoption of rules and regulations necessary for the administration of this act;

(4) Final determination in approving ~~((omit))~~ team participation in the teamwork program;

(5) Final approval of any amount awarded to an eligible ~~((omit))~~ team;

(6) Submission of reports required by chapter 41.60 RCW.

AMENDATORY SECTION (Amending Order 88-1, filed 7/14/88)

WAC 383-07-040 DUTIES OF THE PROGRAM ~~((ADMINISTRATOR))~~ MANAGER. The program ~~((administrator))~~ manager shall report to the executive director and be responsible and accountable to the board for the administration of the program, and shall:

(1) Attend meetings of the board and ensure a record of its actions regarding the program is maintained.

(2) Propose policies, rules, and regulations appropriate for the administration of the program.

(3) Establish and maintain records and procedures necessary for the administration and maintenance of the program.

(4) Interact with agency managers regarding team participation and facilitate understanding and involvement in the program.

(5) Review applications and reports submitted by ~~((omits))~~ teams to ensure compliance with chapter 41.60 RCW and to recommend necessary changes.

~~((5) Supervise staff and)~~ (6) Interface with agency TIP liaisons and/or other agency personnel about the program.

AMENDATORY SECTION (Amending Order 88-1, filed 7/14/88)

WAC 383-07-045 RESPONSIBILITIES OF AGENCY MANAGEMENT. Under the following guidelines, agency management shall be responsible for facilitating agency involvement at all stages of the teamwork program, including the following:

(1) Promotion and administration of the TIP program within the agency, offering assistance in the completion of ~~((omit))~~ team applications, including documentation of approval and denial of applications;

(2) Providing support throughout ~~((omit))~~ team participation in the TIP project through encouragement, records management and training assistance, and facilitating cooperation between shifts, other units, other divisions, etc.;

(3) Review of quarterly and final TIP reports, verifying sustained or improved performance and quality measures, and fiscal impact;

(4) Cooperation and assistance in recognizing TIP ~~((omits))~~ teams for their efforts and achievements, including timely payment of awards.

(5) Insurance that gains obtained during the TIP-year are sustained.

The agency head shall appoint an individual as TIP liaison to coordinate agency TIP activities with the productivity board. A group of individuals, including the agency TIP liaison, may be designated as a steering committee within the agency to implement and maintain the program.

AMENDATORY SECTION (Amending WSR 89-19-006, filed 9/7/89, effective 10/8/89)

WAC 383-07-050 RESPONSIBILITIES OF THE TIP LIAISON. The TIP liaison, under these guidelines, serves as the primary link between the board and the agency, and is responsible and accountable to agency management. The TIP liaison shall:

(1) Coordinate the TIP program within the agency as a key member of the agency's TIP steering committee or as an individual liaison between the agency and the board.

(2) Oversee the completion and submission of all TIP applications, working within agency chain of command and with productivity board staff. Ensure that all applications meet the criteria established by RCW 41.60.100, WAC 383-07-070 and 383-07-080. Ensure an executive summary for board meeting packets is prepared and submitted with the TIP application.

(3) Monitor on-going TIP activities within the agency, reviewing all quarterly reports for completeness and accuracy and transmit reports to the program ~~((administrator))~~ manager in a timely manner.

(4) Represent the agency on TIP-related issues at board meetings. Attend regularly scheduled board meetings when the agenda includes TIP projects or issues relevant to the agency.

(5) Promote and market the program within the agency through on-site presentations, written communications, facilitation of meetings and other effective means to acquaint employees and supervisors with the purpose and benefits of the program. Coordinate recognition of groups completing the year-long project.

(6) Ensure that award authorizations are processed, and that payments are made to individuals in a timely manner.

(7) Identify and encourage use of internal resources, such as training staff and management analysts, to assist units participating in TIP.

(8) Identify and encourage use of other resources inside and outside state government, such as the state energy office, the career executive program, and other knowledgeable experts.

(9) Coordinate with agency management and the board recognition of groups completing the year-long project.

AMENDATORY SECTION (Amending WSR 89-19-006, filed 9/7/89, effective 10/8/89)

WAC 383-07-060 EMPLOYEE RESPONSIBILITIES. Employees within a unit form a team under these guidelines. As team members, individuals should:

(1) Understand the mission of the ~~((omit))~~ team and be aware of performance goals and fiscal targets identified as a baseline in the TIP ~~((data-base))~~ application.

(2) Identify areas which the team should address as a means to improve performance outcomes.

(3) Share ideas with other team members and build upon ideas shared by others.

(4) Propose efficiencies and develop action plans designed to achieve and maintain ongoing productivity gains.

(5) Submit action plans to management as needed to implement proposals.

(6) Implement changes and evaluate their effectiveness.

AMENDATORY SECTION (Amending Order 88-1, filed 7/14/88)

WAC 383-07-070 APPLICATION PROCEDURES. Units interested in being considered for participation in the teamwork incentive program shall complete a TIP application form.

(1) Application forms shall be available from the productivity board office or the TIP liaison within the agency.

(2) Applications which are approved by the agency shall be submitted by the TIP liaison to the program ~~((administrator))~~ manager.

(3) Applications should be submitted prior to the beginning of the project year and must be received by the board staff by the 10th of the month preceding board action to approve a ~~((omit's))~~ team's participation in the teamwork incentive program.

(4) Applications presented to the board for action shall contain authorizing signatures and outcome and fiscal information.

(5) In accordance with RCW 41.60.110 (1)(b), ~~((omits))~~ teams completing a TIP project year may reapply by the submission of an abbreviated application, including authorizing signatures, timeframes and either a confirmation of the previous results and/or revised performance measures as the ~~((data-base))~~ baseline to be used.

AMENDATORY SECTION (Amending WSR 89-19-006, filed 9/7/89, effective 10/8/89)

WAC 383-07-080 APPLICATION FORMAT. For applications to be considered by the board, units interested in participating in the teamwork incentive program must meet these eligibility criteria:

(1) An identification of the ~~((data-base))~~ baseline as specified in RCW 41.60.110(1), against which savings shall be evaluated at the end of the project year, including the following:

(a) A general description of the ~~((omit))~~ team and its mission;

(b) Performance measures which quantify the workflow and outcome measures of the ((omit)) team;

(c) Fiscal information pertinent to outcomes;

(d) A list of participating personnel and their Social Security numbers, with special notation of those working less than full time; and

(e) A statement of how the ((omit)) team expects to achieve gains.

(2) Signatures of agency management authorizing the ((omit)) team's participation in the TIP project, including:

(a) The head of the agency in which the ((omit)) team is located or his or her designee;

(b) The supervisor/manager of the participating unit;

(c) The appropriate fiscal/budget officer of the agency; and

(d) Other signatures specified by the agency, such as the personnel manager and division directors.

AMENDATORY SECTION (Amending WSR 89-19-006, filed 9/7/89, effective 10/8/89)

WAC 383-07-090 APPROVAL OR DENIAL OF THE APPLICATION. Upon receipt of the official application, the program ((administrator)) manager shall:

(1) Review the application for completeness and accuracy, coordinating with the agency TIP liaison on any points needing clarification.

(2) Schedule the application for board action at the next appropriate meeting.

(3) Prepare an executive summary about the ((omit)) team, its performance measures and its TIP goals to be sent to board members prior to scheduled action.

(4) Make a recommendation to board members concerning the application, based on whether or not the application is reasonable and practical and includes program indicators which lend themselves to a judgment of success or failure.

(5) The board may approve or deny an application based upon whether or not the proposal is deemed reasonable, practical and includes program indicators which lend themselves to a judgment of success or failure.

(6) Communicate with the TIP liaison and interested others about dates for the anticipated board action on the application, the quarterly reports and the anticipated final review and approval of any ((omit)) team award.

AMENDATORY SECTION (Amending WSR 89-19-006, filed 9/7/89, effective 10/8/89)

WAC 383-07-100 REPORTS TO THE PRODUCTIVITY BOARD. Each ((omit)) team accepted to participate in the program shall submit regular progress reports to the board through the agency's TIP liaison.

(1) Quarterly reports shall be submitted to the board in accordance with a schedule arranged by the program ((administrator)) manager and shall contain, as a minimum, the following information:

(a) An update on ((omit)) team accomplishments relative to TIP performance measures;

(b) An update on personnel changes; and

(c) An indication of quality of outcomes.

(2) Final reports shall be submitted to the board within three months following the TIP completion date and shall include, as a minimum, the following information:

(a) Annual accomplishments relative to TIP performance measures as compared to TIP ((data-base)) baseline measures, expressed in both quantitative and qualitative terms, including the total net savings, the ((omit)) team award and the amount of a full award share;

(b) A list of personnel eligible to receive full award shares;

(c) A list of personnel eligible to receive partial award shares, based on the fraction of the year each has worked for the unit;

(d) A statement of quality of services written by agency management; and

(e) Specific information requested by the program ((administrator)) manager on behalf of the board.

(3) In their final report, the ((omit)) team shall submit documentation which quantifies performance measures, fiscal measures, and outcome measures for the TIP project year. Acceptable documentation may include, but is not limited to:

(a) Fiscal documents, such as budgets and accounting reports;

(b) Agency management reports quantifying outcomes;

(c) Reports from other agencies, such as the state energy office or federal agencies;

(d) Reports made to other agencies or governmental units;

(e) Personnel reports quantifying overtime hours;

(f) Other reports relevant to TIP performance outcomes and operational costs.

(4) The program ((administrator)) manager may extend due dates for reports.

NEW SECTION

WAC 383-07-115 EVALUATION OF SAVINGS. Teams must demonstrate cost efficient operations during the TIP year through lower costs, improved productivity, and/or higher level of receipts with no decrease in level of service. Legitimate cost efficiencies are savings or gains to the state and may be achieved in one or more of the following ways:

(1) Net cost reductions, when spending levels decrease;

(2) Cost containment or cost avoidance, when spending levels are not reduced but additional funding does not have to be requested to handle increased workloads;

(3) Revenue recoveries, when more moneys owed to the state are collected as a result of enhanced operations leading to higher yield of receipts; or

(4) Other means considered by the board to represent true costs savings or enhanced generation of revenue.

AMENDATORY SECTION (Amending WSR 89-19-006, filed 9/7/89, effective 10/8/89)

WAC 383-07-120 DISTRIBUTION OF AWARDS. Awards shall be distributed to employees and supervisors of the unit identified as team members in the final report as follows:

(1) If the board determines in its judgment that a ((omit)) team qualifies for an award, the board shall authorize payment of the award to the ((employees and supervisors of the unit)) team a percentage of net savings as specified in RCW 41.60.120.

(2) The ((omit)) team award shall be divided and distributed in equal shares to ((employees and supervisors of the unit)) members of the team, except those who have worked within the ((omit)) team for less than twelve months of the TIP-year or less than full time during the twelve months of the project shall receive a pro rata share based upon the fraction of the TIP-year worked.

(3) ((Units)) No individual share of the team award shall exceed the maximum suggestion award allowed in RCW 41.60.041(2).

(4) Funds for paying awards shall be drawn from the agency in which the team is located. Awards for generating increased revenue to a state fund or account may be paid from the benefitted fund or account. In the case of general fund revenue, the award shall be drawn from the general fund in accordance with productivity board policy.

(5) Teams not demonstrating cost efficiencies may receive special recognition of merit in the form and manner determined by the board.

AMENDATORY SECTION (Amending WSR 89-19-006, filed 9/7/89, effective 10/8/89)

WAC 383-07-130 AWARD AUTHORIZATION AND PAYMENT PROCEDURES. Following approval of a teamwork incentive award by the productivity board, the ((program administrator)) executive director shall submit a notice to the agency authorizing payment of awards in accordance with RCW 41.60.120.

(1) The award authorization notice shall include:

(a) The total amount of savings;

(b) The unit award based upon the percentage specified by RCW 41.60.120; and

(c) A list of employees and the amount of each individual's award share.

(2) The award authorization notice shall be sent to the agency's TIP liaison for processing payments of awards and fees. A copy of the authorization shall be forwarded to the ((omit)) team supervisor.

(3) The award authorization notice shall be sent as soon as possible following board action.

(4) The agency shall arrange for payment of awards in a timely manner.

WSR 92-04-078
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed February 5, 1992, 10:45 a.m.]

Original Notice.

Title of Rule: Amending WAC 458-18-010 Deferral of special assessments and/or property taxes—Definitions; and 458-18-020 Deferral of special assessments and/or property taxes—Qualifications for deferral.

Purpose: To comply with amendatory legislation and require claimants to first apply for exemptions under RCW 84.36.381 to 84.36.389, to the extent eligible.

Statutory Authority for Adoption: RCW 84.38.180.

Statute Being Implemented: RCW 84.38.020 and 84.38.030.

Summary: These rules will replace emergency rules and implement 1991 amendatory legislation.

Reasons Supporting Proposal: To comply with recent amendatory legislation.

Name of Agency Personnel Responsible for Drafting: James Winterstein, 711 Capitol Way, #205, Olympia, (206) 586-4283; Implementation and Enforcement: William Rice, 6004 Capitol Boulevard, Tumwater, (206) 753-5503.

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: These rules amend existing rules which define "claimant" and explain the qualifications for deferral of property tax for specified claimants.

Proposal Changes the Following Existing Rules: To comply with amendatory legislation.

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 these rules in order to lessen the economic impact on small businesses.

A small business economic impact statement is not required for the following reason(s): There is no effect on any small business. These rules apply to the property taxes owed by natural persons on their personal residences.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on March 25, 1992, at 10:30 a.m.

Submit Written Comments to: James A. Winterstein, Administrative Law Judge, Department of Revenue, P.O. Box 47458, Olympia, WA 98504-7458, by March 25, 1992.

Date of Intended Adoption: April 1, 1992.

February 4, 1992
 William N. Rice
 Assistant Director

AMENDATORY SECTION (amending Order PT 88-9, filed 6/9/88)

WAC 458-18-010 DEFERRAL OF SPECIAL ASSESSMENTS AND/OR PROPERTY TAXES—DEFINITIONS. (1) "Claimant" means a person who ~~((is receiving a property tax exemption under~~

~~RCW 84.36.381 through 84.36.389 and who))~~ either elects or is required under RCW 84.64.030 or 84.64.050 to defer payment of the special assessments and/or real property taxes on his or her residence. If two individuals of a household seek to defer, they must determine between them as to who the claimant shall be.

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

(3) "Equity value" means the amount by which the true and fair value of a residence as shown on the county property tax rolls for the year the deferral is to be made exceeds the total amount of all liens, obligations and encumbrances against the property excluding the deferral liens.

(4) "Special assessment" means the charge or obligation imposed by a city, town, county or other municipal corporation upon property specially benefited by a local improvement as provided in chapters:

(a) 35.44 RCW—Local improvements—Assessments and reassessments (cities and towns)

(b) 36.88 RCW—County road improvement districts (counties)

(c) 36.94 RCW—Sewer, water and drainage systems (counties)

(d) 53.08 RCW—Powers (port districts)

(e) 54.16 RCW—Powers (public utility districts)

(f) 56.20 RCW—Utility local improvement districts (sewer districts)

(g) 57.16 RCW—Comprehensive plan—Local improvement districts (water districts)

(h) 86.09 RCW—Flood control districts—1937 Act (flood control)

(i) 87.03 RCW—Irrigation districts generally (irrigation)

along with any others that may be relevant.

The term does not include the charge or obligation for services specially benefiting property not involving the construction of permanent improvements to real property, e.g., mosquito control, weed control, etc.

(5) "Real property taxes" means ad valorem property taxes levied on a residence in this state. It includes foreclosure costs, interest and penalties accrued to the date the declaration for deferral is filed.

(6) "Fire and casualty insurance" means a policy with an insurer that is authorized to insure property in this state by the state insurance commission.

(7) "Lien" means any interest in property given to secure payment of a debt or performance of an obligation, and shall include a deed of trust. It shall include the total amount of assessments and/or property taxes deferred and the interest thereon.

AMENDATORY SECTION (Amending Order PT 88-9, filed 6/9/88)

WAC 458-18-020 DEFERRAL OF SPECIAL ASSESSMENTS AND/OR PROPERTY TAXES—QUALIFICATIONS FOR DEFERRAL. A person may defer payment of special assessments and/or real property taxes on ~~((his property that is receiving an exemption under RCW 84.36.381 through 84.36.389 on))~~ up to eighty percent of the amount of his equity value in said property if the following conditions are met:

(1) The claimant must have owned, at the time of filing, the residence on which the special assessment and/or real property taxes have been imposed. For purposes of this subsection a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse and cotenant. A claimant who has only a share ownership in cooperative housing, a life estate, a lease for life or a revocable trust does not satisfy the ownership requirement.

(2) If the amount deferred is to exceed one hundred percent of the claimant's equity value in the land or lot only, the claimant must have and keep in force fire and casualty insurance in sufficient amount to protect the interest of the state of Washington and shall designate the state as a loss payee upon said policy. In no case shall the deferred amount exceed the amount of the insured value of the improvement plus the land value.

(3) In the case of special assessment deferral, the claimant must have opted for payment of such special assessments on the installment method if such method was available.

(4) The claimant must meet all requirements for an exemption for the residence under RCW 84.36.381, other than the income requirements, and to the extent eligible, must have first applied for the exemptions under RCW 84.36.381 through 84.36.389 prior to filing a declaration to defer.

(5) The claimant must have a combined disposable income, as defined in RCW 84.36.383 and WAC 458-16-010 and 458-16-013, of thirty thousand dollars or less.

WSR 92-04-079
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed February 5, 1992, 10:46 a.m.]

Original Notice.

Title of Rule: Amending WAC 458-16-013 Senior citizens and disabled persons exemption—Disposable income; and 458-16-020 Senior citizen and disabled persons exemption—Qualifications for exemption.

Purpose: To comply with recent amendatory legislation.

Statutory Authority for Adoption: RCW 84.36.389 and 84.36.865.

Statute Being Implemented: RCW 84.36.381 and 84.36.383.

Summary: These rules will replace emergency rules and implement 1991 amendatory legislation.

Reasons Supporting Proposal: To comply with recent amendatory legislation.

Name of Agency Personnel Responsible for Drafting: James Winterstein, 711 Capitol Way, #205, Olympia, (206) 586-4283; **Implementation and Enforcement:** William Rice, 6004 Capitol Boulevard, Tumwater, (206) 753-5503.

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: These rules amend existing rules which define "disposable income" and amend the age requirements to qualify for the senior citizen and disabled persons property tax exemptions.

Proposal Changes the Following Existing Rules: To comply with amendatory legislation.

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 these rules in order to lessen the economic impact on small businesses.

A small business economic impact statement is not required for the following reason(s): The rule changes have no effect on any business. The rules only affect natural persons and the property taxes on their personal residences.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on March 25, 1992, at 10:30 a.m.

Submit Written Comments to: James A. Winterstein, Administrative Law Judge, Department of Revenue, P.O. Box 47458, Olympia, WA 98504-7458, by March 25, 1992.

Date of Intended Adoption: April 1, 1992.

February 4, 1992

William N. Rice

Assistant Director

AMENDATORY SECTION (Amending Order PT 83-5, filed 9/14/83)

WAC 458-16-013 SENIOR CITIZENS AND DISABLED PERSONS EXEMPTION—DISPOSABLE INCOME. "Disposable income" means the adjusted gross income as defined in WAC 458-16-

012 and in the Federal Internal Revenue Code as amended prior to January 1, ~~((1980))~~ 1989, less certain income and expenses as defined below and plus other items to the extent they are not included in or have been deducted from adjusted gross income. (RCW 84.36.383)

(1) Disposable income is adjusted gross income plus the following to the extent they were deducted or not included in adjusted gross income:

(a) Capital gains, except gain from the sale of a principal residence to the extent such gain is reinvested in a different principal residence, including reinvestment in a life estate or lease for life in a retirement residence.

(b) Amounts deducted for loss;

(c) Amounts deducted for depreciation;

(d) Pension and annuity receipts;

(e) Military pay and benefits other than attendant-care and medical-aid payments;

(f) Veterans benefits other than attendant-care and medical-aid payments;

(g) Federal ~~((S))~~social ~~((S))~~security ~~((A))~~act and ~~((R))~~railroad ~~((R))~~retirement~~((B))~~benefits;

(h) Dividend receipts;

(i) Interest received on state and municipal bonds.

(2) Capital gains is the difference between the cost of real ~~((the))~~ property plus the cost of improvements, and the selling price of the property less any sales expense. If payment of the capital gain to the seller is over a period of time, the amount to be added to disposable income will be calculated over the same period.

(3) The exclusions contained in ~~((of))~~ subsections (1)(e) and (f) of this section for attendant-care and medical-aid payments and the amounts received as payment for the care of dependent children must be verified by the applicable branch of the military service or the veterans administration before the deduction is allowed. If the amount for the military and veterans attendant care and medical-aid payments in subsection (1)(e) and (f) of this section cannot be determined by the applicable branch of the military service or the veterans administration, then the actual amount expended by the military person or veteran for such care and aid, may be deducted from the amount received.

(4) The nonreimbursed amounts paid during the ~~((previous))~~ preceding calendar year for the care and treatment of either spouse, or cotenant, in a nursing home shall not be included in disposable income.

(5) The nonreimbursed amounts paid during the preceding calendar year for the treatment or care of either spouse, or cotenant, received in the home shall not be included in disposable income. Amounts paid for in-home treatment or care will be excluded if such treatment or care is the same as or similar to that which would be excluded if provided in the normal course of treatment or care in a nursing home.

(a) The payments must meet at least one of the following criteria:

(i) The payments were for medical treatment or care, or physical therapy received in the home; or

(ii) The payments were made for any of the following materials: food, oxygen or other lawful substances taken internally or applied externally, brought in to the home as part of a necessary or appropriate in-home service which is being rendered (such as a meals on wheels type program), necessary medical supplies, special needs furniture or equipment (such as wheel chairs, hospital beds, or therapy equipment); or

(iii) The payments were made for attendant care and/or to assist the claimant, or the claimant's spouse or cotenant, with household tasks, and such personal care tasks as meal preparation, eating, dressing, personal hygiene, specialized body care, transfer, positioning, ambulation, bathing, toileting, self-medication a person provides for himself or herself, or such other tasks as may be necessary to maintain a person in his or her own home, but shall not include amounts expended for improvements or repair of the home itself.

(b) Payments made for services received in the home must be in a reasonable amount and be paid at a rate comparable to the rate of pay normally paid in the local area for similar services.

(c) The person to whom the payments are made for services rendered need not be specially licensed to provide the services.

(6) Subsection (5) and the amendment to subsection (1)(a) of this section shall be effective for taxes payable in 1992, pursuant to the amendment to RCW 84.36.383 as amended in Chapter 213, Laws 1991.

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 PT 83-5, filed 9/14/83)

WAC 458-16-020 SENIOR CITIZEN AND DISABLED PERSONS EXEMPTION—QUALIFICATIONS FOR EXEMPTION. A person shall be exempt from any legal obligation to pay all or a portion of the real property taxes due and payable in the years following the year in which a claim is filed if the following qualifications are met:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of January 1 of the year in which the claim is filed.

(2) The person claiming the exemption must have owned as defined in WAC 458-16-010, at the time of filing, the residence on which the property taxes have been imposed.

(3) The person claiming the exemption must ~~((have been))~~ be at the time of filing:

(a) Sixty-one years of age or older on ~~((January 1))~~ December 31 of the year in which the exemption claim is filed; or must have been

(b) Retired from regular gainful employment by reason of physical disability; or

(c) A surviving spouse of a person who was receiving the exemption at the time of ~~((their))~~ the person's death, if the surviving spouse was fifty-seven years old, or attains the age of fifty-seven in the year of the claimant's death, and otherwise meets the requirements contained in this section.

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383 and WAC 458-16-010 through 458-16-013. If the person claiming the exemption was retired for two months or more of the preceding year, the combined disposable income of such person including his or her spouse and any cotenant shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve.

(5) Confinement of the person to a hospital or nursing home will not jeopardize the exemption if the residence is temporarily unoccupied or if the residence is occupied by a spouse and/or person financially dependent on the claimant for support, or by a person residing there for caretaker or security reasons only and the claimant is not receiving monetary consideration for this occupancy.

WSR 92-04-080**PROPOSED RULES****DEPARTMENT OF ECOLOGY**

[Order 92-10—Filed February 5, 1992, 10:55 a.m.]

Original Notice.

Title of Rule: WAC 173-19-230 Island County shoreline master program.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority for Adoption: RCW 90.58.200.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Summary: The amendment revises the shoreline master program for Island County.

Reasons Supporting Proposal: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Barry Wenger, Department of Ecology, Box 47687,

Olympia, WA 98504-7687, (206) 459-6767; Implementation and Enforcement: D. Rodney Mack, Department of Ecology, Box 47600, Olympia, WA 98504-7600, (206) 459-6777.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Establishes an Aquatic-Conservation shoreline environment subdesignation within the existing aquatic environment designation (Chapter IV) including definition, purpose, designation criteria, permitted uses, and environment management policies. The new Aquatic-Conservation designation is specifically applied to a portion of Utsalady Cove, Camano Island. The amendment also revises Chapter III Policy Statements - Shoreline Use Activities - Piers; Section 16.21.020 - Definition for adequate moorage deck, and Section 16.21.070 - Use requirements for docks and piers; and revises Shoreline Atlas Maps 1 and 2 (Township 32, Ranges 2 and 3).

Proposal Changes the Following Existing Rules: Amends chapter 173-19 WAC, Shoreline Management Act of 1971, state master program.

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

Chapter 6, Laws of 1982, the Regulatory Fairness Act, states that regulations which have an economic impact on more than 20 percent of all industries, or more than 10 percent of any one industry shall have a small business economic impact statement prepared and filed with the code reviser.

The amendment proposed by Island County does not meet the criteria which determines that a small business economic impact statement is necessary.

Hearing Location: Commissioners Hearing Room, 6th and Main, Coupeville, Washington, on March 11, 1992, at 7:00 p.m.

Submit Written Comments to: Master Program Coordinator, Washington State Department of Ecology, Shorelands and Coastal Zone Management Program, P.O. Box 47687, Olympia, Washington 98504-7687, by March 18, 1992.

Date of Intended Adoption: April 21, 1992.

February 5, 1992

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order 85-12, [90-43], filed 6/5/85 [1/23/91])

WAC 173-19-230 ISLAND COUNTY. Island County master program approved June 25, 1976. Revision approved June 4, 1985. Revision approved April 21, 1992.

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.

WSR 92-04-081
PERMANENT RULES
DEPARTMENT OF ECOLOGY
[Order 91-51—Filed February 5, 1992, 11:01 a.m.]

Date of Adoption: February 5, 1992.

Purpose: Adoption of revised shoreline master program into the state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-2601 City of Bremerton.

Statutory Authority for Adoption: RCW 90.58.200.

Pursuant to notice filed as WSR 91-19-030 on September 10, 1991.

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

February 5, 1992

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order 88-32, filed 11/2/88)

WAC 173-19-2601 BREMERTON, CITY OF. City of Bremerton master program approved January 9, 1978. Revision approved March 3, 1978. Revision approved June 28, 1978. Revision approved August 22, 1978. Revision approved October 24, 1978. Revision approved January 19, 1982. Revision approved March 4, 1982. Revision approved November 1, 1988. Revision approved February 5, 1992.

WSR 92-04-082
PERMANENT RULES
DEPARTMENT OF HEALTH
[Order 242B—Filed February 5, 1992, 11:14 a.m.]

Date of Adoption: December 11, 1991.

Purpose: Temporary worker housing standards, to develop rules which include as a minimum the standards developed under Washington Industrial Safety and Health Act (SSB 6780).

Citation of Existing Rules Affected by this Order: Amending WAC 246-358-001, 246-358-010, 246-358-025, 246-358-035, 246-358-045, 246-358-055, 246-358-075, 246-358-095, 246-358-105, 246-358-115, 246-358-125, 246-358-135, 246-358-145, 246-358-155, and 246-358-175.

Statutory Authority for Adoption: RCW 70.54.110.

Pursuant to notice filed as WSR 91-22-103 on November 6, 1991.

Changes Other than Editing from Proposed to Adopted Version: Changes were made to the proposed version to avoid conflict with the Washington State Building Code, to ensure coordination with local agencies, to clarify the use of tents and worker supplied housing and housekeeping changes.

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

January 16, 1992

Sylvia Beck

Executive Director

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-001 PURPOSE. Chapter (~~248-63~~) 246-358 WAC establishes the Washington state board of health minimum health and sanitation requirements for temporary-worker housing or labor camps as specified in RCW 70.54.110. These rules implement chapter 253, Laws of 1990, to establish a set of standards for farmworker housing and the intent of RCW (~~43.20.050~~) 70.54.110.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-010 DEFINITIONS. (1) "Construction" means building of new temporary-worker housing and additions, or alterations to existing temporary-worker housing when the housing started on or after May 3, 1969, or changing the use of a building to temporary-worker housing (reference chapter 70.54 RCW).

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

(3) "Dormitory" means a shelter, building, or portion of a building which:

(a) Is physically separated from dwelling units and common use areas;

(b) Is designated by the operator as a sleeping area for groups of temporary workers and/or those who accompany temporary workers;

(c) Houses at least five occupants; and

(d) Lacks cooking and eating facilities.

(4) "Dwelling unit" means a shelter, building, or portion of a building which:

(a) Is physically separated from other units, dormitories, and common-use areas;

(b) Is designated by the operator for use by temporary workers and/or those who accompany temporary workers as sleeping and/or living space; and

(c) May contain cooking and eating facilities.

(5) "Drinking fountain" means a product equal to a nationally recognized standard or a designed and drained faucet which provides potable drinking water under pressure.

(6) "Emergency" means a natural disaster or other sudden and unexpected occurrence demanding immediate action. An emergency condition would not include an unexpected demand for housing because additional workers are needed to harvest a crop larger than anticipated.

(7) "Exemption" means a written authorization from the Washington state board of health which excludes an operator from meeting a specific standard in this chapter.

(a) An exemption may be from:

((~~a~~)) (i) One or more subsections of this chapter;

((~~b~~)) (ii) A specific condition; and/or

((~~c~~)) (iii) A specific time limit.

(b) An exemption may not be granted for the permit requirements as defined in WAC 246-358-025(1).

((~~6~~)) (8) "Foodhandling facility" means a designated, enclosed area for preparation of food, either:

(a) "Central foodhandling facility," a cafeteria-type eating place with operator-furnished food prepared under the direction of the operator for consumption with or without charge by temporary workers; or

(b) "Common foodhandling facility," an area designated by the operator for temporary workers to store, prepare, cook, and eat their own food supplies.

~~((7))~~ (9) "Health and sanitation permit" or ("permit") "operating license" means a document issued by the department or the health officer authorizing the use of temporary-worker housing under conditions specified in this chapter. An exemption shall not be granted for the permit requirement. A permit will specify:

(a) The length of time the permit is valid;

(b) Operator's name; and

(c) Number of persons authorized to occupy temporary-worker housing according to square footage requirements.

~~((8))~~ (10) "Health officer" means the individual appointed under chapter 70.05 RCW as the health officer for a local health department or appointed under chapter 70.08 RCW as the director of public health of a combined city-county health department.

~~((9))~~ (11) "Laundry" means an area or room with laundry sink and/or mechanical washing machines used to wash clothing.

~~((10))~~ (12) "Operator" means owner or the individual designated as the person responsible for the temporary-worker housing and whose name appears on the health and sanitation permit.

~~((11))~~ (13) "Person" means any individual, firm, partnership, corporation, association or the legal successor thereof, or any agency of the city, county, or state, or any municipal subdivision.

~~((12))~~ (14) "Refuse" means solid wastes or garbage.

~~((13))~~ (15) "Sink" means a properly trapped plumbing fixture which prevents back passage or return of air and includes:

(a) "Handwashing sink" or lavatory with hot and cold water under pressure and which is used for handwashing purposes; or

(b) "Laundry sink" of a size large enough to accommodate hand laundering of clothing with hot and cold water under pressure.

~~((14))~~ (16) "Single operation" means the common use of labor, equipment, and supervision.

(17) "Temporary worker" means a person employed intermittently and not residing year-round in the same place.

~~((15))~~ (18) "Temporary-worker housing" (formerly a labor camp) means all facilities provided by the operator managed as a single operation including:

(a) ~~((Foodhandling facilities, toilet, bathing, handwashing facilities, and laundry facilities;~~

~~(b) Spaces for accommodating worker-supplied housing and leisure/recreational facilities if either is provided;~~

~~(c) Shelter or a dormitory for housing ten or more temporary workers and/or those who accompany temporary workers;~~

~~(d) Five dwelling units; or~~

~~(e) A combination of facilities, shelters, spaces, dwelling units, or dormitories for housing ten or more temporary workers and/or those who accompany temporary workers.)~~ Five dwelling units;

(b) A combination of facilities, shelters, spaces, dwelling units, or dormitories for housing ten or more temporary workers and/or those who accompany temporary workers with a minimum square footage of five hundred twenty square feet;

(c) Food handling facilities, toilet, bathing, handwashing facilities, and laundry facilities; and

(d) Does not include housing which is covered by the Landlord Tenant Act.

~~((16))~~ (19) "Worker-supplied housing" means a shelter provided by the temporary worker and may include ~~((tents;))~~ recreational vehicles~~(;))~~ or trailers. Tents shall be prohibited.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-025 PERMIT—ADMINISTRATION—ENFORCEMENT—EXEMPTIONS. (1) The operator shall:

(a) Submit a completed initial application to the department at least forty-five days prior to use of the temporary-worker housing;

(b) Submit a completed renewal notice to the department or health officer as required;

(c) Have a permit from the department or health officer prior to initial occupancy;

~~((17))~~ (d) ~~((Produce))~~ Post the department's health and sanitation permit ((upon request of workers, representatives of workers, or representatives of governmental agencies)) in a place readily accessible to workers; and

~~((18))~~ (e) Notify the department or health officer of a transfer of ownership. There will be no fee charged for transferring ownership.

(2) The operator may:

(a) Allow the use of temporary-worker housing without a permit when:

(i) More than forty-five days have passed since a completed initial application was submitted and received by the department or health officer as evidenced by the post mark; and

(ii) The department or health officer has not inspected or issued a permit; ~~((and))~~

(iii) Other local, state, or federal laws, rules, or codes do not prohibit use of the temporary-worker housing; and

(iv) Request refund of fees if housing is not occupied during the year.

(b) Request in writing an exemption for one or more of the sections or a portion of a section of this chapter from the Washington state board of health except the requirement for a permit; and

(c) Appeal decisions of the department to an adjudicative proceeding governed by the Administrative Procedure Act (chapter 34.05 RCW) and chapter 388-08 WAC.

(3) The department:

(a) May establish an agreement with a health officer whereby the health officer assumes responsibility for inspections, issuing permits, and enforcing chapter ((248-63)) 246-358 WAC excluding exemptions.

(b) Shall consult with local health, fire, safety, and building agencies to define each party's responsibilities in temporary worker housing with respect to complaints, on-site sewage, drinking water, solid waste, food service, and other related environmental health issues.

(4) The department or health officer shall:

(a) Survey each premises of temporary-worker housing to ensure standards of this chapter are met, including inspection:

- (i) Prior to issuance of initial permit;
- (ii) Upon request of operator or occupant; and
- (iii) At least once every year or more frequently as determined by the department or health officer.

(b) Respond to complaints;

(c) Issue a permit to the operator when an on-site inspection reveals conditions meet or exceed the requirements in chapter ((248-63)) 246-358 WAC;

(d) Include on each permit the duration for which the permit is valid not to exceed two years;

(e) Take appropriate enforcement action including any one or combination of the following:

- (i) Develop corrective action including a compliance schedule;
- (ii) Notify the operator concerning violations; and
- (iii) Suspend or revoke the permit.

(f) Allow the operator to use temporary-worker housing without a permit as specified in subsection (2) of this section;

(g) Allow permit to continue under the new ownership or transfer owner.

(5) The department or health officer may:

(a) Issue a provisional permit when temporary-worker housing fails to meet the standards in this chapter if:

- (i) A written corrective action plan including a compliance schedule is approved by the department or health officer; or
- (ii) Pending the Washington state board of health's decision regarding an exemption request.

(b) Establish and collect fee as authorized in ((chapter 43.20A RCW or)) RCW ((70.05.060)) 43.70.340;

(c) Refund all or part of a permit fee for housing not occupied during the year if requested by the operator.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-035 SUPERVISION AND RESPONSIBILITY. The operator shall:

(1) Ensure regular maintenance of occupied temporary-worker housing to meet standards in this chapter;

(2) Comply with this chapter prior to occupancy even if the department or health officer fails to issue a permit within forty-five days of application as described in WAC ((248-63-025)) 246-358-025;

(3) ((Supervise the maintenance of temporary-worker housing at all times;

(4)) Establish rules for users of temporary-worker housing consistent with health and sanitation requirements in this chapter;

((5)) (4) Post ((rules for)) information regarding temporary-worker health and sanitation when available from the department or health officer; and

((6)) (5) Inform occupants of their responsibilities related to maintaining housing consistent with health and sanitation requirements of this chapter.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-045 LOCATION AND MAINTENANCE. The operator shall:

(1) Provide well-drained sites for temporary-worker housing which prevents the existence of standing water becoming a nuisance;

(2) Locate and maintain temporary-worker housing to prevent the creation of a health or safety hazard; and

(3) Not locate temporary-worker housing:

(a) Within five hundred feet of ((an occupied feedlot, dairy, or poultry)) a livestock operation unless the department or health officer determines that no health risk exists; or

(b) Within two hundred feet of swamps, pools, sink holes, or other surface collections of water unless provisions are taken to prevent the breeding of mosquitoes.

(4) Maintain all open areas surrounding the housing units and dormitories in a sanitary condition and free from garbage and other refuse.

(5) All sites shall be sufficient in size to prevent overcrowding of necessary structures.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-055 WATER SUPPLY. The operator shall:

(1) Provide an adequate, convenient water supply from an approved source as described in chapter ((248-54-54)) 246-290 WAC;

(2) Submit a water sample to a department-certified laboratory for testing of bacteriological quality each year prior to opening temporary-worker housing as described in WAC ((248-54-165)) 246-290-300;

(3) Delay opening housing until bacteriological quality meets requirements as described in WAC ((248-54-175)) 246-290-310;

(4) Provide hot and cold running water under pressure twenty-four hours a day for bathing, laundry, and handwashing facilities adequate to meet needs of occupants served as defined by the department or health officer;

(5) ((Provide water under pressure for laundry facilities;)) Provide in existing facilities where drinking water is not available in individual housing units, one or more drinking fountains for every one hundred occupants;

(6) Prohibit the use of common drinking cups;

((6)) (7) Operate and maintain water service in accordance with chapter ((248-54)) 246-290 WAC for temporary-worker housing existing prior to August 1984;

~~((7))~~ (8) Design, construct, and maintain a water supply system in accordance with chapter ~~((248-54))~~ 246-290 WAC and this section for temporary-worker housing constructed after August 1984.

(9) When water is unsafe for drinking purposes and accessible to occupants at the temporary worker housing site, a sign shall be posted within three feet of the source as "do not drink" in English or marked with easily understood pictures or symbols. Outlets for nonpotable water shall be rendered inaccessible to occupants of the temporary worker housing site.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-075 CONSTRUCTION OF NEW FACILITIES AND MAINTENANCE OF EXISTING DWELLING UNITS, DORMITORIES, AND OTHER FACILITIES USED FOR TEMPORARY-WORKER HOUSING. (1) Construction, as defined in WAC 246-358-010(1), of facilities shall be in accordance with applicable state and local ordinances, codes, and regulations.

(2) Maintenance of existing facilities.

(a) The operator shall provide structurally sound buildings and shelters which:

~~((a))~~ (i) Are maintained in good repair;

~~((b))~~ (ii) Are maintained in a sanitary condition; and

~~((c))~~ (iii) Protect temporary workers and those who accompany them against the elements.

~~((2) The operator of temporary-worker housing may instead comply with requirements of the United States Department of Labor, Employment and Training Administration (ETA) standards, 20 CFR 654.404 through 654.417, if the housing was constructed before March 1980 and the housing does not meet standards in this section.~~

~~(3) The operator constructing new or remodeling existing temporary-worker housing shall meet requirements in this section that apply to the housing being constructed or remodeled.~~

~~(4)) (b) The operator shall follow the compliance schedule established with the department or health officer when existing temporary-worker housing fails to meet requirements in this section.~~

~~((5)) (c) All heating, cooking, water heating, and other electrical equipment shall be installed in accordance with state, local ordinances, codes, and regulations governing such installation.~~

(d) The operator shall provide temporary-worker housing with:

~~((a) Floors of impervious material, such as concrete, tile, or smooth, planed, tight-fitting wood;))~~ (i) Sub-floors shall be constructed of wood, asphalt, or concrete and shall be of smooth and tight construction and kept in good repair;

~~((b))~~ (ii) Wood floors. If used, wood floors shall be at least twelve inches above the ground;

~~((c))~~ (iii) Clean, cleanable surfaces on interior walls and floors free of excessive peeling paint;

~~((d))~~ (iv) Cold, potable, running water under pressure within one hundred feet of each dwelling unit;

~~((e))~~ (v) A minimum of seventy square feet gross floor space for first occupant and fifty square feet for each additional occupant in each dwelling unit;

~~((f))~~ (vi) A minimum of fifty square feet for each occupant in each dormitory;

~~((g))~~ (vii) At least fifty square feet of floor space for each occupant in rooms used for sleeping purposes;

~~((h))~~ (viii) A minimum ceiling height of ~~((six feet eight inches))~~ seven feet over at least one-half the floor area except for manufactured homes which may have six feet eight inches ceiling height;

~~((i))~~ (ix) Windows. A window area of one-tenth of the total floor area in each dwelling unit, dormitory, and other habitable rooms;

~~((j))~~ (x) An adequate mechanical ventilation system or natural ventilation including in the bathroom.

Openable windows or skylights used for ventilation shall open:

~~((i))~~ (A) To ~~((forty-five))~~ fifty percent of total window area; and

~~((ii))~~ (B) Directly to the outside.

~~((j))~~ (xi) Electrical service including:

~~((i))~~ (A) Installation of wiring of fixtures consistent with the ~~((state building code chapter 19.27 RCW))~~ department of labor and industries, RCW 19.28.070 and local ordinances;

~~((ii))~~ (B) Maintenance of wiring and fixtures in safe condition;

~~((iii))~~ (C) One electrical ceiling fixture and one wall outlet in each room of each dwelling unit;

~~((iv))~~ (D) One electrical ceiling or wall fixture and outlets as needed for each two hundred fifty square feet of space in each dormitory; and

~~((v))~~ (E) One electrical ceiling or wall fixture and outlets as needed in each central toilet, handwashing, bathing, and laundry room.

~~((k))~~ (xii) Sixteen-mesh screens on all exterior openings; and

~~((l))~~ (xiii) Screen doors shall be tight fitting, in good repair, and equipped with self-closing devices.

~~((6))~~ (e) The operator shall exclude floor space where ceiling height is under five feet when calculating minimum space requirements.

~~((7))~~ (f) Temporary-worker housing consisting of trailers and recreational vehicles manufactured after July 1968 shall have Washington state department of labor and industries insignia as required in chapters 296-150A and 296-150B WAC.

(g) For painted surfaces, nonlead based paint shall be applied in all temporary-worker housing facilities.

(h) Tents supplied by employer or emergency services agencies may be used for a limited time in emergency situations provided state board of health guidelines on the use of tents for temporary-worker housing are followed and with the department's written approval prior to set up and occupancy. The signatory agencies of the interagency agreement pertaining to farmworker housing shall be provided the opportunity to participate in the development of the guidelines.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-095 TOILETS, HANDWASHING, BATHING, AND LAUNDRY FACILITIES. (1) The operator shall:

(a) Provide toilets, handwashing, bathing, and laundry facilities as required in this section; and

(b) Construct urinals, when provided so that the floor from the wall and for a distance not less than fifteen inches measured from the outward edge of the urinal is constructed of materials impervious to moisture; and

(c) Provide toilets separate from habitable areas by walls.

(2) The operator providing centralized toilets, handwashing, and bathing facilities shall:

(a) Locate toilets and handwashing sinks within two hundred feet from temporary-worker housing lacking toilets;

(b) Locate bathing facilities within three hundred feet from temporary-worker housing;

(c) Provide means for individual privacy for toileting and bathing;

(d) Where the toilet rooms are shared such as in multifamily shelters and dormitories;

(i) Separate toilet rooms for each sex;

(ii) Distinctly mark each room for "men" and for "women" by signs printed in English or marked with easily understood pictures or symbols; and

(iii) If the facilities for each sex are in the same building, separate rooms by solid walls or partitions extending from the floor to the roof or ceiling;

(e) Maintain facilities in a clean and sanitary condition;

~~((f))~~ (f) Determine required number of centralized toilets, handwashing sinks, and bathing facilities by:

(i) Using the maximum occupancy permitted and recorded on the permit as a base; and

(ii) Excluding from the determination the numbers of occupants sheltered in:

~~(A))~~ operator-supplied dwelling units containing toilets, handwashing sinks, and bathing facilities;~~(-and~~

~~(B) Worker-supplied housing containing toilet or bathing facilities)).~~

~~((f) Determine number of centralized toilets, handwashing, and bathing facilities according to the following table calculating by numbers or major fraction from sixteen people on:~~

Number of People	Handwashing		
	Toilets	Bathing	Sinks
1-15	2	2	2
16-30 or major fraction	3	3	3
31-45 or major fraction	4	4	4
46-60 or major fraction	5	5	5

(i) Add one additional toilet, handwashing sink, and bathing facility per fifteen occupants or major fraction beyond sixty occupants; and

(ii) If desired, substitute urinals for required toilets not to exceed replacement of one-third of the required toilets:))

(g) Toilets, handwashing sinks, and bathing units in centralized toilet facilities:

(i) The number of toilets or privy seats shall be in the ratio of one such unit for each fifteen persons with a minimum of two units for any facility shared by men and women;

(ii) The number of handwashing basins shall be one per six persons;

(iii) The number of shower heads shall be one for every ten persons.

(h) Provide water flush toilets unless privies or other methods are specifically approved by the department or health officer according to requirements in chapter ~~((248-96))~~ 246-272 WAC when approved, privies must be located at least one hundred feet from any sleeping room, dining room, lunch area, or kitchen; and

~~((h))~~ (i) Provide adequate, accessible supplies of toilet tissue and holders;

(j) Ensure that the toilet facilities are cleaned at least daily;

(k) Provide sloped floors;

(l) Provide coved floors of nonslip impervious materials;

(m) Provide cleanable, nonabsorbent waste containers; and

(n) Provide walls and partitions of shower rooms which are smooth and water impervious.

(3) The operator having toilet facilities in dwelling units shall:

(a) Provide a handwashing sink in each dwelling unit; and

(b) Inform occupants of requirements to maintain toilets in clean and sanitary condition.

(4) The operator shall:(:

(a) Provide sloped floors in centralized toilet rooms;

~~(b))~~ connect handwashing sinks, bathing, and laundry facilities through properly trapped floor drains to an approved disposal system(;

~~(c) Provide floors of nonslip materials in centralized toilets, handwashing, bathing, and laundry facilities; and~~

~~(d) Provide cleanable, nonabsorbent waste containers in centralized toilet rooms)).~~

(5) The operator shall provide centralized laundry facilities convenient to temporary-worker housing as follows:

(a) One laundry tub or sink and one mechanical washing machine for up to and including each ~~((fifty))~~ thirty occupants as approved and listed on the permit; or

(b) Additional mechanical washing machines may be provided ((to replace required numbers of laundry sinks)) but each laundry facility shall have at least one laundry sink or tub; or

(c) Two laundry tubs or sinks to replace every required mechanical washing machine; and

(d) Facilities for drying clothes.

~~((6) The operator may omit the requirement in subsection (5) of this section if commercial or public laundry facilities are:~~

~~(a) Reasonably accessible to temporary workers; and~~

~~(b) Conveniently located for temporary workers:))~~

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-105 HEATING. The operator shall:

(1) Provide means of maintaining temperature of at least ~~((sixty-five))~~ seventy degrees Fahrenheit in ~~((all rooms of))~~ dwelling units, dormitories and bathing facilities used during periods requiring artificial heating;

(2) Install, vent, and maintain heating facilities to prevent fire hazard and fume concentrations;

(3) Avoid placing heating facilities in locations obstructing exits from the dwelling unit;

(4) Prohibit use of portable kerosene heaters; and

(5) If providing wood burning devices in ~~((trailers, mobile))~~ manufactured homes, or recreational vehicles used as temporary-worker housing, ((have)) the Washington state department of labor and industries insignia ((as required in chapters 296-150A and 296-150B WAC)) in accordance with chapter 43.22 RCW shall be displayed.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-115 LIGHTING. The operator shall provide:

(1) A minimum of thirty foot-candles of light measured thirty inches from the floor in ~~((all rooms of temporary-worker housing))~~ dwelling units and dormitories and twenty foot candles of light measured thirty inches from the floor in the toilets facility; and

(2) Adequate outdoor lighting for safe passage within the temporary-worker housing area.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-125 COOKING AND FOOD-HANDLING FACILITIES. (1) The operator shall provide cooking or foodhandling facilities for all temporary workers housed by the operator.

(2) The operator providing cooking facilities in each dwelling unit shall include:

(a) An operable cook stove or hot plate with a minimum of two ~~((burners for every ten occupants))~~ cooking surfaces for two occupants or four cooking surfaces for two to ten occupants or two families;

(b) A sink with running water under pressure;

(c) Food storage ~~((shelves))~~ areas and food preparation counters which are off the floor;

(d) Individual or centralized mechanical refrigeration, capable of maintaining temperature of forty-five degrees Fahrenheit or below, which has space for storing perishable food items of all affected temporary workers;

(e) Tables and chairs or equivalent seating;

(f) Fire resistant, nonabsorbent, nonasbestos, and easily cleanable wall~~((s))~~ coverings adjacent to cooking areas; and

(g) Floors which are nonabsorbent and easily cleanable.

(3) The operator providing central foodhandling facilities for temporary workers shall:

(a) Meet requirements of the state board of health in chapter ~~((248-84))~~ 246-215 WAC food service sanitation;

(b) Ensure that there are no direct openings from living or sleeping areas into the central foodhandling facility; and

(c) Provide fire-resistant, nonasbestos, nonabsorbent, and easily cleanable wall coverings adjacent to the cooking area.

(4) The operator with common foodhandling facilities shall provide:

(a) A room or building separate from and convenient to ~~((temporary-worker housing))~~ dwelling units;

(b) An operable cook stove or hot plate with a minimum of two ~~((burners for every))~~ cooking surfaces for two occupants or four cooking surfaces for two to ten occupants or two families;

(c) Sinks with hot and cold running water under pressure;

(d) ~~((Spaces for))~~ Food storage ((shelves, counters;)) areas and food preparation counters which are off the floor;

(e) Mechanical refrigeration, capable of maintaining temperatures of forty-five degrees Fahrenheit or below, which has space for storing perishable food items for all affected temporary workers and those who accompany them;

(f) Tables and chairs or equivalent seating;

(g) Fire-resistant, nonabsorbent, nonasbestos, and easily cleanable wall~~((s))~~ coverings adjacent to cooking areas; and

(h) Nonabsorbent, easily cleanable floors.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-135 BEDS AND BEDDING. The operator shall:

(1) Provide beds or bunks furnished with clean mattresses in good condition for numbers of occupants specified on the permit;

(2) If choosing to provide bedding, ensure bedding is clean and maintained in a sanitary condition;

(3) Provide a minimum of twelve inches between each bed or bunk and the floor;

(4) If single beds are used;

(a) Separate single beds, in dormitories, laterally and end to end by at least thirty-six inches;

(b) Separate single beds, in housing units, laterally and end to end by at least thirty-six inches.

(5) If bunk beds are used:

(a) Separate double-deck bunks, in dormitories, laterally and end to end by at least forty-eight inches;

(b) Separate double-deck bunks, in housing units, laterally and end to end by at least forty-eight inches;

(c) Maintain a minimum space of twenty-seven inches between the upper and lower bunks; and

~~((c))~~ (d) Prohibit triple bunks.

(6) Provide storage facilities for clothing and personal articles in ~~((temporary-worker housing))~~ dwelling units or dormitories.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-145 HEALTH AND SAFETY PROVISIONS. The operator shall:

(1) Provide two means of escape in every sleeping and eating area of temporary-worker housing (e.g., doors, windows);

(2) Meet requirements of Washington state fire marshal chapter 212-10 WAC for smoke detection devices;

(3) Prevent potential health, safety, and fire hazards by:

(a) Storing and using dangerous materials away from the temporary-worker housing; and

(b) Prohibiting:

(i) Storing flammables or volatile liquids or materials other than those intended for ((household)) use in the housing unit in or adjacent to ((dwelling units, food-handling facilities, toilets, bathing facilities, or laundry areas)) temporary-worker housing; and

(ii) Storing or mixing pesticides or other toxic ((chemicals)) substances in temporary-worker housing ((areas)) other than those substances intended for occupant use in the ((household)) dwelling unit.

(c) Providing readily accessible, available first-aid equipment meeting requirements of WAC ((296-306-050)) 296-24-060 (Part A-1); and

(d) Provide a person trained in basic first aid and cardiopulmonary resuscitation (CPR) who is accessible to occupants of the temporary-workers housing;

(e) Storing unused refrigerator units to prevent harm to children (e.g., crushing, suffocation).

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-155 REFUSE DISPOSAL. The operator shall establish and maintain refuse disposal systems including:

(1) Protecting against rodent harborage, insect breeding, and other health hazards while storing, collecting, transporting, and disposing of refuse;

(2) Storing refuse in sound fly-tight, rodent-tight, impervious, and cleanable enclosed containers;

(3) Providing an accessible container((s for temporary-worker housing)) if necessary on a wooden, metal, or concrete stand within one hundred feet of all dwelling units or dormitories;

(4) Emptying refuse containers when full at least ((once)) twice every week, if possible, or more often if necessary;

(5) Removing refuse from temporary-worker housing areas; and

(6) Properly disposing of all refuse consistent with sanitation codes approved by the local jurisdiction.

(7) Whenever the camp is closed for the season or permanently, all garbage, manure, and other refuse shall be collected and so disposed of as to prevent a nuisance.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-175 DISEASE PREVENTION AND CONTROL. The operator shall:

(1) Make reasonable efforts to know if disease is present among occupants of temporary-worker housing;

(2) Report immediately the name(s) and address(es) of individuals suspected of having infectious or communicable diseases such as food poisoning or other unusual prevalence of fever, diarrhea, sore throat, vomiting, jaundice, productive cough, or weight loss among occupants of temporary-worker housing to the local health officer; and

(3) Assist temporary workers to obtain medical diagnosis and treatment when ill.

WSR 92-04-083**PROPOSED RULES****EASTERN WASHINGTON UNIVERSITY**

[Filed February 5, 1992, 11:46 a.m.]

Original Notice.

Title of Rule: Organization and operation.

Purpose: The university will be in compliance with the Administrative Procedure Act in adopting a rule describing its organization, general course and method of its operations and the methods whereby the public may obtain information and make submissions or requests.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Statute Being Implemented: RCW 42.17.250 [(1)] (a) and 34.05.220.

Summary: Proposal described the university's organization, hours of operation and where to inquire to information.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Leonard H. Klatt, SHW 301, (509) 458-6299.

Name of Proponent: Eastern Washington University, governmental.

Explanation of Rule, its Purpose, and Anticipated Effects: Rule describes the organization and operation of university. It is simply informative in nature and will not have any specific effects.

Proposal does not change existing rules.

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

Hearing Location: Eastern Washington University, Louise Anderson Hall, First Floor Lounge, Cheney, Washington 99004, on April 3, 1992, at 9:00 a.m.

Submit Written Comments to: Leonard H. Klatt, MS-114, Cheney, Washington 99004, by April 2, 1992.

Date of Intended Adoption: April 3, 1992.

February 4, 1992

Leonard H. Klatt

Rules Coordinator

Proposed New Chapter:

Chapter 172-06
ORGANIZATION AND OPERATION

WAC

172-06-010 Organization and Operation

NEW SECTION

WAC 172-06-010 ORGANIZATION AND OPERATION. (1) Organization. Eastern Washington University is established in Title

28B RCW as a public institution of higher education. The institution is governed by a board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at 214 Showalter Hall, Mail Stop 130; Cheney, WA 99004-2496. The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the EWU Spokane Center; West 705 First, MS-1; Spokane, WA 99204.

(3) Information. Additional and detailed information concerning the educational offerings may be obtained from the general or graduate catalogues, copies of which are available for in-house viewing in the EWU Admissions Office; Cheney, WA; or from the EWU Bookstore; Cheney, WA 99004-2496.

WSR 92-04-084

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed February 5, 1992, 11:48 a.m.]

Original Notice.

Title of Rule: Procedural rules.

Purpose: To comply with Administrative Procedure Act in identifying matters subject to brief adjudication and to adopt appropriate model rules of procedure as developed by the chief administrative law judge.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Statute Being Implemented: RCW 34.05.250, [34.05].446(4) and [34.05].485.

Summary: Formal hearings will not be granted in instances where brief adjudicative proceedings are adequate. Applicants will be required to apply for adjudicative proceedings in writing within 20 days of the agency action giving rise to the application.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Leonard H. Klatt, Showalter 301, (509) 458-6299.

Name of Proponent: Eastern Washington University, governmental.

Explanation of Rule, its Purpose, and Anticipated Effects: The Administrative Procedure Act requires that Eastern Washington University provide clarification in its rules describing which matters will use brief adjudicative proceedings. The university is also adopting model rules of procedure as developed by the chief administrative law judge. Applicants for adjudicative proceedings will be required to apply in writing for proceedings within a specific time frame.

Proposal Changes the Following Existing Rules: The university had not previously described those matters subject to brief adjudicative proceedings. The matters listed in proposed WAC 172-108-010 are new practice.

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

Hearing Location: Eastern Washington University, Louise Anderson Hall, First Floor Lounge, Cheney, Washington 99004, on April 3, 1992, at 9:00 a.m.

Submit Written Comments to: Leonard H. Klatt, Eastern Washington University, Cheney, Washington 99004, by April 2, 1992.

Date of Intended Adoption: April 3, 1992.

February 3, 1992
Leonard H. Klatt
Rules Coordinator

Proposed New Chapter:

Chapter 172-108 WAC
PROCEDURAL RULES

WAC

172-108-010	Matters subject to brief adjudication.
172-108-020	Appointment of presiding officer.
172-108-030	Method of recording.
172-108-040	Application for adjudicative proceeding.
172-108-050	Discovery.
172-108-060	Procedure for closing parts of the hearings.
172-108-070	Recording devices.
172-108-080	Petitions for stay of effectiveness.
172-108-090	Adoption of model rules of procedure.

NEW SECTION

WAC 172-108-010 MATTERS SUBJECT TO BRIEF ADJUDICATION. This rule is adopted in accordance with RCW 34.05-.482-494, the provisions of which are hereby adopted. When required by law or constitutional right, brief adjudicative proceedings shall be used in all matters of appeal related to: (1) Residency determination made pursuant to RCW 28B.15.013, conducted by the admissions office; (2) Challenges to contents of education records, review of the denial to obtain such records, or challenges to the transferability of such records. The procedural rules of chapter 172-190 WAC apply to these proceedings; (3) Student conduct proceedings. The procedural rules in chapter 172-120 WAC apply to these proceedings; (4) Outstanding debts owed by employees, or outstanding debts owed by students pursuant to chapters 172-124 and 172-144 WAC; and (5) Traffic and parking violations and revocations of any parking permit pursuant to WAC 172-116-315 or 172-116-175.

NEW SECTION

WAC 172-108-020 APPOINTMENT OF PRESIDING OFFICER. The president of Eastern Washington University or an authorized designee shall have the power to appoint presiding officer for formal and brief adjudicative proceedings. The term, presiding officer, shall mean one or more presiding officers as appointed by the president or authorized designee. The presiding officer shall be either an administrative law judge; a member in good standing of the Washington State Bar Association; committees or members of the faculty, staff or student body; a panel of individuals; the president or authorized designee; or any combination of the above. Where more than one individual is designated to be the presiding officer, one person may be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 172-108-030 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 172-108-040 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for adjudicative proceeding shall be in writing. Application forms are available from: Office of the Rules Coordinator; Eastern Washington University; Cheney, WA 99004-2496. Written application for an adjudicative proceeding in response to the institution's action should be submitted to the above address within 20 days of the action, unless otherwise provided by statute or rule.

NEW SECTION

WAC 172-108-050 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 has the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 172-108-060 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 10 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 20 days of receiving the request.

NEW SECTION

WAC 172-108-070 RECORDING DEVICES. No cameras or recording devices are allowed in those parts of proceedings which the presiding officer has determined closed pursuant to WAC 172-108-060, except for the method of official recording selected by the institution.

NEW SECTION

WAC 172-108-080 PETITIONS FOR STAY OF EFFECTIVENESS. Disposition of a petition for stay of effectiveness of a final order shall be made by the official, officer or body of officers, who entered the final order.

NEW SECTION

WAC 172-108-090 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 found in chapter 10-08 WAC. Procedural rules adopted by this institution shall govern in the event that a conflict exists. Rules adopted at this institution prior to July 1, 1989, remain in full force and effect unless specifically repealed or amended.

January issue of the state register. No effects are anticipated.

Proposal does not change existing rules.

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

Hearing Location: Eastern Washington University, Louise Anderson Hall, First Floor Lounge, Cheney, Washington 99004, on April 3, 1992, at 9:00 a.m.

Submit Written Comments to: Leonard H. Klatt, MS-114, Cheney, Washington 99004, by April 2, 1992.

Date of Intended Adoption: April 3, 1992.

February 4, 1992
Leonard H. Klatt
Rules Coordinator

Suggested New Chapter 172-04 Board of Trustees:

Chapter 172-04 WAC
BOARD OF TRUSTEES

WAC
172-04-010 Regular meetings.

NEW SECTION

WAC 172-04-010 REGULAR MEETINGS. Times, dates and locations of regular meetings of the board of trustees of Eastern Washington University shall be published in the Washington State Register in January of each year, consistent with chapters 34.08 and 42.30 RCW.

**WSR 92-04-085
PROPOSED RULES
EASTERN WASHINGTON UNIVERSITY**
[Filed February 5, 1992, 11:51 a.m.]

Original Notice.

Title of Rule: Board of trustees.

Purpose: Proposal announces that regular meetings of the board of trustees will be published in the state register in January of each year.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Summary: Times, dates and locations of regular meetings of the Eastern Washington University board of trustees will be published in a January issue of the state register.

Reasons Supporting Proposal: Proposal results from recommendation of the Administrative Procedure Act committee.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Leonard H. Klatt, SHW 301, (509) 458-6299.

Name of Proponent: Eastern Washington University, governmental.

Explanation of Rule, its Purpose, and Anticipated Effects: Rule announces that Eastern Washington University board of trustees meetings will be announced in a

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an 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
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

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.

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

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16-230-864	NEW-P	92-03-134	132K-12-010	REP	92-03-031	132K-12-320	REP	92-03-031
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Table of WAC Sections Affected

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132M-113-015	AMD-P	92-04-065	173-224-020	AMD	92-03-131	220-57-16000L	NEW-E	92-04-050
132M-113-020	AMD-P	92-04-065	173-224-030	AMD	92-03-131	220-57-175	AMD-P	92-03-151
132M-113-025	AMD-P	92-04-065	173-224-040	AMD	92-03-131	220-57-195	AMD-W	92-04-011
132M-113-030	AMD-P	92-04-065	173-224-050	AMD	92-03-131	220-57-205	AMD-P	92-03-151
132M-113-035	REP-P	92-04-065	173-224-090	AMD	92-03-131	220-57-205	AMD-W	92-04-011
132M-113-045	REP-P	92-04-065	173-224-100	AMD	92-03-131	220-57-210	AMD-P	92-03-151
132M-113-050	NEW-P	92-04-065	173-224-120	AMD	92-03-131	220-57-210	AMD-W	92-04-011
132M-113-055	NEW-P	92-04-065	173-303-145	AMD-P	92-03-127	220-57-255	AMD-P	92-03-151
132M-115-001	NEW-P	92-04-061	178-01-010	NEW-C	92-03-055	220-57-265	AMD-W	92-04-011
132M-115-010	REP-P	92-04-061	178-01-010	NEW-E	92-03-056	220-57-385	AMD-P	92-03-151
132M-115-020	REP-P	92-04-061	180-16-222	AMD	92-04-044	220-57-405	AMD-P	92-03-151
132M-115-030	REP-P	92-04-061	180-16-223	AMD	92-04-044	220-57-425	AMD-P	92-03-151
132M-115-040	REP-P	92-04-061	180-25-031	NEW	92-04-043	220-57-430	AMD-P	92-03-151
132M-120	AMD-P	92-04-059	180-75-016	NEW	92-04-044	220-57-430	AMD-W	92-04-011
132M-120-010	AMD-P	92-04-059	180-75-055	AMD	92-04-044	220-57-435	AMD-P	92-03-151
132M-120-020	AMD-P	92-04-059	180-75-065	AMD	92-04-044	220-57-450	AMD-P	92-03-151
132M-120-025	NEW-P	92-04-059	180-75-080	REP	92-04-044	220-57-455	AMD-P	92-03-151
132M-120-030	AMD-P	92-04-059	180-75-085	AMD	92-04-044	220-57-460	AMD-P	92-03-151
132M-120-040	AMD-P	92-04-059	180-75-087	AMD	92-04-044	220-57-465	AMD-P	92-03-151
132M-120-050	REP-P	92-04-059	180-75-089	NEW	92-04-044	220-57-470	AMD-W	92-04-011
132M-120-065	NEW-P	92-04-059	180-75-090	AMD	92-04-044	220-57-490	AMD-P	92-03-151
132M-120-070	REP-P	92-04-059	180-75-110	NEW	92-04-044	220-57-490	AMD-W	92-04-011
132M-120-080	REP-P	92-04-059	180-79-047	AMD	92-04-044	220-57A-180	AMD-P	92-03-151
132M-120-095	NEW-P	92-04-059	180-79-049	AMD	92-04-044	222-16-010	AMD	92-03-028
132M-120-100	NEW-P	92-04-059	180-79-075	AMD	92-04-044	232-12-021	AMD-P	92-02-086
132M-120-110	NEW-P	92-04-059	180-79-080	AMD	92-04-044	232-12-074	AMD-P	92-02-086
132M-120-120	NEW-P	92-04-059	180-79-086	AMD	92-04-044	232-12-077	AMD-P	92-02-086
132M-120-130	NEW-P	92-04-059	180-79-115	AMD	92-04-044	232-12-267	AMD-P	92-02-086
132M-120-200	NEW-P	92-04-059	180-79-120	AMD	92-04-044	232-12-277	AMD-P	92-02-086
132M-120-210	NEW-P	92-04-059	180-79-123	NEW	92-04-044	232-28-022	AMD-P	92-02-085
132M-120-220	NEW-P	92-04-059	180-79-129	REP	92-04-044	232-28-228	AMD-P	92-02-087
132M-120-300	NEW-P	92-04-059	180-79-131	AMD	92-04-044	232-28-61825	NEW-E	92-03-013
132M-120-310	NEW-P	92-04-059	180-79-136	AMD	92-04-044	232-28-61901	NEW-P	92-02-088
132M-120-320	NEW-P	92-04-059	180-79-230	AMD	92-04-044	232-28-61902	NEW-P	92-02-089
132M-136-020	AMD-P	92-04-063	180-79-310	REP	92-04-044	232-28-61903	NEW-P	92-02-090
132M-136-060	AMD-P	92-04-063	180-79-311	NEW	92-04-044	232-28-61904	NEW-P	92-02-091
132M-136-100	NEW-P	92-04-063	180-79-333	NEW	92-04-044	232-28-61905	NEW-P	92-02-092
132M-140-010	REP-P	92-04-063	180-79-379	NEW	92-04-044	232-28-61906	NEW-P	92-02-093
132M-160-010	AMD-P	92-04-062	180-85-045	AMD	92-04-044	232-28-714	REP-P	92-02-094
132M-300-001	NEW-P	92-04-064	180-85-077	NEW	92-04-044	236-12-001	AMD	92-04-036
132M-300-010	NEW-P	92-04-064	180-85-115	AMD	92-04-044	236-12-010	REP	92-04-036
132M-400-010	NEW-P	92-04-060	182-12-111	AMD	92-03-040	236-12-011	REP	92-04-036

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236-12-012	REP	92-04-036	246-215-110	NEW-P	92-03-142	246-851-460	NEW-P	92-02-095
236-12-013	REP	92-04-036	246-215-119	REP-P	92-03-142	246-851-470	NEW-P	92-02-095
236-12-014	REP	92-04-036	246-215-120	NEW-P	92-03-142	246-851-480	NEW-P	92-02-095
236-12-015	NEW	92-04-036	246-215-129	REP-P	92-03-142	246-851-490	NEW-P	92-02-095
236-12-040	REP	92-04-036	246-215-130	NEW-P	92-03-142	246-861-010	NEW	92-03-029
236-12-050	REP	92-04-036	246-215-139	REP-P	92-03-142	246-861-020	AMD	92-03-029
236-12-060	REP	92-04-036	246-215-140	NEW-P	92-03-142	246-861-030	AMD	92-03-029
236-12-061	REP	92-04-036	246-215-149	REP-P	92-03-142	246-861-040	AMD	92-03-029
236-12-120	REP	92-04-036	246-215-150	NEW-P	92-03-142	246-861-050	AMD	92-03-029
236-12-130	REP	92-04-036	246-215-159	REP-P	92-03-142	246-861-060	AMD	92-03-029
236-12-131	REP	92-04-036	246-215-160	NEW-P	92-03-142	246-861-070	REP	92-03-029
236-12-132	REP	92-04-036	246-215-169	REP-P	92-03-142	246-861-080	REP	92-03-029
236-12-133	REP	92-04-036	246-215-170	NEW-P	92-03-142	246-861-090	AMD	92-03-029
236-12-185	NEW	92-04-036	246-215-179	REP-P	92-03-142	246-861-095	NEW	92-03-029
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236-12-187	NEW	92-04-036	246-215-189	REP-P	92-03-142	246-861-110	REP	92-03-029
236-12-188	NEW	92-04-036	246-215-190	NEW-P	92-03-142	246-861-120	AMD	92-03-029
236-12-189	NEW	92-04-036	246-215-199	REP-P	92-03-142	246-863-080	AMD-P	92-03-124
236-12-190	NEW	92-04-036	246-215-200	NEW-P	92-03-142	246-869-095	NEW-P	92-03-095
236-12-191	NEW	92-04-036	246-215-209	REP-P	92-03-142	246-869-240	AMD-P	92-04-040
236-12-200	AMD	92-04-036	246-215-210	NEW-P	92-03-142	246-883-020	AMD-P	92-03-096
236-12-220	AMD	92-04-036	246-215-219	REP-P	92-03-142	246-883-025	NEW-P	92-04-041
236-12-225	REP	92-04-036	246-215-220	NEW-P	92-03-142	246-883-030	AMD-P	92-03-096
236-12-290	AMD	92-04-037	246-215-229	REP-P	92-03-142	246-883-050	NEW-P	92-03-096
236-12-300	AMD	92-04-037	246-215-230	NEW-P	92-03-142	246-887-020	AMD	92-04-029
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236-12-340	REP	92-04-036	246-215-240	NEW-P	92-03-142	246-887-100	AMD	92-04-029
236-12-350	NEW	92-04-036	246-215-250	NEW-P	92-03-142	246-887-140	AMD	92-04-029
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236-12-362	NEW	92-04-036	246-215-290	NEW-P	92-03-142	246-907-020	AMD-P	92-03-124
236-12-365	NEW	92-04-036	246-215-300	NEW-P	92-03-142	246-907-030	AMD-P	92-03-124
236-12-370	NEW	92-04-036	246-215-500	REP-P	92-03-142	246-924-991	NEW-E	92-03-107
236-12-371	NEW	92-04-036	246-215-900	REP-P	92-03-142	246-924-991	NEW-P	92-03-141
236-12-372	NEW	92-04-036	246-290-010	AMD	92-04-070	246-924-992	NEW-E	92-03-107
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246-205-001	AMD-S	92-03-143	246-290-320	AMD	92-04-070	246-933-280	AMD	92-03-074
246-205-001	AMD-S	92-04-071	246-290-330	AMD	92-04-070	246-933-300	NEW	92-03-074
246-205-010	AMD-S	92-04-071	246-290-480	AMD	92-04-070	246-933-305	NEW	92-03-074
246-205-520	NEW-S	92-03-143	246-358-001	AMD	92-04-082	246-933-980	AMD-P	92-03-125
246-205-520	NEW-S	92-04-071	246-358-010	AMD	92-04-082	246-933-990	AMD-P	92-03-125
246-205-530	NEW-S	92-03-143	246-358-025	AMD	92-04-082	246-935-125	NEW-P	92-03-125
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246-205-540	NEW-S	92-03-143	246-358-045	AMD	92-04-082	248-14-120	AMD-P	92-03-015
246-205-540	NEW-S	92-04-071	246-358-055	AMD	92-04-082	248-14-250	AMD-P	92-03-015
246-205-550	NEW-S	92-03-143	246-358-075	AMD	92-04-082	248-14-285	AMD-P	92-03-015
246-205-550	NEW-S	92-04-071	246-358-095	AMD	92-04-082	250-25-010	NEW	92-03-002
246-205-560	NEW-S	92-03-143	246-358-105	AMD	92-04-082	250-25-020	NEW	92-03-002
246-205-560	NEW-S	92-04-071	246-358-115	AMD	92-04-082	250-25-030	NEW	92-03-002
246-205-570	NEW-S	92-03-143	246-358-125	AMD	92-04-082	250-25-040	NEW	92-03-002
246-205-570	NEW-S	92-04-071	246-358-135	AMD	92-04-082	250-25-045	NEW	92-03-002
246-205-580	NEW-S	92-03-143	246-358-145	AMD	92-04-082	250-25-050	NEW	92-03-002
246-205-580	NEW-S	92-04-071	246-358-155	AMD	92-04-082	250-25-060	NEW	92-03-002
246-215-001	AMD-P	92-03-142	246-358-175	AMD	92-04-082	250-25-070	NEW	92-03-002
246-215-009	REP-P	92-03-142	246-762-010	AMD-P	92-02-096	250-25-080	NEW	92-03-002
246-215-010	NEW-P	92-03-142	246-762-020	AMD-P	92-02-096	250-25-090	NEW	92-03-002
246-215-019	REP-P	92-03-142	246-762-040	AMD-P	92-02-096	250-67-010	REP	92-03-002
246-215-020	NEW-P	92-03-142	246-806-990	AMD-P	92-03-140	250-67-020	REP	92-03-002
246-215-029	REP-P	92-03-142	246-815-031	AMD	92-03-006	250-67-030	REP	92-03-002
246-215-030	NEW-P	92-03-142	246-815-115	NEW	92-03-126	250-67-040	REP	92-03-002
246-215-039	REP-P	92-03-142	246-816-160	NEW-P	92-02-098	250-67-050	REP	92-03-002
246-215-040	NEW-P	92-03-142	246-830-401	AMD-P	92-03-139	250-67-060	REP	92-03-002
246-215-049	REP-P	92-03-142	246-830-410	AMD-P	92-03-139	250-68-001	REP	92-03-002
246-215-050	NEW-P	92-03-142	246-830-420	AMD-P	92-03-139	250-68-010	REP	92-03-002
246-215-059	REP-P	92-03-142	246-830-430	AMD-P	92-03-139	250-68-020	REP	92-03-002
246-215-060	NEW-P	92-03-142	246-830-440	AMD-P	92-03-139	250-68-030	REP	92-03-002
246-215-069	REP-P	92-03-142	246-830-450	AMD-P	92-03-139	250-68-035	REP	92-03-002
246-215-070	NEW-P	92-03-142	246-836-210	NEW-P	92-02-097	250-68-040	REP	92-03-002
246-215-079	REP-P	92-03-142	246-851-030	REP-P	92-02-095	250-68-050	REP	92-03-002
246-215-080	NEW-P	92-03-142	246-851-050	REP-P	92-02-095	250-68-060	REP	92-03-002
246-215-089	REP-P	92-03-142	246-851-090	AMD-P	92-02-095	250-68-070	REP	92-03-002
246-215-090	NEW-P	92-03-142	246-851-270	PREP	92-03-032	250-75-010	REP	92-03-002
246-215-099	REP-P	92-03-142	246-851-360	PREP	92-03-032	250-75-020	REP	92-03-002
246-215-100	NEW-P	92-03-142	246-851-440	NEW-P	92-02-095	250-75-030	REP	92-03-002
246-215-109	REP-P	92-03-142	246-851-450	NEW-P	92-02-095	250-75-040	REP	92-03-002

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250-75-060	REP	92-03-002	308-96A-330	AMD	92-03-076	383-07-060	AMD-P	92-04-077
250-75-070	REP	92-03-002	308-96A-335	AMD	92-03-076	383-07-070	AMD-P	92-04-077
250-75-080	REP	92-03-002	308-96A-340	NEW	92-03-076	383-07-080	AMD-P	92-04-077
250-76-010	NEW	92-04-018	314-20-020	AMD	92-03-109	383-07-090	AMD-P	92-04-077
250-76-020	NEW	92-04-018	314-24-040	AMD	92-03-110	383-07-100	AMD-P	92-04-077
250-76-030	NEW	92-04-018	315-11-691	AMD	92-03-048	383-07-115	NEW-P	92-04-077
250-76-040	NEW	92-04-018	315-11-710	NEW	92-03-048	383-07-120	AMD-P	92-04-077
250-76-050	NEW	92-04-018	315-11-711	NEW	92-03-048	383-07-130	AMD-P	92-04-077
250-76-060	NEW	92-04-018	315-11-712	NEW	92-03-048	388-11	AMD-C	92-04-021
250-76-070	NEW	92-04-018	315-11-730	NEW	92-03-048	388-24-074	AMD-C	92-04-024
251-01-255	AMD-W	92-03-079	315-11-731	NEW	92-03-048	388-24-250	AMD-P	92-03-113
251-01-395	AMD-W	92-03-079	315-11-732	NEW	92-03-048	388-24-252	NEW-P	92-03-114
275-27-026	AMD	92-04-004	315-11-740	NEW	92-03-048	388-24-253	AMD-P	92-03-115
296-14-015	NEW	92-03-053	315-11-741	NEW	92-03-048	388-24-254	AMD-P	92-03-116
296-46-915	AMD-P	92-03-136	315-11-742	NEW	92-03-048	388-24-255	AMD-P	92-03-117
296-62	PREP	92-03-135	315-11-750	NEW-P	92-03-146	388-24-265	AMD-P	92-03-118
296-62-08001	NEW-P	92-03-137	315-11-751	NEW-P	92-03-146	388-28-535	AMD	92-03-090
296-62-08050	NEW-P	92-03-137	315-11-752	NEW-P	92-03-146	388-28-570	AMD-P	92-04-013
296-116-082	AMD-P	92-04-075	315-11-760	NEW-P	92-03-146	388-28-570	AMD-E	92-04-014
296-116-110	AMD-E	92-03-108	315-11-761	NEW-P	92-03-146	388-33-460	AMD	92-03-089
296-116-110	AMD-P	92-04-073	315-11-762	NEW-P	92-03-146	388-33-480	REP	92-03-085
296-116-2051	AMD-P	92-04-074	315-11-770	NEW-P	92-03-146	388-37-038	AMD-P	92-02-102
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296-401-175	AMD-P	92-03-136	315-11-772	NEW-P	92-03-146	388-37-135	AMD	92-03-047
304-12-030	AMD-P	92-04-076	315-33B-010	NEW-P	92-03-146	388-49-470	AMD	92-03-119
308-20	AMD	92-04-006	315-33B-020	NEW-P	92-03-146	388-49-520	AMD	92-03-086
308-20-010	AMD	92-04-006	315-33B-030	NEW-P	92-03-146	388-49-580	AMD-C	92-04-020
308-20-020	AMD	92-04-006	315-33B-040	NEW-P	92-03-146	388-51-010	AMD-P	92-04-013
308-20-030	AMD	92-04-006	315-33B-050	NEW-P	92-03-146	388-51-010	AMD-E	92-04-014
308-20-040	AMD	92-04-006	315-33B-060	NEW-P	92-03-146	388-51-100	REP-P	92-04-013
308-20-050	AMD	92-04-006	315-33B-070	NEW-P	92-03-146	388-51-100	REP-E	92-04-014
308-20-060	AMD	92-04-006	315-34-040	AMD-P	92-03-146	388-51-110	NEW-P	92-04-013
308-20-070	AMD	92-04-006	315-40-010	NEW	92-03-048	388-51-110	NEW-E	92-04-014
308-20-080	AMD	92-04-006	315-40-020	NEW	92-03-048	388-51-115	NEW-P	92-04-013
308-20-090	AMD	92-04-006	315-40-030	NEW	92-03-048	388-51-115	NEW-E	92-04-014
308-20-100	AMD	92-04-006	315-40-040	NEW	92-03-048	388-51-120	NEW-P	92-04-013
308-20-105	AMD	92-04-006	315-40-050	NEW	92-03-048	388-51-120	NEW-E	92-04-014
308-20-107	AMD	92-04-006	315-40-060	NEW	92-03-048	388-51-123	NEW-P	92-04-013
308-20-109	AMD	92-04-006	315-40-070	NEW	92-03-048	388-51-123	NEW-E	92-04-014
308-20-110	AMD	92-04-006	315-40-080	NEW	92-03-048	388-51-125	NEW-P	92-04-013
308-20-120	AMD	92-04-006	315-41-50100	NEW	92-03-048	388-51-125	NEW-E	92-04-014
308-20-130	AMD	92-04-006	315-41-50110	NEW	92-03-048	388-51-130	NEW-P	92-04-013
308-20-140	AMD	92-04-006	315-41-50120	NEW	92-03-048	388-51-130	NEW-E	92-04-014
308-20-150	AMD	92-04-006	315-41-50200	NEW	92-03-048	388-51-132	NEW-P	92-04-013
308-20-155	AMD	92-04-006	315-41-50210	NEW	92-03-048	388-51-132	NEW-E	92-04-014
308-20-171	AMD	92-04-006	315-41-50220	NEW	92-03-048	388-51-135	NEW-P	92-04-013
308-20-172	NEW	92-04-006	315-41-50300	NEW	92-03-048	388-51-135	NEW-E	92-04-014
308-20-175	AMD	92-04-006	315-41-50310	NEW	92-03-048	388-51-140	NEW-P	92-04-013
308-20-180	AMD	92-04-006	315-41-50320	NEW	92-03-048	388-51-140	NEW-E	92-04-014
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